

## **THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Wednesday, February 24, 2016, 1:41 p.m.

The Public Advocate (Ms. James)  
*Acting President Pro Tempore and Presiding Officer*

### Council Members

Melissa Mark-Viverito, Speaker

Inez D. Barron	Vanessa L. Gibson	I. Daneek Miller
Joseph C. Borelli	David G. Greenfield	Annabel Palma
Fernando Cabrera	Barry S. Grodenchik	Antonio Reynoso
Margaret S. Chin	Corey D. Johnson	Donovan J. Richards
Andrew Cohen	Ben Kallos	Ydanis A. Rodriguez
Costa G. Constantinides	Andy L. King	Helen K. Rosenthal
Robert E. Cornegy, Jr	Peter A. Koo	Ritchie J. Torres
Elizabeth S. Crowley	Karen Koslowitz	Mark Treyger
Laurie A. Cumbo	Rory I. Lancman	Eric A. Ulrich
Chaim M. Deutsch	Bradford S. Lander	James Vacca
Daniel Dromm	Stephen T. Levin	Paul A. Vallone
Rafael L. Espinal, Jr	Mark Levine	James G. Van Bramer
Mathieu Eugene	Alan N. Maisel	Jumaane D. Williams
Julissa Ferreras-Copeland	Steven Matteo	
Daniel R. Garodnick	Darlene Mealy	
Vincent J. Gentile	Carlos Menchaca	

Absent: Council Member Mendez.

Medical Leave: Council Members Dickens, Rose and Wills.

The Public Advocate (Ms. James) assumed the Chair as the Acting President Pro Tempore and Presiding Officer.

*There is presently a vacant seat in the Council pending the swearing-in of the certified winner of the scheduled February 23, 2016 Special Election held in the 17<sup>th</sup> District (The Bronx).*

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Ms. James).

*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 Monsignor Kevin Sullivan, Executive Director of Catholic Charities of the Archdiocese of New York.

For a moment let's just bow our heads.

Almighty and merciful God.  
[speaking foreign languages]

We call you in different languages and by different names.  
We thank you for that diversity, but also help us to never forget  
that you are one, and your one spirit dwells in each of us.  
Help us to live and act in a way that recognizes in advance of the dignity  
that you are present in and among us demands.  
In our busy and hectic world, we thank, Almighty God for this brief opportunity  
to pause and seek your consolation and guidance.  
We ask you to turn our thoughts and actions away from our own self-interest  
toward the common interest of this great city and its people.  
Lord, our agenda is straightforward, easy to speak.  
We need children well educated, neighborhoods safe, families decently housed,  
newcomers from many countries welcomed, seniors nutritiously fed,  
people working at decent jobs with living wages,  
and you with opportunities and hope.  
Lord, that agenda simply spoken is difficult to achieve.  
So we ask your strength to persevere,  
pursue it zealous--zealously and steadfastly.  
Lord, we do know that our differing perspectives  
are at times accompanied with expressions of our passions  
that can impede our progress towards the common good.  
And so, Almighty God, I end this prayer  
by borrowing from a church girls from Houston  
and now also at least a part-time New Yorker.  
In her recent performance and video  
Beyoncé ended a sung piece of advice: Always stay gracious.  
Sadly, that phrase was overlooked not merely by some commentators,  
but the advice goes unheeded by too many of us in our daily actions.  
Lord, we need and, therefore, we ask your grace to remain gracious  
in the midst of our hard fought battles to advance justice and compassion.

Almighty and merciful God  
[speaking foreign languages]  
or Bey would say, "Lord, may we always stay gracious"  
and let the people say Amen.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) wished a speedy recovery to Police Officers Andrew Yurkiw and William Reddin who were shot in the line of duty on February 20, 2016. She asked everyone to thank them for their service and to keep these two wounded officers in their thoughts.

At the conclusion of the Communication from the Speaker segment of the Meeting, the Speaker (Council Member Mark-Viverito) asked for a Moment of Silence in memory of the late Assembly Member Barbara Clark (33<sup>rd</sup> District, Queens) who died on February 22, 2016 at the age of 76. She noted that Assembly Member Clark was a trailblazer who dedicated her life to serving Queens and to improving the lives of all New Yorkers.

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### **ADOPTION OF MINUTES**

Council Member Treyger moved that the Minutes of the Stated Meeting of January 19, 2016 be adopted as printed.

### **REPORTS OF STANDING COMMITTEES**

#### **Report of the Committee on Environmental Protection**

Report for Int No. 478-A

**Report of the Committee on Environmental Protection 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 installing photovoltaic systems on city buildings.**

The Committee on Environmental Protection, to which the annexed amended proposed local law was referred on December 14, 2015 by the Speaker from the Committee on Housing and Buildings to which it was originally referred on September 23, 2014, (Minutes, page 3470), respectfully

### **REPORTS:**

#### **Introduction**

On February 22, 2016 the Committee on Environmental Protection, chaired by Council Member Costa Constantinides, will hold a vote on Proposed Int. No. 478-A, a Local Law to amend the Administrative Code of the City of New York, in relation to requiring photovoltaic systems for City-owned buildings.

#### **Background**

On December 14, 2014, Local Law 66 of 2014 was enacted, requiring New York City to reduce Citywide greenhouse gas (GHG) emissions by 80% [relative to 2005 levels] by the year 2050. According to the City's most recent "Inventory of New York City Greenhouse Gas Emissions" (2014 GHG Emissions Inventory), buildings, through the use of heating fuel, natural gas, electricity, steam and biofuel, are responsible for 70% of

Citywide emissions.<sup>1</sup> Given this and the fact that the majority of existing buildings are expected to remain beyond the year 2050, the City's base of one million buildings represents the greatest potential source of emissions reductions in the City. For this reason, Mayor de Blasio assembled a 40-member working group which met for the first time on February 13, 2015, consisting of representatives from real estate, labor and energy organizations, for the purpose of forming a plan to cut emissions from buildings.<sup>2</sup> Of total emissions from the building sector, residential buildings account for 48%, commercial buildings for 29%, and industrial and institutional buildings account for 23%.<sup>3</sup> Of total emissions generated by buildings, roughly 55% are due to on-site combustion of natural gas and liquefied fuels to produce hot water, heat, and to cook and the remaining 45% are attributable to electricity consumption.<sup>4</sup>

The Administration has indicated that it intends to lead the way in reducing emissions from the City's building sector by implementing emissions-reducing measures in City-owned buildings at an accelerated pace.<sup>5</sup> City-owned buildings account for 64.8% of the total carbon footprint of City government operations.<sup>6</sup> From City-owned buildings, electricity use accounts for 31.4% of emissions, natural gas accounts for 17.7% of emissions, heating oil accounts for 12.3% of emissions and the remainder of emissions are related to steam and propane use.<sup>7</sup> According to the 2014 GHG Emissions Inventory, City government is targeting a 35% reduction in emissions from City government buildings by 2025.<sup>8</sup>

According to the Administration's green building plan, "One City Built to Last," which generally outlines a strategy for reducing emissions from the City's building sector, the City has more than 4,000 buildings in its portfolio across a variety of building types including public schools, public hospitals, libraries, courthouses, wastewater treatment facilities, firehouses, offices, police precincts and park recreation centers. The City has taken steps to understand energy use in its portfolio of buildings and to identify strategies for cost-effectively achieving energy efficiency and reducing emissions. For example, pursuant to Local Law 84 of 2009, the City began benchmarking public buildings for energy performance in 2010, including all buildings greater than 10,000 square feet in floor area.<sup>9</sup> The City has also conducted energy assessments for around 300 public buildings, performed retro-commissioning studies on 250 buildings, and implemented energy efficiency upgrades and renewable energy projects in over 200 buildings.<sup>10</sup> Based in part on the results of these analyses, in 2014, the Administration put forward six proposals for making the City's buildings models of sustainability: (1) invest in cost-effective energy conservation and efficiency projects in all City-owned buildings; (2) implement deep retrofits in key City facilities; (3) improve building operations and maintenance; (4) improve the efficiency and quality of the City's public housing; (5) pilot new clean energy technology in City buildings; and (6) expand solar power on City rooftops.

### **Solar Photovoltaic (PV) Systems**

Solar PV systems convert sunlight directly into electricity. They are typically comprised of a series of individual solar cells made from layers of semi-conducting material (such as silicon), aligned together to form solar panels, covered by a thin glass, and supported by a structure. They also contain a collection system and an inverter to convert the direct current generated to alternating current. The solar panels and solar PV system rests upon a structure, such as a building rooftop, absorbing sunlight and converting it into electricity for use

<sup>1</sup> Office of New York City Mayor Bill de Blasio, "Inventory of New York City Greenhouse Gas Emissions," November 2014, available at [http://www.nyc.gov/html/planyc/downloads/pdf/NYC\\_GHG\\_Inventory\\_2014.pdf](http://www.nyc.gov/html/planyc/downloads/pdf/NYC_GHG_Inventory_2014.pdf)

<sup>2</sup> David Giambussi, Capital New York, "De Blasio assembles panel to address city emissions," article available at <http://www.capitalnewyork.com/article/city-hall/2015/02/8562244/de-blasio-assembles-panel-address-city-emissions?news-image>

<sup>3</sup> 2014 Inventory of New York City Greenhouse Gas Emissions

<sup>4</sup> New York City Mayor's Office, "New York City's Pathways to Deep Carbon Reductions," page 19, available at [http://s-media.nyc.gov/agencies/planyc2030/pdf/nyc\\_pathways.pdf](http://s-media.nyc.gov/agencies/planyc2030/pdf/nyc_pathways.pdf)

<sup>5</sup> Office of New York City Mayor Bill de Blasio, "One City Built to Last," page 13, available at <http://www.nyc.gov/html/builttolast/assets/downloads/pdf/OneCity.pdf>

<sup>6</sup> 2014 Inventory of New York City Greenhouse Gas Emissions

<sup>7</sup> Id.

<sup>8</sup> NYC Greenhouse Gas Inventory 2014, page 1.

<sup>9</sup> New York City Local Law 84 of 2009, available at

<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=451082&GUID=52AA7997-4F22-49E9-BDE2-A19FAA29E1C6&Options=ID|Text|Search=benchmarking>

<sup>10</sup> "One City Built to Last," page 45.

in any of a variety of applications, such as powering building fixtures and equipment and recharging batteries.<sup>11</sup>

### **City's Goal to Expand Solar on City Rooftops**

On September 21, 2014, the Administration issued “One City Built to Last,” which includes a goal to expand solar on City rooftops. At the time of the plan’s issuance the City had installed roughly 0.7 Megawatts (MW) of solar capacity on City-owned rooftops and had another 1.9 MW underway at buildings including schools, a garage and a wastewater treatment plant.<sup>12</sup> The Administration’s goal is to expand the installation of solar PV on the rooftops of public buildings – and schools, in particular – to a total of 100 MW capacity over the next ten years. The Administration seeks to do this by developing projects that maximize use of available solar incentives through the New York State Energy Research and Development Authority (NYSERDA) and local utilities.<sup>13</sup>

On September 29, 2014, in furtherance of this goal, Mayor Bill de Blasio announced that the City was planning 24 new solar installations on City schools, to be funded by the City with some funding from NYSERDA under Governor Andrew Cuomo’s NY-Sun Initiative. The \$28 million investment is to include \$23 million in City funds and an estimated \$5 million in grants from NYSERDA. The projects will be implemented by the Department of Citywide Administrative Services (DCAS) and the New York Power Authority, in partnership with the Department of Education. The planned 6.25 MW of solar power at these 24 installations are projected to be completed in mid-2016 and are expected to result in a reduction of about 2,800 metric tons of greenhouse gas emissions per year, the equivalent of removing 600 cars off the road every year.<sup>14</sup>

On April 21, 2015, Mayor de Blasio announced the completion of three solar installations, completed by DCAS in collaboration with the Department of Design and Construction, located at City Hall, the Port Richmond Wastewater Treatment Plant and Daniel D. Tompkins Elementary School in Staten Island. The City Hall solar PV installation was operational as of April 17, 2015 and it demonstrates how landmarked buildings are possible candidates for solar installations; Daniel D. Tompkins Elementary is the first school to complete a solar installation following the Mayor’s announcement that 24 schools will receive solar installations, it is operational and it consists of 660 solar PV panels totaling 204 kilowatts of capacity; the Port Richmond Wastewater Treatment Plant installation is the largest on any City building, at 1.26 MW, it is expected to offset 10% of the Plant’s electricity load.<sup>15</sup>

### **Summary of Proposed Int. No. 478-A**

This bill would require the Department of Citywide Administrative Services, by December 31, 2016 and every second year thereafter, to submit to the Speaker and Mayor a report containing the following information for each City-owned building:

- Address;
- Age of the building’s roof;
- Whether the building’s roof is in good condition;
- For buildings that have a roof that is 10 years old or less and that is in good condition:

<sup>11</sup> Gil Knier, National Aeronautics and Space Administration, “How do Photovoltaics Work,” available at <http://science.nasa.gov/science-news/science-at-nasa/2002/solarcells/>

<sup>12</sup> “One City Built to Last,” page 48.

<sup>13</sup> Id.

<sup>14</sup> Office of New York City Mayor Bill de Blasio, September 21, 2014 press release, “Mayor de Blasio Announces Major Solar Investment at City Schools, Key Component of New Green Buildings Plan,” available at <http://www1.nyc.gov/office-of-the-mayor/news/457-14/mayor-de-blasio-major-solar-investment-city-schools-key-component-new-green#/0>

<sup>15</sup> Office of New York City Mayor Bill de Blasio, April 21, 2015 press release, “Ahead Of Earth Day, Mayor de Blasio Announces Three New Operational Solar Installations - Including at City Hall - Key Component of Green Buildings Plan,” available <http://www1.nyc.gov/office-of-the-mayor/news/256-15/ahead-earth-day-mayor-de-blasio-three-new-operational-solar-installations---including>

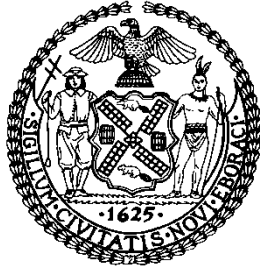
- (a) potential size of a solar PV system that could be installed;
  - (b) potential energy that could be generated if a solar PV system is installed;
  - (c) greenhouse gas emissions that could be reduced if a solar PV system is installed.
- Whether a solar PV system has been installed on the building, and if so:
    - (a) size of the solar PV system installed, and a description of what portion of the building's power needs can be filled by the solar PV system;
    - (b) energy generated by the solar PV system annually;
    - (c) date the solar PV system was installed;
    - (d) cost of installing the solar PV system, including a description of how it was financed;
    - (e) energy cost savings realized by the City as a result of installing the solar PV system;
    - (f) greenhouse gas emissions reduced due to installation of the solar PV system.
  - If a solar PV system has not been installed on the building, the reasons why, and where appropriate, the reasons why any alternative sustainability project (such as a green roof or a white roof) was selected for installation on the building including the alternative sustainability project's benefits, any energy cost savings and any greenhouse gas emissions reduced or avoided.

**Changes to Proposed Int. No. 478-A**

In addition to various technical edits, Proposed Int. No. 478-A has been amended in the following manner:

- The definition of "cost effective" has been amended to include consideration of the social cost of carbon and purchase power agreements in the determination of whether a project is cost effective.
- The dates and frequency of the report that the Administration is required to issue have change to December 2016, and by September 1 of every second year thereafter.
- The content of the report that the Administration is required to issue has been amended, and the reports must now include, for each City building, information on the potential size of a PV system that could be installed; potential energy that could be generated if a PV system is installed; greenhouse gas emissions that could be reduced if a PV system is installed; whether a PV system has been installed: the size of the PV system installed, and a description of what portion of the building's power needs can be filled by the PV system; energy generated by the PV system annually; the date the PV system was installed; the cost of installing the PV system, including a description of how it was financed; energy cost savings realized by the City as a result of installing the PV system; greenhouse gas emissions reduced due to installation of the solar PV system; if a PV system has not been installed, the reason why one was not installed; if an alternative sustainability project was selected for installation on the building, a description of such project's benefits, any energy cost savings, and any greenhouse gas emissions reduced.

**(The following is the Fiscal Impact Statement for Int No. 478-A:)**



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. No. 478-A**

**COMMITTEE:** ENVIRONMENTAL PROTECTION

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to installing photovoltaic systems on city buildings

**SPONSORS:** Council Members Constantinides, Kallos, Crowley, Johnson, Richards, Levine, Vallone, Vacca, Garodnick, Gibson, Dromm, Rose, Espinal, Cornegy, Gentile, Koo, Lander, Mealy, Rosenthal, Torres, Maisel, Koslowitz, Rodriguez, Chin, Van Bramer, Miller, Grodenchik, Levin, Menchaca, Palma, Lancman, Cohen, Barron, King, Treyger, Ferreras-Copeland, Deutsch, Greenfield and Ulrich

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 478-A would require the Department of Citywide Administrative Services (“DCAS”) to submit a report to the Speaker and Mayor, by December 31, 2016 and every second year thereafter, to analyze each City-owned building and determine whether a solar photovoltaic system could be installed and, if so, the amount of potential energy that could be generated and greenhouse gas emissions could be reduced. For buildings where a solar photovoltaic system has already been installed, the legislation would require reporting on the size of the system, installation costs, date of installation, energy generated annually, energy cost savings realized, and greenhouse gas emissions reduced. Moreover, if a solar photovoltaic system has not been installed on a City-owned building, the report must detail the reasons why, and where appropriate, the reason for the selection of an alternative sustainability project. .

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FISCAL 2017

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY17</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$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 DCAS would use existing resources to implement the legislation.

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

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

**ESTIMATE PREPARED BY:** Jonathan K. Seltzer, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Rebecca Chasan, Assistant Counsel, Finance Division  
Tanisha Edwards, Chief Counsel, Finance Division  
Crielhien Francisco, Unit Head, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 478 on September 23, 2014 and referred to the Committee on Housing and Buildings. The legislation was re-referred to the Committee on Environmental Protection on December 14, 2015. The Committee considered the legislation at a hearing on January 15, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 478-A, will be considered by the Committee on February 22, 2016. Upon a successful vote by the Committee, Proposed Intro. No. 478-A will be submitted to the full Council for a vote on February 24, 2016.

**DATE PREPARED:** February 18, 2016

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int No. 478-A:)**

Int. No. 478-A

By Council Members Constantinides, Kallos, Crowley, Johnson, Richards, Levine, Vallone, Vacca, Garodnick, Gibson, Dromm, Rose, Espinal, Cornegy, Gentile, Koo, Lander, Mealy, Rosenthal, Torres, Maisel, Koslowitz, Rodriguez, Chin, Van Bramer, Miller, Grodenchik, Levin, Menchaca, Palma, Lancman, Cohen, Barron, King, Treyger, Ferreras-Copeland, Deutsch, Greenfield and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to installing photovoltaic systems on city buildings.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-207.1 to read as follows:

§ 4-207.1 *Photovoltaic systems for city-owned buildings. a. As used in this section:*

*City building. The term "city building" shall have the meaning ascribed to such term in section 28-309.2 of the code.*

*Cost effective. The term "cost effective" means, with respect to the installation of a photovoltaic system or additional photovoltaic system capacity, one or more of the following determinations:*

*1. The cumulative savings expected to result from such installation, including expected savings in energy costs, will in 25 years or less, equal or exceed the expected costs of such installation, less all federal, state and other non-city governmental assistance available to offset the cost of such installation and including the social cost of carbon value, as described in paragraphs 3 and 4 of subdivision d of section 3-125 of the code; provided, however, that a higher site- or project-specific social cost of carbon value may be developed and used in lieu of the social cost of carbon value described in such paragraphs.*



2. A power purchase agreement relating to such installation, entered into with the city, offers electricity rates for photovoltaic systems that meet or are lower than the average prevailing utility rates.

*Department.* The term “department” means the department of citywide administrative services.

*Eligible roof.* The term “eligible roof” means a city building roof that is less than or equal to ten years old and in good condition, as defined by city asset management standards.

b. By December 31, 2016, and by September 1 of every second year thereafter, the department, with the cooperation of all appropriate city agencies, shall submit to the speaker of the council and the mayor, and make publicly available online, a report containing, at a minimum, the following information for each city building, disaggregated by council district:

1. The street address of such building;
2. The age of such building’s roof;
3. Whether such building’s roof is in good condition, as defined by city asset management standards;
4. For each eligible roof, the following information will be provided:

(a) the estimated potential photovoltaic system size that could be installed on such roof, as expressed in installed power capacity (in kilowatts);

(b) the estimated potential energy that could be generated by such system annually (in kilowatt-hours);

(c) the estimated amount of greenhouse gas emissions reduced or avoided annually due to the use of such system;

5. Whether a photovoltaic system has been installed at such building and, if such a system has been installed, a description thereof, including:

(a) the photovoltaic system size expressed in installed power capacity (in kilowatts), as a percentage of the maximum peak power need identified for such building and, if such building has an eligible roof, as a percentage of the maximum photovoltaic system size that could be cost effectively installed on the roof of such building;

(b) the energy generated by such system annually (in kilowatt-hours) and expressed as a percentage of the estimated energy consumption of such building;

(c) the date of such installation;

(d) the total cost of such system and a description of how the installation of such system was financed, including whether such financing involved a power purchase agreement entered into with the city;

(e) the energy cost savings resulting from and revenue generated by such system annually; and

(f) the estimated amount of greenhouse gas emissions reduced or avoided due to such system annually.

6. If a photovoltaic system has not been installed at such building, the reasons that such a system was not installed and, where an alternate sustainability project, structural change or other use has been proposed or carried out for the roof of such building, a description of such alternate project, structural change or use including:

(a) the projected benefits thereof;

(b) the estimated energy cost savings, if applicable; and

(c) the estimated amount of greenhouse gas emissions reduced or avoided annually due to such project, structural change or use, if applicable, and associated economic value as determined using the social cost of carbon value, as described in paragraphs 3 and 4 of subdivision d of section 3-125 of the code.

§ 2. This local law takes effect immediately.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, DONOVAN J. RICHARDS, RORY I. LANCMAN, ERIC A. ULRICH; Committee on Environmental Protection, February 22, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 Finance

Report for Int No. 1029

**Report of the Committee on Finance in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Fulton Street business improvement district, an extension and modification of the boundaries of the Fulton Street business improvement district, and a change in the method of assessment upon which the district charge in the Fulton Street business improvement district is based.**

The Committee on Finance, to which the annexed proposed local law was referred on December 16, 2015 (Minutes, page 4538), respectfully

### REPORTS:

#### **BACKGROUND**

Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (hereinafter the “Law”), the Mayor and the Council are authorized to establish and extend Business Improvement Districts (hereinafter “BIDs”) in New York City and thereafter amend each BID’s district plan or authorize an increase in annual expenditures. BIDs, which are specifically established areas, use the City’s property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The District Management Association of a BID carries out the activities described in the BID’s district plan.

Under the process established by the Law, on January 6, 2015, the City Council adopted Proposed Resolution 932-A, which set a public hearing date of Tuesday January 19, 2016 for the legislation that would authorize an increase in the amount to be expended annually in the Fulton Street BID, an extension of the Fulton Street BID, and a change in the method of assessment upon which the district charge in the Fulton Street BID is based.

Prior to the Council’s action, the Community Board for the district in which the proposed BID extension is located -- Community Board 2 of Brooklyn -- voted to approve the extended district on July 15, 2015. The City Planning Commission (“CPC”) also reviewed the amended district plan and held a public hearing on the amended district plan on June 15, 2015. The CPC approved a resolution on September 9, 2015 (Calendar No. 5), which certified the CPC’s unqualified approval of the amended district plan.

Proposed Resolution 932-A also directed that all notice provisions contained in the law be complied with. Therefore, the Department of Small Business Services was directed to publish the Resolution or its summary in the City Record or a newspaper of general circulation not less than 10 nor more than 30 days before the public hearing. The Fulton Street District Management Association was directed to mail the Resolution or its summary to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills for property within the BID, and to occupants of each building within the proposed extended district, also not less than 10 nor more than 30 days before the public hearing. Finally, the Fulton Street Business District Management Association was also directed to publish in a newspaper of general circulation a notice stating the time and place of the hearing and stating the increase in the amount to be expended annually in the District not less than 10 days prior to the hearing.

The public hearing to consider both the amended district plan and the enacting legislation must be closed without a vote. The Committee must then wait at least 30 days before it can again consider and possibly vote to approve this legislation. The 30-day period immediately after the hearing serves as an objection period. Any property owner may, during this time period, formally object to the amended district plan by filing such objection in the Office of the City Clerk, on forms provided by the City Clerk. In the event that either at least

51 percent of the total number of property owners or owners with at least 51 percent of the assessed valuation of all the benefited real property within the proposed extended district object to the plan, then the City Council may not approve the extended district plan.

When the Committee and the full Council considers this legislation after the conclusion of the objection period, it must answer the following four questions:

1. Were all notices of hearing for all hearings required to be held published and mailed as so required?;
2. Does all the real property within the extended district's boundaries benefit from the extension of the district, except as otherwise provided by the law?;
3. Is all real property benefited by the extension of the district included within the proposed extension?; and
4. Is the extension of the district in the best interests of the public?

If the Committee and the full Council finds in the affirmative on these four questions and the number of objections required to prevent the extension of such district are not filed, then the legislation can be adopted.

In addition, pursuant to §25-410(b) of the Administrative Code, a BID may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BID or improvements, services, maintenance and operation) by means of the adoption of a local law amending the BID's district plan. So, in addition to the four questions outlined above, the Committee and the full Council must also determine that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in §25-412 of the Administrative Code will not be exceeded.

This local law takes effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2015, provided that the portion of the legislation extending the BID's boundaries shall take effect upon compliance with §25-408 of chapter 4 of title 25 of Administrative Code and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2015.

### **FULTON STREET BID DETAILS**

The Fulton Street BID, also known as the Fulton Area Business Alliance or FAB Alliance, was first established in 2008 and is primarily focused around Fulton Street in the Fort Greene/Clinton Hill neighborhoods of Brooklyn. The BID was created to provide services to the Fulton Street commercial corridor, an area of neighborhood retail shops. There are approximately 380 properties in the BID with approximately 225 businesses, including over 70 eating and drinking establishments and a mix of other retail stores. The retail vacancy rate within the BID is less than 1%.

The Fulton Street BID neighbors the Metrotech BID, which is currently seeking to expand its boundaries to include ten new blocks surrounding the cultural district in Downtown Brooklyn. The Fulton Street BID is requesting that the Council approve amendments to its district plan so that it can provide services to five other blocks that front the edge of Downtown Brooklyn that were not included in the proposed Metrotech BID expansion. Specifically, the BID is requesting the following changes:

- 1) an expansion of its boundaries to include nine existing properties, one property under construction, and a not-for-profit City-owned facility, and the removal of one residential property included in error when the BID was established;
- 2) a change in the method by the assessments are calculated to include both a front footage rate and an assessed value rate; and
- 3) an increase in its annual assessment from \$300,000 to \$500,000.

#### *Boundary Expansion*

The BID is proposing to include five new block fronts at the edge of Downtown Brooklyn that were not included in the neighboring proposed Metrotech BID expansion. The expansion would include nine existing properties, consisting of four businesses and approximately 40 residential units. It would also include one building under construction, the Gotham, which will include over 580 residential units and a ground floor commercial space once it is completed. A not-for-profit City-owned property would also be added, specifically

the Brooklyn Academy of Music Harvey Theater. Lastly, the boundary change would also remove one residential property that was included in error when the BID was established.

*Change in Method of Assessment*

The Fulton Street BID is proposing to change its method of assessment to include an assessed value rate in its assessment of properties. Currently, the BID annually assesses properties within the BID under a front footage formula of \$48.09 per front foot and an additional \$120 fixed charge for corner properties. Under this new proposal, the BID would assess certain properties at a front footage rate of approximately \$45.31 per front footage plus a rate of 0.0025 of the property's assessed value. Corner lots would continue to be charged an additional flat fee of \$120, fully residential properties would continue to pay a rate of \$1 per year, and government and not-for-profit properties would continue to be exempt from assessment.

The following is a breakdown of the high, low, average, and median assessments expected to be paid under this proposed assessment scheme:

	<b>Assessment Amount</b>
<b>High</b>	\$ 17,341.25
<b>Low</b>	\$ 556.81
<b>Median</b>	\$ 1,138.58
<b>Average</b>	\$ 1,902.27

*Increase in Annual Expenditures*

The Fulton Street BID is proposing to increase its annual expenditures from \$300,000 to \$500,000 that would be phased in over five years, with the first year budget being \$375,000. The budget would be allocated as follows:

	<b>First-Year Budget</b>	<b>Five-Year Projection</b>
<b>Sanitation and Graffiti Removal</b>	\$130,000	TBD
<b>Holiday Promotion</b>	\$30,000	TBD
<b>Marketing/Promotion</b>	\$50,000	TBD
<b>Safety Outreach Coordinator</b>	\$42,000	TBD
<b>General Administration</b>	\$123,000	TBD
<b>Total</b>	\$375,000	\$500,000

**JANUARY 19, 2016 HEARING**

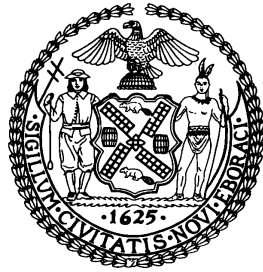
On January 19, 2016, as set forth in Resolution 932-A, the Finance Committee held a public hearing to consider the legislation that would amend the district plan of the Fulton Street BID to expand its boundaries, increase its annual assessment, and change the method of assessment. Representatives of the Department of Small Business Services and the Fulton Street BID testified in support of the BID's district plan amendment, and testimony was also received from members of the public. As required by law, the hearing closed without a vote and the 30-day period for property owners to file objections to the amended district plan with the Office of the City Clerk began. Copies of objection forms were made available at the Office of the City Clerk which is located at 1 Centre Street in Manhattan.

**FEBRUARY 24, 2016 HEARING**

The objection period for the establishment of the BID closed on February 22, 2016 at 5:00 p.m. According to the City Clerk, out of the 503 property owners located in the proposed BID, none filed an objection to the establishment of the BID.

Since the number of objections required to prevent the expansion of the BID have not been filed with the City Clerk, at today's hearing, if the Committee and the full Council finds in the affirmative on the four questions outlined above, then the legislation can be adopted, and the BID will be extended and the district plan will be amended.

**(The following is the text of the Fiscal Impact Statement for Int No. 1029:)**



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

**INTRO. NO: 1029  
COMMITTEE: Finance**

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**TITLE:** A local law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Fulton Street business improvement district, an extension and modification of the boundaries of the Fulton Street business improvement district, and a change in the method of assessment upon which the district charge in the Fulton Street business improvement district is based.

**Sponsor:** By Council Members Ferreras-Copeland  
(by request of the Mayor)

**SUMMARY OF LEGISLATION:** This legislation would amend Chapter 4 of title 25 of the administrative code of the city of New York by 1) adding a new section 25-478.1 to increase the amount to be expended annually in a business improvement district (“BID”) in the borough of the Brooklyn known as the Fulton Street Business Improvement District; 2) adding a new section 25-478.2 to extend the boundaries of the BID; and 3) adding a new section 25-478.3 to change the method of assessment upon which the BID’s charge is based.

1. Increasing the Amount to be Expended Annually

Currently, the maximum amount that can be expended by the Fulton Street BID is \$300,000. This legislation would increase that amount to \$500,000 which would be phased in over five years, with the first year budget being \$375,000.

2. Extending the Boundaries of the BID

The expansion would redraw the boundary lines of the Fulton Street BID to include five new blocks at the edge of Downtown Brooklyn that were not included in the neighboring proposed Metrotech BID expansion. The five new blocks would add nine existing properties, one building under construction, and one not-for-profit City-owned property. The boundary change would also remove one residential property that was included in error when the BID was established.

3. Change in Assessment

The change in assessment would change the current annual assessment of properties within the BID from a front footage formula of \$48.09 per front foot and an additional \$120 fixed charge for corner properties to a new formula which assesses certain properties at a front footage rate of approximately \$45.31 per front footage plus a rate of 0.0025 of the property’s assessed value. Under the new formula corner lots would continue to be charged an additional flat fee of \$120, fully residential properties would continue to pay a rate of \$1 per year, and government and not-for-profit properties would continue to be exempt from assessment.

**EFFEC TIVE DATE:** This local law would take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and is retroactive to and deemed to have been in full force and effect as of July 1, 2015, provided that sections one and three of this local law would take effect immediately and would be retroactive to and deemed to have been in full force and effect as of July 1, 2015.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTIICIPATED:** Fiscal Year 2016

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY17</b>	<b>Full Fiscal Impact FY16</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES AND EXPENDITURES:** This local law would result in no fiscal impact on the City's revenues or expenditures. Under the administrative code of the city of New York, proceeds authorized to be assessed by Fulton Street BID are collected by the City on behalf of the BID. None of these proceeds are those of the City and they may not be used for any purpose other than those set forth in the BID’s District Plan. The assessment is not funded by the City, and therefore will have no impact on the City’s expenditures.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Small Business Services

**ESTIMATE PREPARED BY:** William Kyeremateng, Legislative Financial Analyst, New York City Council Finance Division

**ESTIMATE REVIEWED BY:** Emre Edev, Assistant Director, Finance Division  
Rebecca Chasan, Assistant Counsel, Finance Division  
Tanisha Edwards, Chief Counsel, Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council as Intro. No. 1029 on December 16, 2015 and referred to the Committee on Finance. A hearing was held by the Committee on January 19, 2016 and the legislation was laid over to allow for the statutory 30-day objection period. Intro. No. 1029 will be considered again by the Committee on Finance on February 24, 2016, and upon a successful vote by the Committee, Intro. No. 1029 will be submitted to the full Council for a vote on February 24, 2016.

**DATE PREPARED:** February 23, 2016

**(For text of the BID Plan, please refer to the Office of the City Clerk, 141 Worth Street, 1<sup>st</sup> Floor Executive Offices, New York, N.Y. 10013)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int No. 1029:)**

Int. No. 1029

By Council Member Ferreras-Copeland (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Fulton Street business improvement district, an extension and modification of the boundaries of the Fulton Street business improvement district, and a change in the method of assessment upon which the district charge in the Fulton Street business improvement district is based.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new section 25-478.1 to read as follows:

*§ 25-478.1 Fulton Street business improvement district; increase in the amount to be expended annually a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fulton Street business improvement district beginning on July 1, 2015, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of five hundred thousand dollars (\$500,000).*

*b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Fulton Street business improvement district plan.*

§ 2. The administrative code of the city of New York is amended by adding a new section 25-478.2 to read as follows:

*§ 25-478.2 Fulton Street business improvement district; extension and modification of district boundaries. a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the extension and modification of the district; that all the real property benefited is included within the limits of the district; and that the extension and modification of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, the Fulton Street business improvement district in the borough of Brooklyn is hereby extended and the boundaries modified. Such district extension and modification is in accordance with the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

*b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the amended district plan upon which the Fulton Street business improvement district, and the extension and modification thereof, is based.*

*c. The amended district plan shall not be further amended except in accordance with chapter four of this title.*

§ 3. The administrative code of the city of New York is amended by adding a new section 25-478.3 to read as follows:

*§ 25-478.3 Fulton Street business improvement district; amendment of the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Fulton Street business improvement district is based, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

*b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan containing the change in the method of assessment authorized by subdivision a of this section.*

§ 4. This local law takes effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and is retroactive to and deemed to have been in full force and effect as of July 1, 2015, provided that sections one and three of this local law take effect immediately and are retroactive to and deemed to have been in full force and effect as of July 1, 2015.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, February 24, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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. 1047

**Report of the Committee on Finance in favor of approving and adopting a Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Fulton Mall special assessment district.**

The Committee on Finance, to which the annexed proposed local law was referred on January 19, 2016 (Minutes, page 191), respectfully



**REPORTS:**

On February 5, 2016, the Finance Committee adopted Proposed Resolution 956-A that set February 24, 2016 as the date to consider a local law that would increase the annual expenditure of the Fulton Mall Special Assessment District (“SAD”)<sup>1</sup> as of July 1, 2015. Today, the Committee will hear from all persons interested in the legislation, which would increase the amount to be expended annually in the SAD.

This increase, which has been requested by the SAD and approved by the District Management Association, would result in a higher assessment on all properties currently subject to the SAD’s assessment as a result of the increase in the assessment rate.

Pursuant to §§25-410(b) and 25-416 of the Administrative Code, a SAD or a business improvement districts (“BID”) may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the SAD or BID for improvements, services, maintenance, and operation) by means of the adoption of a local law amending its district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in §25-412 of the Administrative Code will not be exceeded. Notice of a public hearing to consider such a local law must be published in at least one newspaper having general circulation in the district specifying the time when, and the place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

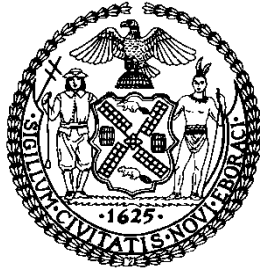
Although this is the only relevant legal requirement for the provision of notice, the Finance Committee Chair has informed the Department of Small Business Services that she desires written notices of the proposed increases and the hearing date to be mailed to property owners within the SAD, and will only consider budget increases where such additional notice has been provided. The Chair has requested that this procedure be followed with regard to the increase that is the subject of this local law.

The Fulton Mall SAD has requested an increase in its budget, as indicated below:

BID Name	Last Increase Yr	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request	CM District (s)	Increase Justification
	Increase Amount			% Increase		
Fulton Mall	FY '14	\$1,537,500	\$2,100,000	\$562,500	33	Fulton Mall plans to launch a real estate development program to attract retail to the district, initially focusing on restaurants. Funds will also be allocated toward an increase in staff capacity for its sanitation services, initiation of a contract for maintenance of district capital improvements (i.e. street furniture), new marketing initiatives to cultivate nighttime activity and bring late night business, and developing a contingency fund.
	\$36,000			36.6%	Stephen Levin	

<sup>1</sup> Prior to the creation of the business improvement district system as it is known today, in the 1970’s New York State created fourteen SADs which collected assessments from property owners to pay for pedestrian malls and street improvements. Four of these SADs were located in New York City, with the first being the Fulton Mall in Brooklyn which was established in 1976.

(The following is the Fiscal Impact Statement for Int No. 1047:)



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**INTRO. NO.: 1047**

**COMMITTEE: Finance**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Fulton Mall special assessment district.

**SPONSORS:** Council Members Ferreras-Copeland (by request of the Mayor)

**SUMMARY OF LEGISLATION:** The proposed local law would amend the Administrative Code of the city of New York to increase the budget amount of the Fulton Mall Special Assessment District (“SAD”). The budget is funded by special assessments on properties within the SAD to pay for additional services beyond those which the City provides. The special assessments are collected with the City’s property tax collection system and passed through to the SAD. Currently, the maximum amount that can be expended by the SAD annually is \$1,537,500. This legislation would increase that amount to \$2,100,000.

**EFFECTIVE DATE:** This local law would take effect immediately and is retroactive to and deemed to have been in full effect as of July 1, 2015.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2016

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY17</b>	<b>Full Fiscal Impact FY16</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES AND EXPENDITURES:** There will be no net impact on revenues or expenditures resulting from the enactment of this legislation. The SAD assessments are charges separate from the City’s property tax levy and thus do not impact the General Fund. The assessments are levied on the businesses located in the SAD. The anticipated revenues from the assessment increase in Fiscal 2016 will be \$2,100,000. This amount will cover the SAD’s expenses, as proposed by its amended budget. This assessment is not funded by the City, and therefore will have no impact on the City’s expenditures.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Department of Small Business Services

**ESTIMATE PREPARED BY:** William Kyeremateng, Legislative Financial Analyst, Finance Division

**ESTIMATE REVIEWED BY:** Emre Edev, Assistant Director, Finance Division  
Rebecca Chasan, Assistant Counsel, Finance Division  
Tanisha Edwards, Chief Counsel, Finance Division

**LEGISLATIVE HISTORY:** Intro. No. 1047 was introduced to the full Council and referred to Committee on Finance on January 19, 2016. On February 24, 2016, the Committee on Finance will consider and vote on Intro. No. 1047, and upon a successful vote by the Committee, the legislation will be considered by, and voted on by, the Full Council on February 24, 2016.

**DATE PREPARED:** February 23, 2016

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int No. 1047:)**

Int. No. 1047

By Council Member Ferreras-Copeland (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Fulton Mall special assessment district.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 25-602 of the administrative code of the city of New York, as amended by local law number 118 for the year 2013, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fulton Mall special assessment district beginning on July 1, [2013] 2015, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one million five hundred thirty-seven thousand five hundred dollars (\$1,537,500)] *two million one hundred thousand dollars (\$2,100,000)*.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of July 1, 2015.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, February 24, 2016.

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

Report for Res No. 995

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on February 24, 2016, respectfully

**REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 26, 2015, the Council adopted the expense budget for fiscal year 2016 with various programs and initiatives (the “Fiscal 2016 Expense Budget”). On June 26, 2014, the Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”).

Analysis. This Resolution, dated February 24, 2016, approves the new designation and the changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, approves the new designation of certain organizations receiving local and youth funding in accordance with the Fiscal 2015 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, new designations of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2015 Expense Budget, as well as amendments to the Description/Scope of Services of certain organizations receiving local and youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2016 Expense Budget.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2016 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2016 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2016 Expense Budget, as described in Chart 3; sets forth the new designation and changes in the designation of funding pursuant to certain initiatives in the Fiscal 2016 Expense Budget, as described in Charts 4-20; sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 21; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2015 Expense Budget, as described in Chart 22; sets forth the organizations that will receive equipment from the organization funded by a certain initiative, as described in Chart 23; and amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, as described in Chart 24.

The charts, attached to the Resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/Fiscal 2016 Expense Budget, dated June 26, 2015, and Adjustments Summary/Schedule C/Fiscal 2015 Expense Budget, dated June 26, 2014.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2016 Expense Budget.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2016 Expense Budget.

Chart 4 sets forth the new designation and the changes in the designation of a certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 5 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 6 sets forth the new designation of certain organizations receiving funding pursuant to the Speaker's Initiative in accordance with the Fiscal 2016 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 7 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 8 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 9 sets forth the new designation and the changes in the Food Pantries Development Grant Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2016 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 11 sets forth the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 12 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Support Our Seniors Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 13 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 14 sets forth the change in the designation, specifically the removal of funds, of the administering agency receiving funding pursuant to the Participatory Budgeting at NYCHA Initiative in accordance with the Fiscal 2016 Expense Budget. This change will be effectuated upon a budget modification.

Chart 15 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2016 Expense Budget. This change will be effectuated upon a budget modification.

Chart 16 sets forth the new designation of certain organizations receiving funding pursuant to the Young Women's Initiative in accordance with the Fiscal 2016 Expense Budget. All of these changes will be effectuated upon a budget modification.

Chart 17 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence – Art a Catalyst for Change Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 18 sets forth the change in the designation, specifically the removal of funds, of a certain organization receiving funding pursuant to the Alternatives to Incarceration (ATI's) Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 19 sets forth the change in the designation, specifically an EIN change, of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Supportive Service Enhancement Initiative in accordance with the Fiscal 2016 Expense Budget.

Chart 20 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2016 Expense Budget. One of these changes will be effectuated upon a budget modification.

Chart 21 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget.

Chart 22 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2015 Expense Budget.

Chart 23 sets forth the organizations that will receive equipment, specifically an automated external defibrillator, from the organization, Staten Island Heart Society, Inc., funded by the Beating Hearts Initiative as designated in the Transparency Resolution dated September 17, 2015.

Chart 24 amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2016 and Fiscal 2015 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res No. 995:)**

## Preconsidered Res. No. 995

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

By Council Members Ferreras-Copeland and Palma.

**Whereas**, On June 26, 2015 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2016 with various programs and initiatives (the “Fiscal 2016 Expense Budget”); and

**Whereas**, On June 26, 2014 the Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2015 and Fiscal 2016 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2016 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to a certain initiative; now, therefore, be it

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of a certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Speaker’s Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 8; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the Food Pantries Development Grant Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 9; and be it further

**Resolved**, That the City Council approves sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Support Our Seniors Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the change in the designation of the administering agency receiving funding pursuant to the Participatory Budgeting at NYCHA Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Young Women's Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence – Art a Catalyst for Change Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Alternatives to Incarceration (ATI's) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Supportive Service Enhancement Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the organizations that will receive equipment from the organization funded by the Beating Hearts Initiative as designated in the Transparency Resolution dated September 17, 2015, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 24.

**ATTACHMENT:**



**CHART 1: Local Initiatives - Fiscal 2016**

Member	Organization -Program	EN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EN	*
Cabrera	King of Glory Tabernacle	13-6400434	DYCD	(\$8,000.00)	260	005			*
Cabrera	King of Glory Tabernacle	13-3962733	DYCD	\$8,000.00	260	005			*
Dickens	St. Aloysius Education Clinic	13-341 5339	DYCD	(\$5,500.00)	260	312			*
Dickens	Education Clinic, Inc.	13-4008018	DYCD	\$5,500.00	260	312			*
Dickens	St. Aloysius Education Clinic	13-341 5339	DYCD	(\$5,000.00)	260	312			*
Dickens	Education Clinic, Inc.	13-4008018	DYCD	\$5,000.00	260	312			*
Dickens	Dunbar Tenants Association	11-3802678	DYCD	(\$5,000.00)	260	005			*
Dickens	Children's Storefront	13-2940671	DYCD	\$5,000.00	260	312			
Eugene	Diaspora Community Services, Inc. **	11-3122295	MOCJ	(\$6,000.00)	098	002			
Eugene	Diaspora Community Services, Inc. **	11-3122295	DOHMH	\$6,000.00	816	112			
Matteo	Staten Island Employment Education Consortium	13-3097367	DYCD	(\$4,000.00)	260	005	United Activities Unlimited, Inc.	13-2921483	
Matteo	Staten Island Employment Education Consortium	13-3097367	DYCD	\$4,000.00	260	005			
Crowley	Ridgewood, Glendale, Middle Village, Maspeth Little League	90-0147560	DYCD	(\$10,000.00)	260	312	Maspeth Town Hall, Inc.	23-7259702	
Crowley	Maspeth Town Hall, Inc.	23-7259702	DYCD	\$5,000.00	260	312			
Crowley	Greater Ridgewood Youth Council, Inc.	11-2518141	DYCD	\$5,000.00	260	312			
Levin	JazzReach Performing Arts and Education Association	11-3179208	DCLA	(\$2,000.00)	126	003	Brooklyn Arts Council, Inc.	23-7072915	*
Levin	JazzReach Performing Arts and Education Association	11-3179208	DCLA	\$2,000.00	126	003			
Levin	JazzReach Performing Arts and Education Association	11-3179208	DCLA	\$1,000.00	126	003			
Dromm	Larte, Inc. **	47-2385999	DYCD	(\$5,000.00)	260	005			*
Dromm	Origin Theatre Company **	45-0562349	DCLA	\$5,000.00	126	003			*
Mark-Viverito	Juice Jones Hoops for Kids	22-3977490	DYCD	(\$5,000.00)	260	312			*
Mark-Viverito	World Series Of Stickball, Inc.	13-4105148	DYCD	(\$5,000.00)	260	005			*
Mark-Viverito	Keep Rising to the Top, Inc.	13-3948379	DYCD	\$10,000.00	260	312			
Koslowitz	Rego Park Green Alliance	47-2589237	DYCD	(\$5,000.00)	260	005			
Koslowitz	RPGA Studio, Inc.	47-2589237	DYCD	\$5,000.00	260	005			
Vacca	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811	DSBS	(\$27,000.00)	801	002			
Vacca	Westchester Square District Management Association, Inc.	38-38731 30	DSBS	\$27,000.00	801	002			
Maisel	Redemption, Inc.	56-2550383	DYCD	(\$2,500.00)	260	312			
Maisel	Redemption, Inc.	56-2550383	DYCD	\$2,500.00	260	312	Fund for the City of New York, Inc.	13-2612524	
Van Bramer	Northern Woodside Coalition, Inc. **	11-3029912	DYCD	(\$3,500.00)	260	005			
Van Bramer	Northern Woodside Coalition, Inc. **	11-3029912	DCLA	\$3,500.00	126	003			
Richards	Fund for the City of New York, Inc.	13-2612524	DOE	(\$5,000.00)	040	454			
Richards	Fund for the City of New York, Inc. - PS 1 83Q	13-2612524	DOE	\$5,000.00	040	454			
Mark-Viverito	Fund for the City of New York, Inc. - Ballroom Basix	13-2612524	DOE	(\$5,000.00)	040	454			
Mark-Viverito	New York Foundation for the Arts, Inc. - Ballroom Basix	23-7129564	DOE	\$5,000.00	040	454			

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 2: Aging Discretionary - Fiscal 2016**

Delegation	Organization	EN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EN	*
Matteo	Staten Island Inter-Agency Council for the Aging, Inc.	13-2986994	DFTA	(\$7,000.00)	125	003			
Matteo	New York City Verrazano 10-13 Association, Inc.	13-4151778	DFTA	\$1,000.00	125	003			
Matteo	United Staten Island Veterans Organization, Inc.	13-3906171	DFTA	\$1,000.00	125	003			
Matteo	Corporal Allen F. Kivlehan Korean War Veterans Association, Inc.	13-3634076	DFTA	\$2,000.00	125	003			
Matteo	Vietnam Veterans of America, Chapter 421	06-1252230	DFTA	\$2,000.00	125	003			
Matteo	Military Order of the Purple Heart	13-3120645	DFTA	\$1,000.00	125	003			

\* Indicates pending completion of pre-qualification review .

\*\* Requires a budget modification for the changes to take effect

**CHART 3: Youth Discretionary - Fiscal 2016**

Member	Organization	EN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EN	*
Crowley	Our Lady of the Miraculous Medal	11-1723786	DYCD	(\$5,000.00)	260	312	Maspeth Town Hal	23-7259702	
Crowley	Pride Not Prejudice, Inc.	46-1 334329	DYCD	\$2,500.00	260	312			
Crowley	Edward J. Malloy Initiative for Construction Skills, Inc.	13-4147836	DYCD	\$2,500.00	260	312			*
Crowley	Maggies Little Theater at St. Margaret's Parish	11-1723800	DYCD	(\$5,000.00)	260	312	Maspeth Town Hal	23-7259702	
Crowley	Roman Catholic Church of St. Margaret	11-1723800	DYCD	\$5,000.00	260	312			
Constantinides	Tides Center, The	94-3213100	DYCD	(\$11,000.00)	260	312			
Constantinides	Fund for the City of New York, Inc.	13-2612524	DYCD	\$11,000.00	260	312			

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 4: Anti-Poverty Initiative - Fiscal 2016**

Member	Organization	EN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EN	*
Crowley	United Presbyterian Church of Ridgewood	11-3236059	DYCD	(\$5,000.00)	260	005	Greater Ridgewood Youth Council, Inc.	11-2518141	
Crowley	Edward J. Malloy Initiative for Construction Skills, Inc.	13-4147836	DYCD	\$5,000.00	260	005			*

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 5: Cultural After School Adventure (CASA) - Fiscal 2016**

Member	Organization - School	EIN Number	Agency	Amount	Agy #	U/A	*
	Department of Cultural Affairs	13-6400434	DCLA	(\$1,000.00)	126	003	
Greenfield	Brooklyn Arts Council, Inc. - Masores Bais Yaakov	23-7072915	DCLA	(\$20,000.00)	126	003	
Greenfield	Brooklyn Arts Council, Inc. - Public School 231K	23-7072915	DCLA	\$20,000.00	126	003	
Torres	Bronx River Art Center, Inc. - PS 70 Max Schoenfeld	13-3261148	DCLA	(\$20,000.00)	126	003	
Torres	Bronx River Art Center, Inc. - MS118X	13-3261148	DCLA	\$20,000.00	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 6: Speaker's Initiative - Fiscal 2016**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Speaker	Bedford Stuyvesant Volunteer Ambulance Corps **	11-2957898	FDNY	\$100,000.00	057	005	
Speaker	United Chinese Association of Brooklyn **	37-1469112	DYCD	\$15,000.00	260	005	
Speaker	Coalition for the Homeless, Inc. **	13-3072967	DHS	\$50,000.00	071	200	
Speaker	Vera Institute of Justice	13-1 941627	MOCJ	\$65,000.00	098	002	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 7: Parks Equity Initiative - Fiscal 2016**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Levin	Department of Parks and Recreation - La Casita Verde; North Brooklyn Farms; Poplar Street Community Garden; North Pacific Playground Community Garden; Myrtle Village Green; Green Dome Garden.	13-6400434	DPR	(\$14,400.00)	846	006	
Levin	Department of Parks and Recreation - Poplar Street Community Garden, North Pacific Playground, Myrtle Village Green, Green Dome, La Casita Verde, 61st Franklin St Garden, Java Street Garden Collaborative	13-6400434	DPR	\$14,400.00	846	006	
CD28	City Parks Foundation	13-3561657	DPR	(\$24,000.00)	846	006	
CD28	Department of Parks and Recreation - Baisley Pond Park	13-6400434	DPR	\$24,000.00	846	006	
Grodenschik	City Parks Foundation	13-3561657	DPR	(\$24,000.00)	846	006	
Grodenschik	Friends of Cunningham Park, Inc.	11-2652498	DPR	\$24,000.00	846	006	
Vacca	Department of Parks and Recreation	13-6400434	DPR	(\$24,000.00)	846	006	
Vacca	Council on the Environment, Inc.	13-2765465	DPR	\$24,000.00	846	006	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 8: Neighborhood Development Grant Initiative - Fiscal 2016**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Mealy	Lincoln Terrace Tennis Association	04-3672661	DSBS	(\$22,000.00)	801	002	*
Mealy	Nostrand Avenue Merchants Association, Inc.	11-3273752	DSBS	\$22,000.00	801	002	*

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect



**CHART 9: Food Pantries Initiative - Fiscal 2016**

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Queens Delegation	Our Lady of Grace	11-1639827	DYCD	(\$15,180.00)	260	005	
Queens Delegation	Tomchei Shabbos of Queens, Inc.	11-2693305	DYCD	\$15,180.00	260	005	
Bronx Delegation	St. Edmund's Episcopal Church	13-3995178	DYCD	(\$11,739.00)	260	005	*
Bronx Delegation	St. Edmund's Episcopal Church	13-4136007	DYCD	\$11,739.00	260	005	*

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 10: NYC Cleanup Initiative - Fiscal 2016**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Dickens	Association of Community Employment Programs for the Homeless (ACE)	13-384643 1	DYCD	(\$19,640.00)	260	005	
	Department of Youth and Community Development	13-6400434	DYCD	\$19,640.00	260	005	
Levin	Department of Sanitation **	13-6400434	DSNY	(\$5,500.00)	827	109	
Levin	Department of Parks and Recreation **	13-6400434	DPR	\$5,500.00	846	006	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 11: Cultural Immigrant Initiative - Fiscal 2016**

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
	Department of Cultural Affairs	13-6400434	DCLA	(\$62,500.00)	126	003	
Greenfield	Kingsborough Community College Auxiliary Enterprises Corp.	11-3022873	DCLA	\$15,624.00	126	003	
Greenfield	Federation of Italian American Organizations of Brooklyn, LTD.	11-2507910	DCLA	\$23,438.00	126	003	
Greenfield	Brighton Ballet Theater Company, Inc.	11-3195590	DCLA	\$23,438.00	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 12: NYC Support Our Seniors Initiative - Fiscal 2016**

Member	Organization - Senior Center	EIN Number	Agency	Amount	Agy #	U/A	*
	Department for the Aging	13-6400434	DFTA	(\$58,820.00)	125	003	
Treyger	Jewish Community Council of Greater Coney Island, Inc	11-2665181	DFTA	\$29,410.00	125	003	
Greenfield	Medicare Rights Center, Inc.	13-3505372	DFTA	\$14,705.00	125	003	
Greenfield	Circuit Productions, Inc.,	13-2881858	DFTA	\$14,705.00	125	003	
Ferreras-Copeland	Selfhelp Community Services, Inc.	13-1 624178	DFTA	(\$29,410.00)	125	003	
Ferreras-Copeland	Elmcor Youth and Adult Activities, Inc.	11-2224539	DFTA	\$14,705.00	125	003	
Ferreras-Copeland	Spanish Speaking Elderly Council - RAICES	11-2730462	DFTA	\$14,705.00	125	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 13: HIV/AIDS Faith Based Initiative - Fiscal 2016**

Borough	Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Manhattan Delegation	Abyssinian Development Corporation	13-3552154	DOHMH	(\$6,400.00)	816	112	*
Queens Delegation	Bethesda Missionary Baptist Church of Jamaica	11-2673958	DOHMH	(\$6,400.00)	816	112	*
Bronx Delegation	Bright Temple AME Church	13-3141241	DOHMH	(\$6,400.00)	816	112	*
Manhattan Delegation	Canaan Baptist Church of Christ	13-6013037	DOHMH	(\$6,400.00)	816	112	
Manhattan Delegation	First Corinthian Baptist Church	13-3686242	DOHMH	(\$6,400.00)	816	112	
Manhattan Delegation	New Mount Zion Baptist Church	13-3976609	DOHMH	(\$6,400.00)	816	112	*
Manhattan Delegation	Abyssinian Baptist Church	13-1635250	DOHMH	\$4,000.00	816	112	
Manhattan Delegation	Bethany Baptist Church	13-2720535	DOHMH	\$1,500.00	816	112	*
Manhattan Delegation	Community Health & Awareness Ministry	27-0043612	DOHMH	\$1,500.00	816	112	
Manhattan Delegation	Convent Avenue Baptist Church	13-2780116	DOHMH	\$1,500.00	816	112	
Manhattan Delegation	First AME Bethel Church	13-1945828	DOHMH	\$700.00	816	112	*
Manhattan Delegation	Love Alive International Inc.	26-4819108	DOHMH	\$1,500.00	816	112	*
Manhattan Delegation	Masjid Sabur Worship, Educational & Referral Center	13-3921329	DOHMH	\$1,000.00	816	112	*
Manhattan Delegation	Memorial Baptist Church	13-2574792	DOHMH	\$2,000.00	816	112	
Manhattan Delegation	New Testament Baptist Church	13-3771238	DOHMH	\$4,550.00	816	112	*
Manhattan Delegation	Paradise Baptist Church	11-1172480	DOHMH	\$1,000.00	816	112	*
Manhattan Delegation	Rivers of Living Faith Ministries	45-2453438	DOHMH	\$4,550.00	816	112	*
Manhattan Delegation	St. John's Baptist Church	13-3539498	DOHMH	\$1,500.00	816	112	*
Manhattan Delegation	St. Luke's AME Church	52-0204696	DOHMH	\$1,000.00	816	112	*
Manhattan Delegation	Survivors Fountain of Hope Wellness Initiative	02-0675428	DOHMH	\$2,000.00	816	112	*
Bronx Delegation	Mount Carmel Baptist Church	13-3966802	DOHMH	\$1,000.00	816	112	*
Bronx Delegation	City of Truth Covenant Church	13-2936194	DOHMH	\$2,600.00	816	112	*
Queens Delegation	Church of the Living God International	010924463	DOHMH	\$1,500.00	816	112	*
Queens Delegation	Evangelical Christian Church	11-2528459	DOHMH	\$2,500.00	816	112	*
Queens Delegation	First Baptist Church of Far Rockaway	11-2287453	DOHMH	\$1,250.00	816	112	*
Queens Delegation	People's United Methodist Church	30-0644444	DOHMH	\$1,250.00	816	112	*
Manhattan Delegation	Rivers of Living Faith Ministries	45-2453438	DOHMH	(\$6,400.00)	816	112	*
Manhattan Delegation	Rivers of Living Water Family Worship Center	20-8586474	DOHMH	\$6,400.00	816	112	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 14: Participatory Budgeting at NYCHA Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
New York City Housing Authority **	13-6400434	NYCHA	(\$365,000.00)	098	002	*

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 15: Infant Mortality Reduction Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Visiting Nurse Service of New York Home Care, Inc.	13-1624211	DOHMH	(\$24,796.00)	816	113	
Bedford Stuyvesant Family Health Center, Inc.	11-2412205	DOHMH	(\$24,796.00)	816	113	
Brooklyn Perinatal Network, Inc.	13-3428222	DOHMH	\$24,796.00	816	113	
Forestdale, Inc.	11-1631747	DOHMH	\$7,204.00	816	113	
Haitian Americans United for Progress, Inc.	11-2423857	DOHMH	\$7,204.00	816	113	
Clergy United for Community Empowerment, Inc.	11-3030795	DOHMH	\$7,204.00	816	113	
Queens Comprehensive Perinatal Council, Inc.	11-2870422	DOHMH	\$3,184.00	816	113	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 16: Young Women's Initiative - Fiscal 2016**

<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Planned Parenthood of New York City, Inc. **	13-2621497	DOHMH	\$100,000.00	816	113	*
Community Healthcare Network, Inc. **	13-3083068	DOHMH	\$265,000.00	816	113	*

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect



**CHART 17: Anti-Gun Violence - Art a Catalyst for Change Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Urban Arts Partnership	13-3554734	DCLA	(\$18,000.00)	126	003	*
Urban Arts Partnership	13-3554734	DCLA	(\$18,000.00)	126	003	*
Brooklyn Arts Council	23-7072915	DCLA	\$36,000.00	126	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 18: Alternatives to Incarceration (ATI's) Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Vera Institute of Justice	13-1941627	MOCJ	(\$65,000.00)	098	002	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 19: Naturally Occurring Retirement Communities (NORCs) Supportive Service Enhancement Initiative -**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Neighborhood Self Help by Older Persons Project, Inc.	13-3077049	DFTA	(\$25,000.00)	125	003	
Neighborhood Self Help by Older Persons Project, Inc.	13-3077047	DFTA	\$25,000.00	125	003	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 20: Discretionary Child Care Initiative - Fiscal 2016**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Pamela C Torres Day Care Center, Inc. **	13-1740021	ACS	(\$322,088.00)	068	004	*
Administration for Children's Services	13-6400434	ACS	\$157,088.00	068	004	
Staten Island Mental Health Society, Inc.	13-5623279	ACS	(\$65,000.00)	068	004	*
Administration for Children's Services	13-6400434	ACS	\$65,000.00	068	004	

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 21: Local Initiatives - Fiscal 2015**

Member	Organization	EN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EN	*
Cumbo	Creative Outlet Dance Theatre, Inc.	11-3307754	DYCD	(\$7,500.00)	260	005			*
Cumbo	Brooklyn Arts Council, Inc.	23-7072915	DYCD	\$7,500.00	260	005			
Koo	Latimer Gardens Resident Association	36-4569848	NYCHA	(\$6,000.00)	098	002			*
Koo	New York City Housing Authority - Latimer Gardens Resident Association	13-6400434	NYCHA	\$6,000.00	098	002			

\* Indicates pending completion of pre-qualification review .

\*\* Requires a budget modification for the changes to take effect

**CHART 22: Youth Discretionary - Fiscal 2015**

Member	Organization	EN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EN	*
Vacca	Pelham Parkway Little League	13-3208259	DYCD	(\$1,500.00)	260	312	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811	*
Vacca	Neighborhood Initiatives Development Corporation (NIDC)	13-3110811	DYCD	\$1,500.00	260	312			

\* Indicates pending completion of pre-qualification review .

\*\* Requires a budget modification for the changes to take effect

**CHART 23: Beating Hearts Initiative - Fiscal 2016\*\*\***

<b>Member</b>	<b>Organization</b>	<b>EIN Number</b>	<b>*</b>
Borelli	Staten Island Youth Soccer League, Inc.	32-0048308	
Borelli	Great Kills Little League	13-61 97291	
Borelli	Zimmer Club Youth Conservation Program of Staten Island, Inc.	35-2262561	
Cohen	Mosholu-Montefiore Community Center, Inc.	13-3622107	
Cohen	Riverdale Neighborhood House, Inc.	13-1740024	
Cohen	Kingsbridge Heights Community Center	13-2813809	
Cohen	Friends of Van Cortlandt Park	13-3843182	
Corney	Young Men's Christian Association of Greater New York	13-1624228	
Corney	Police Athletic League, Inc. – (Wynn Center)	13-5596811	
Corney	Berean Community And Family Life Center, Inc.	11-2870465	
Corney	Bedford Stuyvesant Restoration Corporation	11-6083182	
Crowley	St. Stanislaus Athletic Association	11-1981305	
Crowley	Greater Ridgewood Youth Council, Inc.	11-2518141	
Crowley	Blau-Weiss Gottschee, Inc.	11-6074351	
Crowley	Ridgewood Older Adult Center and Services, Inc.	05-0607283	
Deutsch	Flatbush Volunteers of Hatzolah, Inc.	13-3213138	*
Deutsch	Flatbush Volunteers of Hatzolah, Inc.	13-3213138	*
Deutsch	Kings Bay Youth Organization, Inc.	11-6020722	
Deutsch	Kings Bay Youth Organization, Inc.	11-6020722	
Dickens	Jets of Harlem, Inc.	20-3556368	*
Dickens	National Association of Each One Teach One, Inc.	13-3163183	
Dickens	Central Harlem Senior Citizen Coalition, Inc.	13-2754783	
Dickens	United Block Association, Inc.	13-2548904	*
Dromm	India Home, Inc.	20-8747291	
Dromm	St. Joan of Arc - Youth Council	11-1675278	*
Dromm	South Asian Youth Action	13-3943630	
Dromm	Queens Community House, Inc.	11-2375583	
Espinal	Bayard Taylor School [02M 158]	13-6400434	
Espinal	Quebradillas Baseball Organization, Inc.	45-0491693	
Espinal	St. Thomas Episcopal Senior Citizens Housing Development Fund Corp. (Duncan Genns)	13-3162242	*
Gentile	Parkville Youth Organization	11-2204831	
Gentile	Ridge Chorale, Inc	11-6264993	

**\*\*\*Funding will go towards providing automated external defibrillators (AEDs) to non-profit organizations that primarily serve the youth and aging populations. AEDs are life-saving instruments when individuals are experiencing cardiac arrest. The non-profit organizations are listed above.**

**CHART 23: Beating Hearts Initiative - Fiscal 2016\*\*\* (continued)**

Member	Organization	EIN Number	*
Gentile	St. Ephrem Youth Program, Inc.	11-3210176	
Gentile	68th Precinct Youth Council, Inc.	11-2478910	
Gibson	Claremont Neighborhood Centers, Inc.	13-6016450	
Gibson	Scan-New York Volunteer Parent-Aides Association, Inc.	13-2912963	
Gibson	Woodycrest Center For Human Development	13-3184179	
Gibson	SOUTHEAST BRONX NEIGHBORHOOD CENTERS, INC	13-2675560	*
Grodenschik	After School Corporation, The	13-4004600	
Grodenschik	Little Neck-Douglaston Youth Club, Inc.	23-7132193	*
Grodenschik	Hollis Bellaire Queens Village Bellerose Athletic Association, Inc.	23-7204542	*
Grodenschik	Jamaica Estates Holliswood Little League, Inc.	11-2482609	*
Johnson	Greenwich Village Little League, Inc.	13-3577081	*
Johnson	Greenwich Village Little League, Inc.	13-3577081	*
Johnson	Greenwich Village Little League, Inc.	13-3577081	*
Johnson	Greenwich Village Little League, Inc.	13-3577081	*
King	North Bronx Youth Sports Association, Inc.	51-0500030	
King	Velocity Track Club New York	46-3197831	*
King	Williamsbridge NAACP Early Childhood Education Center	13-2686694	
King	St. Luke's Senior Community Program	13-2747442	*
Koo	Chinese-American Planning Council, Inc.	13-6202692	
Koo	Young Mens Christian Association of Greater New York -Flushing	13-1624228	
Koo	Chinese Community Center of Flushing	27-4868874	*
Koo	Korean Community Services of Metropolitan New York, Inc.	23-7348989	
Koslowitz	Forestdale, Inc.	11-1631747	
Koslowitz	Beth Gavriel Bukharian Congregation	11-3336257	
Koslowitz	Queens Community House, Inc.	11-2375583	
Koslowitz	Boys & Girls Club Of Metro Queens, Inc.	11-1966067	
Lancman	Young Israel of Hillcrest	11-2017868	
Lancman	Hillcrest Jewish Center	11-1639813	
Lancman	Church of the Immaculate Conception Jamaica New York	11-1752022	*
Lancman	St. Nicholas of Tolentine	11-1714878	

**\*\*\*Funding will go towards providing automated external defibrillators (AEDs) to non-profit organizations that primarily serve the youth and aging populations. AEDs are life-saving instruments when individuals are experiencing cardiac arrest. The non-profit organizations are listed above.**



**CHART 23: Beating Hearts Initiative - Fiscal 2016\*\*\* (continued)**

<b>Member</b>	<b>Organization</b>	<b>EIN Number</b>	<b>*</b>
Lander	Prospect Park Alliance, Inc.	11-2843763	
Lander	Prospect Park Alliance, Inc.	11-2843763	
Lander	Prospect Park Alliance, Inc.	11-2843763	
Lander	Prospect Park Alliance, Inc.	11-2843763	
Maisel	Bergen Basin Community Development Corporation d/b/a Millennium Development	11-3199040	
Maisel	Bergen Basin Community Development Corporation d/b/a Millennium Development	11-3199040	
Maisel	Bergen Beach Youth Organization	11-2598350	
Maisel	Amity Little League, Inc.	11-2705385	
Matteo	Staten Island Little League	13-6162802	*
Matteo	East Shore Little League	51-0237392	
Matteo	Staten Island Pee Wee Football League	13-6159734	
Matteo	Under the Lights, Inc.	30-2774008	*
Mendez	Father's Heart Ministries, Inc., The	22-3495873	
Mendez	Hetrick-Martin Institute, Inc.	13-3104537	
Mendez	Andrew Glover Youth Program, Inc.	13-3267496	
Palma	Jewish Association for Services for the Aged (JASA)	13-2620896	
Palma	Phipps Community Development Corporation	13-2707665	
Palma	Phipps Community Development Corporation	13-2707665	
Palma	Kips Bay Boys & Girls Club	13-1623850	
Reynoso	St. Nick's Alliance Corporation	51-0192170	
Reynoso	El Puente de Williamsburg, Inc.	11-2614265	
Reynoso	El Puente de Williamsburg, Inc.	11-2614265	
Reynoso	Grand Street Settlement, Inc.	13-5562230	
Richards	Jewish Community Council of the Rockaway Peninsula, Inc.	11-2425813	
Richards	Jewish Community Council of the Rockaway Peninsula, Inc.	11-2425813	
Richards	Beach 41st Residents Council Tenant Association, Inc.	11-3282331	*
Richards	Ocean Bay Community Development Corporation	84-1622031	
Rose	Health For Youths	26-4612691	
Rose	Jewish Community Center of Staten Island, Inc.	13-5562256	
Rose	UYFL Foundation, Inc.	46-0605113	
Rose	West Shore Little League	13-3425081	

**\*\*\*Funding will go towards providing automated external defibrillators (AEDs) to non-profit organizations that primarily serve the youth and aging populations.**

**AEDs are life-saving instruments when individuals are experiencing cardiac arrest. The non-profit organizations are listed above. Page 25**

**CHART 23: Beating Hearts Initiative - Fiscal 2016\*\*\* (continued)**

<b>Member</b>	<b>Organization</b>	<b>EIN Number</b>	<b>*</b>
Rosenthal	National Council on Jewish Women of New York	13-1624132	
Rosenthal	West Side Center for Community Life	71-0908184	
Rosenthal	Goddard Riverside Community Center	13-1893908	
Rosenthal	Young Men's Christian Association of Greater New York	13-1624228	
Mark-Viverito	East Side House, Inc.	13-1623989	
Mark-Viverito	Children's Aid Society, The	13-5562191	
Mark-Viverito	BronxWorks, Inc.	13-3254484	
Mark-Viverito	Boys Club of New York, Inc. -East Harlem Site	13-5591750	*
Vacca	Morris Park Community Association	23-7429900	
Vacca	Bronx House, Inc.	13-1739935	
Vacca	Phipps Neighborhoods, Inc	13-2707665	*
Vacca	Kips Bay Boys & Girls Club	13-1623850	
Vallone	St Andrew Avellino Athletic Association	02-0773183	
Vallone	Little League Baseball of College Point NY, Inc.	20-8304163	*
Vallone	Dwarf-Giraffe Athletic League of Whitestone, Inc.	11-2523053	*
Van Bramer	Roman Catholic Church of Corpus Christi	11-1666228	
Van Bramer	Young Men's Christian Association of Greater New York-Long Island City	13-1624228	

**\*\*\*Funding will go towards providing automated external defibrillators (AEDs) to non-profit organizations that primarily serve the youth and aging populations. AEDs are life-saving instruments when individuals are experiencing cardiac arrest. The non-profit organizations are listed above.**

**CHART 24: Purpose of Funds Changes - Fiscal 2016**

Source	Member	Organization	EN Number	Agency	Amount	New Purpose of Funds *
Local	Speaker	New 42nd Street, Inc., The	13-3584032	DCLA	(\$45,000.00)	
Local	Speaker	New 42nd Street, Inc., The	13-3584032	DCLA	\$45,000.00	The New Victory season offers a unique chance for students ranging in ages from Pre-K to 12th grade to experience live performances in the heart of New York City's Theater District. The program provides classroom workshops, professional development and resource guides.
Local	Speaker	Hispanic Federation, Inc.	13-3573852	DYCD	(\$100,000.00)	Funding to support Esperanza Azteca Youth Orchestra's program, defray the costs of purchasing musical instruments and pay for instructors that will provide the homework assistance and educate the youth on how to read music and play their instrument.
Local	Speaker	Hispanic Federation, Inc.	13-3573852	DYCD	\$100,000.00	Funding to support Hispanic Federation's community education initiatives and programs.
Youth	Rosenthal	Police Liaison Group, Inc.	13-3690574	DYCD	(\$3,500.00)	Funding will be used to expand SUN and assist with the administration of its youth safety initiative that helps address crime and prevent delinquency
Youth	Rosenthal	Police Liaison Group, Inc.	13-3690574	DYCD	\$3,500.00	Providing information from the NYPD and other reliable sources through free SUN Alerts to subscribers that affect the safety of children
Youth	Rodriguez	Washington Heights Jaybie Basketball Academy, Inc.	55-0844926	DYCD	(\$5,000.00)	Mentoring volunteers are paired as big brothers to assist youths with their academic works, provide one on one tutoring, character building activities. As well as being positive adult role models in their lives. Basketball league training focuses on discipline, dedication, sportsmanship and teamwork. All leagues are organized into teams that engage in a full season of play. Practices take place in neighborhood parks and schools.
Youth	Rodriguez	Washington Heights Jaybie Basketball Academy, Inc.	55-0844926	DYCD	\$5,000.00	To support a youth basketball and baseball program that builds sports skills and promotes teamwork.
Local	Dromm	Desis Rising Up and Moving (DRUM)	38-3652741	DYCD	(\$7,500.00)	To provide multi-lingual Legal Clinics in Immigration, DACA, and Workers Rights.
Local	Dromm	Desis Rising Up and Moving (DRUM)	38-3652741	DYCD	\$7,500.00	To fund youth leadership development and civic engagement program, which includes discussion of social justice issues and skill development in public outreach, public speaking, event planning, community fundraising, and policy maker engagement.
Local	Levin	Foundation for Contemporary Arts Inc.	13-1978163	DCLA	(\$3,500.00)	To support the administration and operations of the Emergency Grants program for artists in District 33. *
Local	Levin	Foundation for Contemporary Arts Inc.	13-1978163	DCLA	\$3,500.00	To support programming and services for artists in District 33. *
Youth	Gibson	Family Life Academy Charter School	13-41 70389	DYCD	(\$8,000.00)	Funding will support the summer enrichment program at FLACS, including staff, educational materials, supplies and parent workshops *
Youth	Gibson	Family Life Academy Charter School	13-41 70389	DYCD	\$8,000.00	Funding will support a summer enrichment and academic intervention program, including staff, educational materials, supplies and community parent workshops.
Local	Gibson	Highbridge Islamic Center	27-3007742	DYCD	(\$10,000.00)	Funds will be used to expand the Adult Literacy Program. The program consists of English for Speakers of Other Languages (ESOL), Citizenship Preparation and After School Homework Help by offering small group instructions, individual tutoring and incorporating the use of new and innovative technology.
Local	Gibson	Highbridge Islamic Center	27-3007742	DYCD	\$10,000.00	Funds will be used to expand the Adult Literacy Program. The program consists of English for Speakers of Other Languages (ESOL) and Citizenship Preparation through small group instruction, individual tutoring and incorporating the use of new and innovative technology.

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 24: Purpose of Funds Changes - Fiscal 2016 (Continued)**

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds *
Big Brothers and Big Sisters of New York City		Big Brothers Big Sisters of New York City, Inc.	13-5600383	DYCD	(\$850,000.00)	This allocation represents a restoration of \$400,000 from Fiscal 2015, as well as an enhancement of \$450,000. Funds support the provision of mentoring services to New York City youth. Funds also contribute to the provision of educational support and training for other youth organizations across the five boroughs. Professional Opportunity.
Big Brothers and Big Sisters of New York City		Big Brothers Big Sisters of New York City, Inc.	13-5600383	DYCD	\$850,000.00	Funds support the provision of mentoring services to New York City youth. Funds also contribute to the provision of educational support and training for other youth organizations across the five boroughs. Professional Opportunity Days to at-risk New York City youth will take place in high school settings throughout the school year.
Alternatives to Incarceration (ATIs)	Speaker	Vera Institute of Justice	13-1941627	MOCJ	(\$65,000.00)	This allocation represents a restoration of \$4.1 million and an enhancement of \$332,000. Alternative-to-Incarceration (ATI) programs provide intermediate sanctions, such as community service and substance abuse counseling that offer judges an alternative to pre-trial detention, a sentence in jail, or prison for eligible defendants. In addition, ATI programs provide a range of rehabilitative services for defendants and allow jail beds to be made available for more violent offenders who pose a threat to the community.
Speaker's Initiative	Speaker	Vera Institute of Justice	13-1941627	MOCJ	\$65,000.00	Funds would be used for the Common Justice Learning Collaborative Program. The program provides participants with a respectful and effective means of accountability, an equitable and dignified avenue to healing, and the tools to break cycles of violence. Its work with victims focuses on young men of color who have been harmed by violence.
Local	Speaker	Sunnyside Community Service, Inc.	51-0189327	DFTA	(\$50,000.00)	Support for our youth services which help young people discover and develop their own talents and ultimately achieve their own educational and career goals. SCS operates two after-school programs. After-school instructors provide students with academic assistance that parents may be unable to offer because of limited English proficiency or time constraints. A Beacon Community Center in Elmhurst provides educational and recreational programs for families. Our Work Readiness Program serves in-school and out-of-school youth, helping them develop resumes and search for jobs. GED prep classes are also available. Our Green Jobs Internship Program enables participants to gain environmental stewardship skills and to prepare for a job in an expanding industry. The College Readiness Program enables young people who are disadvantaged in the college application process to gain access to and succeed in higher education.
Local	Speaker	Sunnyside Community Service, Inc.	51-0189327	DFTA	\$50,000.00	To support senior services including Center for Active Older Adults, Case Assistance and Management Programs, Social Adult Day Services for Seniors living with Alzheimer's Disease or other cognitive and physical impairment, a Caregivers Program, a Geriatric Mental Health Initiative and a Friendly Visiting Program.

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

**CHART 24: Purpose of Funds Changes - Fiscal 2016 (Continued)**

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds *
Local	Richards	Jewish Community Council of the Rockaway Peninsula, Inc.	11-2425813	DYCD	(\$15,000.00)	Funds will be used to support social services coordination.
Local	Richards	Jewish Community Council of the Rockaway Peninsula, Inc.	11-2425813	DYCD	\$15,000.00	Funds will be used to provide programmatic support the Rockaway Nassau Safety Patrol (RNSP).
Youth	Greenfield	Reach for the Stars Learning Center	20-3042280	DYCD	(\$12,000.00)	Requested funds will be used to defray the costs associated with Music Therapy Programming.
Youth	Greenfield	Reach for the Stars Learning Center	20-3042280	DYCD	\$12,000.00	The funds will be used to defray costs associated with a Board Certified Behavior Analyst.
Youth	Koo	Korean American Family Service Center (KAFSC)	13-3609811	DYCD	(\$5,000.00)	To fund the Hodori Little Tiger Afterschool Program, including staffing and other operational costs.
Youth	Koo	Korean American Family Service Center (KAFSC)	13-3609811	DYCD	\$5,000.00	To support a Domestic Violence Prevention and Intervention program and To fund the Hodori Little Tiger Afterschool Program, including staffing and other operational costs.
Local	Williams	Seeds in the Middle	27-1847142	DYCD	(\$3,000.00)	Funding will support community farmers markets engaging residents in neighborhoods with the highest obesity, diabetes, heart disease, and cancer rates, and will also help assist the community in receiving help from other city agencies.
Local	Williams	Seeds in the Middle	27-1847142	DYCD	\$3,000.00	Funding will be used to support healthy activities (Farmers Market for a Day).
Youth	Mealy	Seeds in the Middle	27-1847142	DYCD	(\$5,000.00)	The funding is to educate students at PS/IS 327 about healthy eating and health disparities in their communities, teaching them to write letters of support, grow edible plants and conduct Chef Nights, where they cook healthy with chefs. The instruction began in February and March, and the chef nights are scheduled for early June.
Youth	Mealy	Seeds in the Middle	27-1847142	DYCD	\$5,000.00	Funds will be used to support healthy activities at MS 722 in Council District 41.
Youth	Rosenthal	Police Liaison Group, Inc.	13-3690574	DYCD	(\$3,500.00)	Funding will be used to expand SUN and assist with the administration of its youth safety initiative that helps address crime and prevent delinquency.
Youth	Rosenthal	Police Liaison Group, Inc.	13-3690574	DYCD	\$3,500.00	1) Providing information from the NYPD and other reliable sources through free SUN Alerts to subscribers that affect the safety of children, as in the following Alert <a href="http://sunnyc.org/tags/gang-activity">http://sunnyc.org/tags/gang-activity</a> ; 2) Transmitting incident reports of criminal, suspicious activity or dangerous conditions from individuals who are often unable or unwilling to contact the NYPD directly. Incident reports may be submitted by voice/text or online, anonymously, if desired.
Anti-Gun Violence		Council for Unity, Inc.	11-2880221	DYCD	(\$200,000.00)	This allocation provides supportive, therapeutic and mental health services to community members touched by gun violence in select neighborhoods.
Anti-Gun Violence		Council for Unity, Inc.	11-2880221	DYCD	\$200,000.00	This allocation provides funding for programs related to conflict mediation, violence prevention, and youth development for students.

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

Source	Member	Organization	EN Number	Agency	Amount	New Purpose of Funds *
Anti-Gun Violence		Downtown Community Television Center, Inc.	13-2742777	DYCD	(\$10,000.00)	This allocation provides supportive, therapeutic and mental health services to community members touched by gun violence in select neighborhoods.
Anti-Gun Violence		Downtown Community Television Center, Inc.	13-2742777	DYCD	\$10,000.00	Funding to cover costs of conducting 5 BEYOND BULLETS anti-gun violence media arts workshops/screenings at community organizations and public schools throughout the City. DCTV will lead the workshops and provide media instructors,
Anti-Gun Violence		New York WEB Center, Inc	20-5620848	DYCD	(\$10,000.00)	This allocation provides supportive, therapeutic and mental health services to community members touched by gun violence in select neighborhoods.
Anti-Gun Violence - Youth Programs		New York WEB Center, Inc	20-5620848	DYCD	\$10,000.00	The funding will support the production of student created and led music and music video with antigun violence messaging. The project will be included in a youth empowerment forum NYWC will host in 2016 for local Brooklyn teens. Additionally, NYWC will distribute the product across several digital marketing channels and expand our commitment to collaboration and participating in the Mayor's initiative.
Anti-Gun Violence -		New Yorkers Against Gun Violence Education Fund	13-3808186	DYCD	(\$30,000.00)	This allocation provides supportive, therapeutic and mental health services to community members touched by gun violence in select neighborhoods.
Anti-Gun Violence -		New Yorkers Against Gun Violence Education Fund	13-3808186	DYCD	\$30,000.00	Funding supports Staffing and supervision of the Re-action Youth Program, offered in several NY City public schools in all five boroughs.
Youth	Rodriguez	Washington Heights Jaybie Basketball Academy, Inc.	55-0844926	DYCD	(\$5,000.00)	Mentoring volunteers are paired up as big brothers to assist youths with their academic works, provide one on one tutoring, character building activities. As well as being positive adult role models in their lives. Basketball league training focuses on discipline, dedication, sportsmanship and teamwork. All leagues are organized into teams that engage in a full season of play. Practices take place in neighborhood parks and schools.
Youth	Rodriguez	Washington Heights Jaybie Basketball Academy, Inc.	55-0844926	DYCD	\$50,000.00	To support a youth basketball and baseball program that builds sports skills and promotes teamwork.
Local	Koslowitz	RPGA Studio, Inc.	47-2589237	DYCD	(\$5,000.00)	
Local	Koslowitz	RPGA Studio, Inc.	47-2589237	DYCD	\$5,000.00	Funds will be used to support the continuation of the Mural & Garden Program.
Local	Treyger	Kings Highway Beautification Association, Inc	20-4986882	DYCD	(\$15,000.00)	The funding will be used to launch graffiti cleaning programs in the 47th and 44th Council Districts targeting Kings Highway, Avenue P, and Avenue U- between Ocean Parkway and McDonald Ave.
Local	Treyger	Kings Highway Beautification Association, Inc	20-4986882	DYCD	\$15,000.00	The funding will be used to launch district-wide beautification programs, including tree guard installations, graffiti cleaning, constituent educational outreach for neighborhood improvement, and other beautification initiatives in the 47th District.

\* Indicates pending completion of pre-qualification review.

\*\* Requires a budget modification for the changes to take effect

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, February 24, 2016.

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

Report for LU No. 333

**Report of the Committee on Finance in favor of approving Academy Gardens, Block 3519, Lots 1, 5, 12, 20, 30, 34, 42, and 49; Bronx, Community District No. 9, Council District No. 18.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on February 24, 2016 and which same item was coupled with the resolution shown below, respectfully

**REPORTS:**

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

February 24, 2016

TO: Hon. Julissa Ferreras-Copeland  
Chair, Finance Committee  
Members of the Finance Committee

FROM: Rebecca Chasan, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of February 24, 2016 - Resolution approving a tax exemption for one Land Use Item (Council District 18)

**Academy Gardens**

Academy Gardens consists of 8 buildings with 467 units of rental housing for low-income households. Under the proposed project, HP Rosedale Gardens Housing Development Fund Company, Inc. (“HDFC”) will acquire the fee interest in the property and Rosedale Gardens NY LLC will acquire the beneficial interest and will operate the property. The HDFC and the LLC will finance the acquisition and rehabilitation of the property using conventional financing from Signature Bank and a loan from the City’s Department of Housing Preservation and Development (“HPD”). The property currently does not receive any exemption from real property taxation.

In order to ensure the continued affordability of the property, pursuant to Section 577 of the Private Housing Finance Law, HPD is requesting that the Council grant the property a full, 40-year exemption from real property taxation. HPD, the HDFC, and the LLC will enter into a regulatory agreement that will be coterminous with the property tax exemption and which will require that units be rented to households whose incomes do not exceed 80% of the Area Median Income (“AMI”). Eligible tenants will receive project-based Section 8 rent subsidies.

In 2015, 80% of AMI was as follows:

<b>AMI</b>	<b>Family of Four</b>	<b>Family of Three</b>	<b>Family of Two</b>	<b>Individual</b>
80% of AMI	\$69,040	\$62,160	\$55,280	\$48,400

Summary:

- Council District – 18
- Council Member – Palma
- Council Member approval – Yes
- Borough – Bronx
- Block/Lot – 3519/1, 5, 12, 20, 30, 34, 42, and 49
- Number of Buildings – 8
- Number of Units – 467, including 2 superintendent units
- Type of Exemption – Article XI, full exemption for 40 years
- Population Served – Rentals for low-income households
- Sponsor/Developer – HP Rosedale Gardens HDFC and Rosedale Gardens NY LLC
- Cost to the City – \$17,578,874
- Open violations or other known problems with the City – 2 Class A; 5 Class B
- Income Limitations – Units will be rented to households earning up to 80% of AMI
- Rent Limitations – Tenants will not pay more than 30% of their income in rent

In connection herewith, Council Member Ferreras-Copeland offered the following resolution:

Res No. 998

**Resolution approving an exemption from real property taxes for property located at (Block 3519, Lots 1, 5, 12, 20, 30, 34, 42 and 49) the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 333).**

By Council Member Ferreras-Copeland.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated February 8, 2016 that the Council take the following action regarding a housing project located at (Block 3519, Lots 1, 5, 12, 20, 30, 34, 42 and 49) the 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) “Company” shall mean Rosedale Gardens NY LLC.
  - (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 HPD Regulatory Agreement.
  - (c) “Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (d) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3519, Lots 1, 5, 12, 20, 30, 34, 42, and 49 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 HPD Regulatory Agreement, (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (f) “HDFC” shall mean HP Rosedale Gardens Housing Development Fund Company, Inc.
  - (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.
  - (j) “Shelter Rent” shall mean the total rents received from the commercial (if any) and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat, and other utilities.
  - (k) “Shelter Rent Tax” shall mean an amount equal to seven percent (7%) of the Shelter Rent.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption

from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.

4. Notwithstanding any provision hereof to the contrary:
  - (a) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the HPD 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) the Exemption Area is conveyed 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 the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - (b) The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - (c) Nothing herein shall entitle the HDPC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, 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.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, February 24, 2016.

On motion of the Speaker (Council Member Mark-Viverito), 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 Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services**

Report for Int No. 881-A

**Report of the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring advertising and other materials pertaining to public events to include information regarding accessibility for people with disabilities.**

The Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, to which the annexed amended proposed local law was referred August 13, 2015 (Minutes, page 3180), respectfully

**REPORTS:**

On February 22, 2016, the Committee on Mental Health, Developmental Disabilities, Alcoholism, Substance Abuse, and Disability Services, chaired by Council Member Andrew Cohen, will hold second hearing on two bills: Proposed Int. No. 881-A, A Local Law to amend the administrative code of the city of New York, in relation to the designation of disability service facilitators at city agencies, and Proposed Int. No. 883-A, A Local Law to amend the administrative code of the city of New York, in relation to requiring advertising and other materials pertaining to public events to include information regarding accessibility for people with disabilities. The Committee first considered the original versions of these bills, Int. No. 881 and Int. No. 883, at its October 22, 2015 hearing, at which time testimony was heard from the Mayor's Office for People with Disabilities (MOPD), advocates, and service providers. Following this hearing, several amendments were made to both bills, which will be described in detail later in this report.

**Background**

*The Americans with Disabilities Act (ADA)*

The Americans with Disabilities Act (ADA) was introduced in Congress in 1988 and signed into law by President George H.W. Bush on July 26, 1990.<sup>1</sup> The ADA was created to "provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities."<sup>2</sup> The law thus established prohibitions against discrimination in employment (Title I), public services furnished by governmental entities (Title II), and public accommodations provided by private entities (Title III) with the goal of ensuring equal opportunity for persons with disabilities to participate in American life. The ADA was modeled after the Civil Rights Act of 1964 and effectively serves, together with Section 504 of the Rehabilitation Act of 1973, as an equal opportunity law for people with disabilities.

A collaborative effort between Democrats, Republicans, the legislative and the executive branches, federal and state agencies, and people with and without disabilities, the ADA was the world's first comprehensive declaration of equality for people with disabilities. President George H.W. Bush's statement at the signing of the ADA, "let the shameful walls of exclusion finally come tumbling down,"<sup>3</sup> encapsulated the message of the Act: that millions of Americans with disabilities are full-fledged citizens and are entitled to legal protections that ensure them equal opportunity and access. However, despite these important protections, significant

<sup>1</sup> George Bush: "Statement on Signing the Americans with Disabilities Act of 1990," July 26, 1990. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=18712>

<sup>2</sup> 42 U.S.C. §§ 12101(b)(1)

<sup>3</sup> Bush, *supra* note 1.

obstacles and barriers remain to full engagement in civic and social life, particularly due to inequalities that still exist in public accessibility and transportation.<sup>4</sup>

The ADA provides that Title II entities, including local governments such as New York City, may not exclude qualified individuals<sup>5</sup> with a disability, by reason of such disability, from participation in, or deny them the benefits of, the services, programs, or activities of the public entity.<sup>6</sup> Courts have also held that Title II also prohibits actions that have the effect of discriminating against individuals with disabilities through “inaction, thoughtlessness, or equal treatment when particular accommodations are necessary.”<sup>7</sup> Title II’s coverage is broad, and includes all governmental activities of a public entity, including those carried out by contractors.<sup>8</sup>

To ensure full compliance with the ADA, the statute requires that a public entity<sup>9</sup> employing 50 or more persons designate at least one employee to coordinate its compliance efforts and carry out responsibilities under Title II’s implementing regulations.<sup>10</sup> These responsibilities include the investigation of any complaint made to the entity alleging noncompliance with the regulations, or an action that would be prohibited by them.<sup>11</sup> The name, office address, and telephone number of the designated employee must be made publicly available.<sup>12</sup> Furthermore, covered entities are required to adopt and publish grievance procedures for the “prompt and equitable” resolution of complaints alleging prohibited actions under Title II.<sup>13</sup>

## Discussion

### *Proposed Int. No. 881-A and Proposed Int. No. 883-A*

Int. No. 881 was introduced on August 13, 2015 by Council Members Helen Rosenthal and Richie Torres, and Int. No. 883 was introduced on the same day by Council Members Rosenthal and Torres. The Committee first heard the bills at its hearing on October 22, 2015. At this hearing, the Committee heard testimony from MOPD, as well as a number of advocates and service providers.

Following this hearing, both bills were amended. Int. No. 881 was amended to change the title of the applicable employee(s) from “ADA Coordinator” to “Disability Service Facilitator” (“Facilitator”) and to require the head of each agency to consult with MOPD in designating a Facilitator for their agency. The legislation was further clarified to expand the Facilitator’s responsibilities to comply with and carry out an agency’s responsibilities under other federal, state, and local laws and regulations concerning persons with disabilities (in addition to the ADA), as well as to require that the Facilitator be knowledgeable about the ADA and other laws and regulations concerning persons with disabilities. The amended legislation also permits the Facilitator’s functions to be performed by the employee(s) designated by an agency as the agency’s ADA Coordinator pursuant to federal law. Additionally, the amended bill permits those agencies with fifty or fewer employees to consult with MOPD and designate a city employee to serve as the Facilitator for more than one of these smaller agencies. Int. No. 881 was further amended to enumerate the specific functions of the Facilitator position, as well as to require the head of each agency to, at the request of MOPD, make their Facilitator available to confer with, and receive periodic training from, MOPD.

<sup>4</sup> Sarah Parker Harris, Randall Owen and Cindy De Ruiter, *Civic Engagement and People with Disabilities: The Role of Advocacy and Technology*, Journal of Community Engagement & Scholarship. Spring 2012, Vol. 5 Issue 1, p70-83, available at <http://jces.ua.edu/civic-engagement-and-people-with-disabilities-the-role-of-advocacy-and-technology/>

<sup>5</sup> The ADA defines a “qualified individual” as “individual with a disability who, with or without reasonable modifications to rules, policies, and practices, or removal of barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or for participation.” 42 U.S.C. § 12131(2).

<sup>6</sup> 42 U.S.C.A. § 12132; 28 C.F.R. §§ 35.101, 35.130(a).

<sup>7</sup> *Matthews v. Jefferson*, 29 F. Supp. 2d 525 (W.D. Ark. 1998).

<sup>8</sup> 28 C.F.R. § Pt. 35, App. B

<sup>9</sup> The term “public entity” applies not only to a state or local government, but to “any department, agency, special purpose district, or other instrumentality of a state or local government.” 42 U.S.C.A. § 12131(1)(B); 28 C.F.R. § 35.104. Thus, any City agency or office employing 50 or more persons would be subject to this requirement.

<sup>10</sup> 28 C.F.R. § 35.107

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> 28 C.F.R. § 35.107(b).

Int. No. 883 was amended to change the applicability of the legislation from those events open to the public hosted by city agencies with a capacity of 25 persons or more, to all such events regardless of capacity. The legislation was clarified that Community Boards and Community District Education Councils may comply with the legislation if practicable. Additionally, Int. No. 883 was amended to require agencies to encourage their contracted entities to comply with the requirements of the legislation for events hosted by those entities. The legislation was further amended to require all materials to include information about specific available accessibility accommodations, to the extent practicable for the selected form of media. The amended legislation clarifies that: the availability of wheelchair accessibility should be designated by the relevant symbol used by New York State; the availability of communication access real-time translation should be designated by the letters “C-A-R-T”; the availability of sign language interpretation should be designated by the applicable international symbol (or successor symbol); the availability of assistive listening symbols should be designated by the international symbol (or successor symbol) of access for hearing loss; and that the availability of other accommodations should be indicated by the relevant international symbol, if applicable.

The legislation was amended to require MOPD to develop and make available on its website and to each agency (as well as members of the public, upon request) a guide to assist agencies in notifying the public about the availability of, and how to respond to requests for, reasonable accommodations. The guide was also required to contain a comprehensive list of common disability access symbols and to be periodically updated as appropriate. Finally, the legislation was amended to require MOPD (rather than the Department of Health and Mental Hygiene) to take actions necessary for the law’s implementation.

In addition to the foregoing substantive amendments, minor technical amendments were made to both bills.

### **Analysis**

#### **Proposed Int. No. 881-A, A Local Law to amend the administrative code of the city of New York, in relation to the designation of disability service facilitators.**

Section 1 of Proposed Int. No. 881-A amends the Administrative Code (the Code) to add a new Chapter 10 to Title 23. New section 23-1001 of the Code defines the ADA as the “Americans with Disabilities Act, title 42 of the United States code section 12101, et seq.” and the “ADA Coordinator” as “the employee designated by an agency pursuant to Section 35.107 of Title 28 of the Code of Federal Regulations.”

Subdivision a of new section 23-1002 of the Code requires each agency, in consultation with the Mayor’s Office for People with Disabilities (MOPD), to designate an employee as the agency’s Disability Service Facilitator (“Facilitator”). The Facilitator would coordinate the agency’s efforts to comply with and carry out its responsibilities under the ADA and other federal, state, and local laws and regulations concerning accessibility for persons with disabilities. The Facilitator must be knowledgeable about the ADA and other federal, state, and local laws and regulations concerning persons with disabilities. Section 23-1002 permits the functions of the Facilitator, at the discretion of each agency, to be performed by the employee or employees designated by the agency as the agency’s ADA Coordinator. Furthermore, agencies with fifty or fewer employees are permitted to designate an employee of the city, in consultation with MOPD, to serve as the Facilitator for one or more of these agencies.

Subdivision b of new section 23-1002 defines the functions of the agency Facilitator. These include, but are not limited to, the following: to serve as the primary contact within that respective agency for persons with disabilities requesting auxiliary services; to coordinate auxiliary services for persons with disabilities; to respond to inquiries from members of the public concerning accessibility; to develop agency policies and procedures to ensure full programmatic and communication accessibility for persons with disabilities; to conduct periodic training, as may be required by the head of the agency, for agency staff on disability access issues; to provide accessible notices to members of the public advising them of their rights under the ADA, the New York State Human Rights Law, the New York City Human Rights Law, and regulations promulgated by the agency related to persons with disabilities, as well as the agency’s ADA grievance procedure; to assist in the investigation of any complaint communicated to the agency alleging the agency’s non-compliance with the ADA and/or other applicable federal, state, and local laws relating to people with disabilities, or alleging any actions that would be prohibited by these laws; to document and maintain records of complaints made pursuant to the ADA and other applicable federal, state, and local laws relating to people with disabilities, and to

forward these complaints to MOPD; to analyze and make recommendations to the head of the agency and to MOPD to resolve physical and programmatic access issues; and to perform any other functions that the head of each agency may assign.

Subdivision c requires the head of each agency, at the request of MOPD, to make the agency's Facilitator available to confer with, and to receive periodic training from, MOPD.

Subdivision d requires each agency to post the name, office address, electronic mail address, and telephone number of the employee or employees designated as the Facilitator on its website. MOPD is further required to post on its website the names of all persons designated by agencies to serve as Facilitators.

Section 2 of Proposed Int. No. 881-A provides that this local law takes effect 90 days after it becomes law.

**Proposed Int. No. 883-A, A Local Law to amend the administrative code of the city of New York, in relation to requiring advertising and other materials pertaining to public events to include information regarding accessibility for people with disabilities**

Section 1 of Proposed Int. No. 883-A amends chapter 10 of title 23 of the Administrative Code to add a new section 23-1003. Subdivision a of section 23-1003 defines "events open to the public" as any event hosted by city agency to which members of the general public are invited (whether for a fee or complimentary). However, Community Boards and Community District Education Councils may comply with the provisions of such section 23-1003 only if practicable.

Subdivision b of section 23-1003 requires agencies to encourage contracted entities to comply with the requirements of subdivisions c and d of this section for events hosted by those entities.

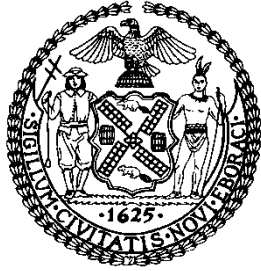
Subdivision c of section 23-1003 of the Code requires that all advertisements, posters, invitations, and other publicity materials (in print or electronically) for events open to the public contain information on who to contact for information regarding accessibility for people with disabilities at the event and a deadline for when requests for accommodations for people with disabilities must be received by the organizer of the event.

Subdivision d of section 23-1003 requires that all materials described in subdivision c (all advertisements, posters, invitations, and other publicity materials, in print or electronically), to the extent practicable for the selected form of media, include information about the availability of, at the venue or venues for the event: wheelchair accessibility (designated by the symbol provided for in Section 101 of the New York State Executive Law); Communication Access Real-Time Translation (designated by the letters "C-A-R-T"); sign language interpretation for persons who are deaf or hard of hearing (designated by the international symbol-or successor symbol-to indicate the availability of sign language interpretation); any other technology or service for persons who are deaf or hard of hearing; assistive listening systems for people with hearing loss (designated by the international symbol of access for hearing loss, or a successor symbol), and when available, the specific kind of system (including, but not limited to, induction loop assistive listening systems); and any other accommodations for people with disabilities that will be available (indicated by the relevant international symbol, if applicable).

Subdivision e requires MOPD to develop, make available on its website, and distribute to each agency (and to members of the public, upon request), a guide to assist agencies in notifying the public about the availability of, and responding to requests for, those reasonable accommodations described in subdivision d. Subdivision e further requires the guide to contain a comprehensive list of common disability access symbols, and to be periodically updated as appropriate.

Bill section 2 establishes that the local law takes effect 120 days after enactment, and requires the Mayor's Office for People with Disability to take those actions necessary for its implementation (including the promulgation of rules) prior to the effective date.

**(The following is the text of the Fiscal Impact Statement for Int No. 881-A:)**



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

**PROPOSED INTRO. NO: 881-A**

**COMMITTEE: Committee on Mental Health,  
Developmental Disability,  
Alcoholism, Substance Abuse and  
Disability Services**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to the designation of disability service facilitators at city agencies.

**SPONSOR(S):** Council Members Rosenthal, Torres, Cohen, Eugene, Koo, Lancman, Koslowitz, Cabrera, Chin, Van Bramer, Crowley, Levin, Reynoso, Palma, Deutsch, Dromm, Menchaca and Ulrich

**SUMMARY OF LEGISLATION:** The proposed legislation would require every New York City agency to designate an employee to serve as its disability service facilitator and coordinate the agency’s efforts related to the Americans with Disabilities Act (“ADA”). The responsibilities of the facilitator would include, but not be limited to, addressing the concerns of employees and the public pertaining to the agency and the ADA, as coordinating auxiliary services, conducting periodic training, investigating and documenting complaints, and developing agency policies and procedures to ensure accessibility for persons with disabilities.

**EFFECTIVE DATE:** This legislation would take effect 90 days after it became law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY 17</b>	<b>Full Fiscal Impact FY 17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures as a result of this legislation because mayoral and non-mayoral agencies would identify members of existing staff to serve as the disability service facilitators. The bill does not stipulate the hiring of any new employees.

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

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

**ESTIMATE PREPARED BY:** Jeanette Merrill, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Crielhien R. Francisco, Unit Head, NYC Council Finance Division  
Rebecca Chasan, Assistant Counsel, NYC Council Finance Division  
Tanisha Edwards, Chief Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on August 13, 2015 as Intro. 881 and was referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services. The Committee held a hearing on October 22, 2015 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 881-A, will be considered by the Committee on February 22, 2016. Upon successful vote by the Committee, Proposed Intro. No. 881-A will be submitted to the full Council for a vote on February 24, 2016.

**DATE PREPARED:** February 19, 2016

**(For text of Int No. 883-A and its Fiscal Impact Statement, please see the Report of the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services for Int No. 883-A printed in these Minutes)**

*Accordingly, this Committee recommends the adoption of Int Nos. 881-A and 883-A:*

**(The following is the text of Int No. 881-A:)**

Int. No. 881-A

By Council Members Rosenthal, Torres, Cohen, Eugene, Koo, Lancman, Koslowitz, Cabrera, Chin, Van Bramer, Crowley, Levin, Reynoso, Palma, Deutsch, Dromm, Menchaca, Vallone, Kallos and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the designation of disability service facilitators at city agencies.**

*Be it enacted by the Council as follows:*

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 10 to read as follows:

*Chapter 10*

*NONDISCRIMINATORY ACCESS TO SERVICES*

*§ 23-1001 Definitions. For the purposes of this chapter:*

*ADA. "ADA" means the Americans with Disabilities Act, title 42 of the United States code section 12101 et seq.*

*ADA coordinator. "ADA coordinator" means the employee designated by an agency pursuant to section 35.107 of title 28 of the code of federal regulations.*

*§ 23-1002 Disability service facilitator. a. The head of each agency, in consultation with the mayor's office for people with disabilities, shall designate an employee as such agency's disability service facilitator, to coordinate its efforts to comply with and carry out its responsibilities under the ADA and other federal, state, and local laws and regulations concerning accessibility for persons with disabilities. Such facilitator shall be knowledgeable about the ADA, and other federal, state, and local laws and regulations concerning persons with disabilities. The functions of such facilitator, at the discretion of each agency, may be performed by the employee or employees designated by such agency to be that agency's ADA coordinator. Agencies with fifty or fewer employees may, in consultation with the mayor's office for people with disabilities, designate an employee of the city to serve as the disability service facilitator for more than one of such agencies.*

*b. The functions of the disability service facilitator shall include, but not be limited to:*



1. *Serve as the primary contact within that respective agency for persons with disabilities requesting auxiliary services;*
  2. *Coordinate auxiliary services for persons with disabilities;*
  3. *Respond to inquiries from members of the public concerning accessibility;*
  4. *Develop agency policies and procedures to ensure full programmatic and communication accessibility for persons with disabilities;*
  5. *Conduct periodic training for agency staff on disability access issues, as may be required by the head of such agency;*
  6. *Provide accessible notices to members of the public advising them of their rights under the ADA, the New York state human rights law, the New York city human rights law, and regulations promulgated by such agency related to persons with disabilities, as well as the agency's ADA grievance procedure;*
  7. *Assist in the investigation of any complaint communicated to such respective agency alleging its noncompliance with the ADA and/or other applicable federal, state, and local laws relating to people with disabilities, or alleging any actions that would be prohibited by such laws;*
  8. *Document and maintain records of complaints made pursuant to the ADA and other applicable federal, state, and local laws relating to people with disabilities, and forward such complaints to the mayor's office for people with disabilities;*
  9. *Analyze and make recommendations to the head of each such agency and to the mayor's office for people with disabilities to resolve physical and programmatic access issues; and*
  10. *Perform any other functions as may be assigned by the head of each agency.*
- c. At the request of the mayor's office for people with disabilities, the head of each agency shall make such agency's disability service facilitator available to confer with, and receive periodic training from, the mayor's office for people with disabilities.*
- d. Each agency shall post the name, office address, electronic mail address, and telephone number of the employee or employees designated as the disability service facilitator on their website. The mayor's office for people with disabilities shall post on its website the names of persons designated to act as the disability service facilitator within each agency.*
- § 2. This local law takes effect 90 days after it becomes law.

ANDREW COHEN, *Chairperson*; ELIZABETH S. CROWLEY, COREY D. JOHNSON, PAUL A. VALLONE, BARRY S. GRODENCHIK; Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, February 22, 2016. *Other Council Members Attending: Rosenthal.*

On motion of the Speaker (Council Member Mark-Viverito), 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. 883-A

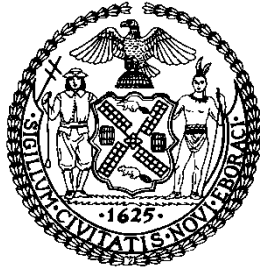
**Report of the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services in favor of adopting and approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring advertising and other materials pertaining to public events to include information regarding accessibility for people with disabilities.**

The Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, to which the annexed amended proposed local law was referred on August 13, 2015 (Minutes, page 3182), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services for Int No. 883-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int No. 883-A:*



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

**PROPOSED INTRO. NO: 883-A**

**COMMITTEE: Committee on Mental Health,  
Developmental Disability,  
Alcoholism, Substance Abuse and  
Disability Services**

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to requiring advertising and other materials pertaining to public events to include information regarding accessibility for people with disabilities.

**SPONSOR(S):** Council Members Rosenthal, Torres, Cohen, Mendez, Eugene, Koo, Rose, Wills, Koslowitz, Cabrera, Chin, Van Bramer, Crowley, Levin, Reynoso, Palma, Deutsch, Dromm and Menchaca

**SUMMARY OF LEGISLATION:** The proposed legislation would require all advertisements, posters, invitations, and other publicity materials for events hosted by City agencies that are open to the public to contain information regarding accessibility for people with disabilities. The materials would include, to the extent practicable, information regarding wheelchair accessibility and availability of communication access real-time translation and assistive listening systems for people with hearing loss. Agencies would also be required to encourage contracted entities to comply with the requirements of the legislation for events that those entities host.

In addition, the Mayor’s Office for People with Disabilities would be required to develop, distribute, and post on its website a guide to assist agencies in notifying the public about the availability of, and responding to requests for, reasonable accommodations at public events.

**EFFECTIVE DATE:** This legislation would take effect 120 days after becoming law, except that the Mayor’s Office for People with Disabilities would take actions necessary for its implementation, including the promulgation of rules, prior to such date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2017

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY 16</b>	<b>FY Succeeding Effective FY 17</b>	<b>Full Fiscal Impact FY 17</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that there would be no impact on revenues as a result of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be minimal to no impact on expenditures as a result of this legislation. The legislation does not require that any additional advertising or materials be produced, rather it only regulates the content of materials produced. In addition, existing staff at the Mayor's Office for People with Disabilities would develop the informational guide and make it available online. The Office would share it electronically with agencies and, upon request, print and mail to members of the public at nominal operating cost.

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

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

**ESTIMATE PREPARED BY:** Jeanette Merrill, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Cirilhen R. Francisco, Unit Head, NYC Council Finance Division  
Rebecca Chasan, Assistant Counsel, NYC Council Finance Division  
Tanisha Edwards, Chief Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on August 13, 2015 as Intro. 883 and was referred to the Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services. The Committee held a hearing on October 22, 2015 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 883-A, will be considered by the Committee on February 22, 2016. Upon successful vote by the Committee, Proposed Intro. No. 883-A will be submitted to the full Council for a vote on February 24, 2016.

**DATE PREPARED:** February 19, 2016

*Accordingly, this Committee recommends its adoption, as amended.*

Int. No. 883-A

By Council Members Rosenthal, Torres, Cohen, Mendez, Eugene, Koo, Rose, Wills, Koslowitz, Cabrera, Chin, Van Bramer, Crowley, Levin, Reynoso, Palma, Deutsch, Dromm, Menchaca, Treyger and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring advertising and other materials pertaining to public events to include information regarding accessibility for people with disabilities.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 10 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-1003 to read as follows:

§ 23-1003 *Notification of accessibility for events open to the public.* a. *For the purposes of this section, "events open to the public" shall mean any event to which members of the general public are invited, whether for a fee or complimentary, hosted by a city agency, except that community boards and community district education councils may comply with the provisions of this section if practicable.*

b. *Agencies shall encourage contracted entities to comply with the requirements of subdivisions c and d of this section for events hosted by such entities.*

c. All advertisements, posters, invitations, and other publicity materials for events open to the public, whether in print or via electronic means, shall contain information regarding who to contact for information regarding accessibility for people with disabilities at the event and a deadline for when requests for accommodations for people with disabilities must be received by the organizer of the event.

d. All materials described in subdivision c of this section, to the extent practicable for the selected form of media, shall include information regarding the availability of:

1. wheelchair accessibility at the venue or venues for the event, which shall be designated by the symbol provided for in section one hundred one of the executive law, or successor symbol;

2. communication access real-time translation, which shall be designated by the letters "C-A-R-T"; sign language interpretation at the event for persons who are deaf or hard of hearing, which shall be designated by the international symbol or successor symbol to indicate the availability of sign language interpretation; or any other technology or service for persons who are deaf or hard of hearing, at the venue or venues for the event;

3. assistive listening systems for people with hearing loss at the venue or venues for the event, which shall be designated by the international symbol of access for hearing loss or successor symbol, and when available, the specific kind of system, including, but not limited to, induction loop assistive listening systems; and

4. any other accommodations for people with disabilities that will be available at the venue or venues for the event, which shall be indicated by the relevant international symbol if applicable.

e. The mayor's office for people with disabilities shall develop, make available on its website, and distribute to each agency, and members of the public upon request, a guide to assist agencies in notifying the public about the availability of, and responding to requests for, reasonable accommodations described in subdivision d of this section. The guide shall contain a comprehensive list of common disability access symbols, and shall be periodically updated as appropriate.

§ 2. This local law shall take effect 120 days after it becomes law, except that the mayor's office for people with disabilities shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such date.

ANDREW COHEN, *Chairperson*; ELIZABETH S. CROWLEY, COREY D. JOHNSON, PAUL A. VALLONE, BARRY S. GRODENCHIK; Committee on Mental Health, Developmental Disability, Alcoholism, Substance Abuse and Disability Services, February 22, 2016. *Other Council Members Attending: Rosenthal.*

On motion of the Speaker (Council Member Mark-Viverito), 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 Technology**

Report for Int No. 673-A

**Report of the Committee on Technology 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 access to translation of city websites.**

The Committee on Technology, to which the annexed amended proposed local law was referred on February 12, 2015 (Minutes, page 494), respectfully

**REPORTS:**

## **Introduction**

On February 23, 2016, the Committee on Technology, chaired by James Vacca, will hold a hearing and vote on Proposed Introduction 673-A, in relation to access to translation of city websites, and Proposed Introduction 683-A, in relation to a protocol relating to the accessibility of city government websites for persons with disabilities.

## **Language Access and the Translation of City Websites**

According to 2013 Census data, almost a quarter of New York City residents identify as being able to speak English “less than very well.” Local Law 73 of 2003 and Executive Order 120 of 2008, both require city government agencies to provide communication assistance services to these limited-English-proficient (LEP) residents. Similarly, Governor Cuomo signed an executive order implementing statewide language access policies for state agencies servicing LEP residents. To respond to the needs of the city’s significant non-English speaking populations, city agencies have committed to various Language Access Plans.

The Department of Information Technology and Telecommunications (DoITT) is among these agencies. DoITT’s 2009 Language Access Plan (2009 Plan) includes an online language policy that consists of several measures to facilitate the translation of written materials produced by other city agencies. Increasing language access has seemingly been adopted as a general policy of both the city and state, and, as a gateway for New York residents to the city’s agencies, agency websites should thus be more accessible to non-English and limited-English-proficient speakers.

A majority of city websites offer translation options. Yet, its implementation is not uniform. Of the 91 city agencies and offices with active websites, that were surveyed by committee staff in 2015, over 25% of them did not have translation options—such as a “Translate this page” button or link—on the main page of their website. These included websites for CUNY, the NYPD, and the Fire Department, although some of them have since added such a feature. New Yorkers who are limited-English-proficiency might thus have less access to information about the important services offered by each. This can be contrasted with other major cities, such as Chicago, Los Angeles, and San Francisco, all of which provide translation options for their police department websites. Chicago also provides translation options for its fire department website.

Even when agency websites do provide a link to translate their webpages, there is a lack of language access uniformity. A handful of websites, such as those of the Department of Parks and Recreation and the City Clerk’s office, only have an option to translate their webpages to Spanish. Further, almost all city agency websites only provide a translate link in English, and thus non-English speakers may not be aware that the websites have translation options. There is, however, one exception that was found. Dynamic rotation is currently used on the website for the Queens Public Library, displaying the translation link in six languages, in addition to English.

DoITT’s 2009 Language Access Plan includes a measure to provide technical assistance to city agencies seeking to include automated translation tools on their websites. However, the 2009 Plan does not indicate that there is a uniform standard for implementing automated translation tools on agency sites. Due to this lack of uniformity in implementation, unless site visitors use a third-party application to translate the site to their respective languages, many LEP persons currently have limited access to agency information on the internet.

## **Accessibility Technologies for Websites**

Web accessibility is the concept that persons with disabilities, or persons with changing abilities due to aging, should still be able to perceive, understand, navigate and interact with websites. Web access can be impaired by many disabilities that would make the experiencing of output difficult, such as visual and auditory impairments, as well those that would make the manipulation of input devices difficult, such as physical or neurological impairments. Different people, therefore, have different experiences with the web, and website design choices can facilitate accessibility or erect accessibility barriers.

Often persons with disabilities may use assistive technologies, consisting of both hardware and software, to facilitate web use. Such technologies can include screen reader software (in which text is read as synthesized speech), braille terminals (in which text is rendered as braille characters in a physical output device), screen magnification software (for easier viewing), speech recognition software (an alternative input where commands are spoken into the computer) and keyboard overlays (to compensate for motor control difficulties).<sup>1</sup> Yet, many of these systems rely on properly designed websites in order for useful interaction to occur.

The Disability Rights Section of the United States Department of Justice has posted information since at least 2003 regarding the need for accessibility of state and local government websites to people with disabilities, so as to be compliant with the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973, for government entities receiving Federal funding.<sup>2</sup> There is a general requirement that state and local governments provide individuals with disabilities equal access to programs and services. Although this legal obligation could possibly be met through alternative means, such as a staffed telephone line like 311, websites can provide a range of options and information and it would be difficult to provide the same degree of access through other means.<sup>3</sup>

Further, the Department of Justice is currently considering proposed revisions to regulations for the ADA, so as to require that all websites of public accommodation, such as municipal agency websites, follow specific federal accessibility technical standards.<sup>4</sup> And an additional proposed revision of regulations, this time to Section 508 of the Rehabilitation Act of 1973, would update those technical standards.<sup>5</sup> This latter rule would, among other requirements, incorporate by reference the voluntary consensus standard Web Content Accessibility Guidelines (WCAG) 2.0 (using level A and AA success criteria<sup>6</sup>), in comparison to the existing rules which are a modified version of WCAG 1.0.<sup>7</sup> Several other nations, including Australia, New Zealand and Canada have already directly referenced WCAG 2.0, while others, like Germany, France and Japan, have used it as the basis for their own accessibility standards.<sup>8</sup> Neither proposed revision to federal regulations has yet gone into effect, with the latter in a comment period and the former so far only consisting of an advanced notice of proposed rulemaking.

New York City agency websites surveyed by committee staff in 2015 contained identifiable accessibility features, including an ability to modify text size, the use of metadata tags to provide textual descriptions of pictures for reader software used by persons who are visually impaired, closed captioning for pre-recorded videos and externally referenced stylesheets.<sup>9</sup> The application of such features, however, was not uniform. For instance, the website for the Mayor's Office for People with Disabilities (MOPD) has a clearly visible link in the top left allowing users to switch to an 'Accessible Text Version' of the website, but no other city agency website surveyed was found to have a similar link. Further, while most surveyed city agency websites used "alt" tags in their metadata to provide a textual description of pictures, for some reason the Department of

<sup>1</sup> 'Assistive technologies used for web browsing,'

[http://en.wikipedia.org/wiki/Web\\_accessibility#Assistive\\_technologies\\_used\\_for\\_web\\_browsing](http://en.wikipedia.org/wiki/Web_accessibility#Assistive_technologies_used_for_web_browsing)

<sup>2</sup> 'Accessibility of State and Local Government Websites to People with Disabilities,' ADA.gov, found at:

<http://www.ada.gov/websites2.htm>

<sup>3</sup> 'Website Accessibility Under Title II of the ADA,' ADA.gov, p. 2, found at: [http://www.ada.gov/pcatoolkit/ch5\\_toolkit.pdf](http://www.ada.gov/pcatoolkit/ch5_toolkit.pdf)

<sup>4</sup> 'Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of Public Accommodations,' Federal Register, <https://www.federalregister.gov/regulations/1190-AA61/nondiscrimination-on-the-basis-of-disability-accessibility-of-web-information-and-services-of-public>

Technical Standards can be found at 36 CFR 1194.22

<sup>5</sup> 'Information and Communication Technology (ICT) Standards and Guidelines,' Federal Register

<https://www.federalregister.gov/articles/2015/02/27/2015-03467/information-and-communication-technology-ict-standards-and-guidelines>

<sup>6</sup> See WCAG 2.0 for specifics on this standard: <http://www.w3.org/TR/WCAG20/>

<sup>7</sup> 'Information and Communication Technology (ICT) Standards and Guidelines,' Federal Register

<https://www.federalregister.gov/articles/2015/02/27/2015-03467/information-and-communication-technology-ict-standards-and-guidelines>

<sup>8</sup> Id.

<sup>9</sup> Several city agency websites were also run through three automated accessibility checkers '508 Compliance Scan' for compliance with current federal standards (<http://www.508checker.com>), A-Tester, for compliance with WCAG 2.0 (<http://www.evaluera.co.uk/atester>) and for ATRC Web Accessibility Checker for compliance with WCAG 2.0 Level AA (<http://achecker.ca/checker/index.php>). All three raised multiple instances where the websites deviated from best technical practices, but not all of those deviations would necessarily impact general accessibility.

Transportation’s website did not do this, instead opting for “title” tags to describe the pictures. The ‘title’ tags, despite also being a textual description, are meant to serve a different purpose and therefore might not be treated the same by assistive technology software, making them potentially unable to fulfill the same accessibility function as an ‘alt’ tag, nor perhaps satisfy WCAG 1.0 standards.<sup>10</sup> And, as another example, a “text size” adjustment button was found in the upper right corner of some websites (Department of Sanitation and MOPD) but not others (Department of Buildings and Department of Transportation). While most modern browsers should be able to dynamically adjust text size without the website’s assistance, the cumulative effect of all of these observed differences in implementation by each agency website could suggest a lack of uniform accessibility practices across agencies.

### **Summary of Proposed Int. No. 673-A**

Proposed Int. No. 673-A amends the Administrative Code to require every website maintained by or on behalf of the city, or a city agency, to include a translation feature for viewing the text of that website in languages other than English. Additionally, the translation feature must be indicated in a means other than or in addition to English which is comprehensible to speakers of the seven most commonly spoken languages within the city as determined by the Department of City Planning, which may include a rotating language sequence.

### **Changes to Proposed Int. No. 673-A**

In addition to technical amendments, Proposed Int. No. 673-A has been amended in the following manner:

- The bill now requires the translation feature to be indicated by a means, other than or in addition to English, which is comprehensible to speakers of the seven most commonly spoken languages, but does not require such indication to be directly on the feature itself.

### **Summary of Proposed Int. No. 683-A**

Proposed Int. No. 683-A first amends the Administrative Code to require that all websites owned by, or maintained on behalf of, New York City or its agencies be designed to meet either the technical standards for accessibility for persons with disabilities as are used for federal websites or the Worldwide Web Consortium’s Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standard. Modifications to the adopted standard, in specific instances, would be permitted after consultation with experts and a public hearing.

Second, the bill requires a biennial report, beginning July 1, 2017, on the compliance of such websites with the standard adopted pursuant to the bill.

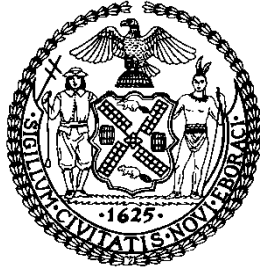
### **Changes to Proposed Int. No. 683-A**

In addition to technical amendments, Proposed Int. No. 683-A has been amended in the following manner:

- The bill now permits a choice between adopting the accessibility standard codified for federal websites and the WCAG 2.0 Level AA standard, or their successor standards, as the base standard for the city.
- The bill now permits modification of that base standard in specific instances, after consultation with experts in website design and reasonable accommodations for people with disabilities, the holding of a public hearing and the documentation of such modifications.
- The bill now requires biennial reports, beginning in 2017, on the compliance of websites with the adopted standard.
- The bill will now take effect 180 days after enactment.

**(The following is the text the Fiscal Impact Statement for Int No. 673-A:)**

<sup>10</sup> ‘Web-based Intranet and Internet Information and Applications (1194.22),’ [United States Access Board, http://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-section-508-standards/guide-to-the-section-508-standards/web-based-intranet-and-internet-information-and-applications-1194-22](http://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-section-508-standards/guide-to-the-section-508-standards/web-based-intranet-and-internet-information-and-applications-1194-22) and ‘Web Accessibility Gone Wild: Title Attribute’ <http://webaim.org/articles/gonewild/#title>



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.: 673-A**

**COMMITTEE: Technology**

**TITLE:** A Local Law to amend the administrative code in the City of New York, in relation to access to translation of city websites.

**Sponsor:** By Council Members Williams, Chin, Eugene, Rose, Dromm, Levine, Cumbo, Constantinides, Gibson, Dickens, Barron, Kallos, Johnson, Richards, King, Reynoso, Cornegy, Rosenthal, Maisel, Deutsch, Miller, Treyger, Espinal, Menchaca and Greenfield

**SUMMARY OF LEGISLATION:** Proposed Intro. 673-A would require that all City websites include a feature to translate the text of that website into languages other than English, whenever it is practicable for such a feature to be included. Further, the text of that translation feature would be displayed in several of the most commonly spoken languages.

**EFFECTIVE DATE:** This local law would take effect 90 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FY2017

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY16</b>	<b>FY Succeeding Effective FY17</b>	<b>Full Fiscal Impact FY17</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

**IMPACT ON EXPENDITURES:** Implementing this legislation would require the Department of Information Technology and Telecommunications (DoITT) to assign staff to compile research, assess which City websites should have a language translation feature, and carry out one-time programming and ongoing maintenance. It is anticipated that DoITT would utilize existing staff and resources to implement this legislation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Office of Management and Budget  
Department of Information Technology & Telecommunications

**ESTIMATE PREPARED BY:** Kenneth Grace Legislative Financial Analyst, New York City Council Finance Division



**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, New York City Council Finance Division  
 Rebecca Chasan, Assistant Counsel, New York City Council Finance Division  
 Tanisha Edwards, Chief Counsel, New York City Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced as Intro. No. 673 by the Council on February 12, 2015 and referred to the Committee on Technology. A hearing was held by the Committee on April 20, 2015 and the legislation was laid over. Intro. 673 was subsequently amended, and the amended version, Proposed Intro. No. 673-A will be considered by the Committee on Technology on February 22, 2016. Upon a successful vote by the Committee, Proposed Intro. 673-A will be submitted to the full Council for a vote on February 24, 2016.

**DATE PREPARED:** February 1, 2016

**(For text of Int No. 683-A and its Fiscal Impact Statement, please see the Report of the Committee on Technology for Int No. 683-A printed in these Minutes)**

*Accordingly, this Committee recommends the adoption of Int Nos. 673-A and 683-A.*

**(The following is the text of Int No. 673-A:)**

Int. No. 673-A

By Council Members Williams, Chin, Eugene, Rose, Dromm, Levine, Cumbo, Constantinides, Gibson, Dickens, Barron, Kallos, Johnson, Richards, King, Reynoso, Cornegy, Rosenthal, Maisel, Deutsch, Miller, Treyger, Espinal, Menchaca, Greenfield, Vallone, Cohen, Van Bramer and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to access to translation of city websites.**

*Be it enacted by the Council as follows:*

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 8 to read as follows:

**CHAPTER 8**  
**CITY WEBSITES**

*§ 23-801 Access to translation. Every website maintained by or on behalf of the city or a city agency shall include a translation feature for viewing the text of that website, wherever practicable, in languages other than English. Such translation feature shall be indicated by a means, other than or in addition to English, that is comprehensible to speakers of the seven most commonly spoken languages within the city as determined by the department of city planning, which may include a rotating language sequence.*

§ 2. This local law takes effect 90 days after it becomes law.

JAMES VACCA, *Chairperson*; DAVID G. GREENFIELD, BARRY S. GRODENCHIK, JOSEPH C. BORELLI; Committee on Technology, February 23, 2016. *Other Council Members Attending: Williams.*

On motion of the Speaker (Council Member Mark-Viverito), 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. 683-A

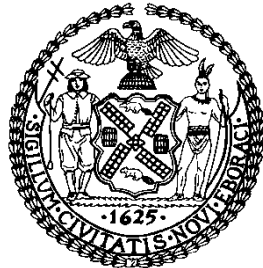
**Report of the Committee on Technology in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a protocol relating to the accessibility of city government websites for persons with disabilities.**

The Committee on Technology, to which the annexed amended proposed local law was referred on February 26, 2015 (Minutes, page 622), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Technology for Int No.673-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int 683-A:*



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO.: 683-A  
COMMITTEE: Technology**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to a protocol relating to the accessibility of city government websites for persons with disabilities

**Sponsor:** By Council Members Garodnick, Vacca, Chin, Constantinides, Eugene, Gibson, Koo, Rose, Vallone, Koslowitz, Cohen, Rosenthal and Menchaca

**SUMMARY OF LEGISLATION:** This legislation would require the Mayor, or his or her designee, to adopt a protocol for City websites relating to website accessibility for persons with disabilities. In addition, the legislation would require the Mayor, or his or her designee, to submit a report to the Council every two years that documents compliance with the adopted protocol, with the first report to be issued no later than July 1, 2017.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FY2018

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY17</b>	<b>FY Succeeding Effective FY18</b>	<b>Full Fiscal Impact FY18</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

**IMPACT ON EXPENDITURES:** Implementing this legislation would require DoITT to assign staff to compile research, assess each City website, and develop a protocol relating to website accessibility for persons with disabilities. This legislation would also require DoITT to assign staff to collect information on compliance and biennially prepare a report to the New York City Council. It is anticipated that DoITT would utilize existing staff and resources to implement and comply with this legislation.

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

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

**ESTIMATE PREPARED BY:** Kenneth Grace Legislative Financial Analyst, New York City Council Finance Division

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, New York City Council Finance Division  
Rebecca Chasan, Assistant Counsel, New York City Council Finance Division  
Tanisha Edwards, Chief Counsel, New York City Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced as Intro. No. 683 by the Council on February 26, 2015 and referred to the Committee on Technology. A hearing was held by the Committee on April 20, 2015 and the legislation was laid over. Intro. 683 was subsequently amended, and the amended version, Proposed Intro. No. 683-A will be considered by the Committee on Technology on February 22, 2016. Upon a successful vote by the Committee, Proposed Intro. 683-A will be submitted to the full Council for a vote on February 24, 2016.

**DATE PREPARED:** February 1, 2016

*Accordingly, this Committee recommends its adoption, as amended*

**(The following is the text of Int No. 683-A:)**

Int. No. 683-A

By Council Members Garodnick, Vacca, Chin, Constantinides, Eugene, Gibson, Koo, Rose, Vallone, Koslowitz, Cohen, Rosenthal, Menchaca, Treyger, Van Bramer, Kallos and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to a protocol relating to the accessibility of city government websites for persons with disabilities.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 23 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2016, in relation to access to translation of city websites, as proposed in introduction number 673-A, is amended by adding a new section 23-802 to read as follows:

§ 23-802 *Accessibility. a. The mayor or the mayor's designee shall adopt a protocol for websites maintained by or on behalf of the city or a city agency relating to website accessibility for persons with disabilities. Such protocol shall provide for agency websites to use either of the following standards: section 1194.22 of title 36 of the code of federal regulations or the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA, developed by the Worldwide Web Consortium, or any successor standards, provided that the adopted protocol may differ from these standards in specific instances when the mayor or mayor's designee determines, after consulting with experts in website design and reasonable accommodations for people with disabilities, and the holding of a public hearing, that such differences will provide effective communication for people with disabilities, and that such differences are documented in such protocol. Such protocol shall be made available online. This section does not require an agency to take any action that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.*

*b. No later than July 1, 2017, and every two years thereafter, the mayor or the mayor's designee shall submit to the council a written report that documents the compliance of websites maintained by or on behalf of the city or a city agency with the protocol adopted pursuant to subdivision a of this section.*

§ 2. This local law takes effect 180 days after it becomes law.

JAMES VACCA, *Chairperson*; DAVID G. GREENFIELD, BARRY S. GRODENCHIK, JOSEPH C BORELLI; Committee on Technology, February 23, 2016. *Other Council Members Attending: Williams.*

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

**GENERAL ORDER CALENDAR****Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

*Approved New Applicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Britney Ford	20 West Mosholu Parkway South #11F Bronx, N.Y. 10468	11
Nancy H. Edmondson	2440 Hunter Avenue #4E Bronx, N.Y. 10475	12
Catherine Ziegler	1115 Quincy Avenue Bronx, N.Y. 10465	13
Myriam Aliana Lambre	1896 Pulaski Street #3 Brooklyn, N.Y. 11206	36
Brandon Bennes	273 Lefferts Avenue Brooklyn, N.Y. 11225	40
Chris Chalfant	9747 Shore Road #C3 Brooklyn, N.Y. 11209	43
Daniel Smith	9406 Ridge Blvd Brooklyn, N.Y. 11209	43
Petimat Sultakhanova	1215 Avenue M #3C Brooklyn, N.Y. 11230	44
Miriam Gonzalez	2844 West 22nd Street Brooklyn, N.Y. 11224	47
Sally Marcano	68 Fahy Avenue Staten Island, N.Y. 10314	50

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Ana Payamps	618 West 142nd Street #3E New York, N.Y. 10031	7
Kenneth Corprew	50 West 131st Street #3C New York, N.Y. 10037	9
Carmen Cabreja	608 West 189th Street New York, N.Y. 10040	10
Arlene Hernandez	3512 Oxford Avenue #4C Bronx, N.Y. 10463	11
Linda A. Angueira	120 Asch Loop Bronx, N.Y. 10475	12
Yolanda S. Wilson	140 Casals Place #3C Bronx, N.Y. 10475	12
Rosemarie Mercado	2074 Wallace Avenue #303 Bronx, N.Y. 10462	13
Wayne Cunningham	800 Concourse Village West #24L Bronx, N.Y. 10451	16
Rena Broome	599 Morris Avenue #3G Bronx, N.Y. 10451	17
Sophia Osei-Sarfo	500 East 165th Street 41K Bronx, N.Y. 10456	17
Margaret Royal	23-37 38th Street Astoria, N.Y. 11105	22
Ann Gobioff	64-20 185th Street Fresh Meadows, N.Y. 11365	24
Maria M. Rivera Cruz	61-39 172nd Street Flushing, N.Y. 11365	24
Ameena M. Hanif	94-11 59th Avenue #C23 Elmhurst, N.Y. 11373	25
Ollie M. Bowens	119-05 234th Street Queens, N.Y. 11411	27
Debra Henderson	164-17 104th Road Jamaica, N.Y. 11433	27

Christina Jernigan	99-32 62nd Avenue Rego Park, N.Y. 11374	29
Sue Ellen Doria	65-09 77th Place Queens, N.Y. 11379	30
Michele D. Adams	222-03 141st Avenue Queens, N.Y. 11413	31
Ella Caynes	131-78 231st Street Laurelton, N.Y. 11413	31
Janice Jackson	125 Beach 17th Street #23A Far Rockaway, N.Y. 11691	31
Donna Leak	320 Beach 100th Street #10H Rockaway Park, N.Y. 11694	32
Shari Lopez	130-09 Beach Channel Drive Bell Harbor, N.Y. 11694	32
Emily Otero	91-18 91st Avenue Woodhaven, N.Y. 11421	32
Jasmine Martinez	73-06 Forest Avenue#1 Ridgewood, N.Y. 11385	34
Ada Torres	1091-1103 Gates Avenue Supt #1 Brooklyn, N.Y. 11221	34
Kimberly Brutus	1185 Carroll Street #15K Brooklyn, N.Y. 11225	35
Paulette Daniels	770 Fulton Street #3B Brooklyn, N.Y. 11238	35
Ruth M. Fulcher Benjamin	475 Carlton Avenue #12F Brooklyn, N.Y. 11238	35
Zalmon Liberow	665 Crown Street Brooklyn, N.Y. 11213	35
Teresa Mills	212 Crown Street Brooklyn, N.Y. 11225	35
Ada N. Munoz	1328 Union Street Bsmt Brooklyn, N.Y. 11213	35
Ajah S. Griffin	582 Kosciuszko Street Brooklyn, N.Y. 11221	36
Kemeshia Horrell	1046 Park Place Brooklyn, N.Y. 11213	36

Leo A. Morris	712 Hancock Street Brooklyn, N.Y. 11233	36
Pandora Sanders	277 Malcolm X Blvd #3 Brooklyn, N.Y. 11233	36
Stan Charles	873 Liberty Avenue Brooklyn, N.Y. 11208	37
Yvonne Greenidge	78 Cooper Street Brooklyn, N.Y. 11207	37
Thomasina White	296 Jerome Street #1C Brooklyn, N.Y. 11207	37
Hector P. Molina	306 10th Street #1 Brooklyn, N.Y. 11215	39
Lorraine Bassett	120 Kingsborough 1st Walk #5A Brooklyn, N.Y. 11233	41
Denise DeLagarde	1411 Linden Blvd #9F Brooklyn, N.Y. 11212	42
Ina Freeman	373 Wyona Street Brooklyn, N.Y. 11207	42
Eva Mercer-Andrews	595 Pennsylvania Avenue Brooklyn, N.Y. 11207	42
Dorothy A. Croce	802 70th Street Brooklyn, N.Y. 11228	43
Robert J. Romano	7201 15th Avenue Brooklyn, N.Y. 11228	43
Anthony Macca	1063 East 2nd Street Brooklyn, N.Y. 11230	44
Jacqueline J. Jackson	1489 East 46th Street Brooklyn, N.Y. 11234	45
Lucia Acevedo	2842 West 25th Street Brooklyn, N.Y. 11224	47
Anna Berlin	3903 Nostrand Avenue #5B Brooklyn, N.Y. 11235	48
Marvarid Ulmasova	1414 East 14th Street #4D Brooklyn, N.Y. 11230	48



Annalisa Ciccotto	24 Turf Road Staten Island, N.Y. 10314	50
Peggy Lee Endress	227 Buel Avenue #3A Staten Island, N.Y. 10305	50
Anatoly Petrikovsky	1169 Father Capodanno Blvd Staten Island, N.Y. 10306	50
Zhanna Yakob	194 Stonegate Drive Staten Island, N.Y. 10304	50
Kathleen Bennett	108 Boulder Street Staten Island, N.Y. 10312	51
Barbara S. Fischetti	24 Blue Heron Court Staten Island, N.Y. 10312	51
Geraldine Kiefer	19 Glover Street Staten Island, N.Y. 10308	51
Denise Perretti	25 Woodvale Loop Staten Island, N.Y. 10309	51
Linda M. Quinn	18 Presley Street Staten Island, N.Y. 10308	51
Joan A. Santore	684 Rensselaer Avenue Staten Island, N.Y. 10312	51
John Stringile	298 Maybury Avenue Staten Island, N.Y. 10308	51

On motion of the Speaker (Council Member Mark-Viverito), 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)  | <b>Int 478-A -</b>  | Installing photovoltaic systems on city buildings.   |
| (2)  | <b>Int 673-A -</b>  | Access to the translation feature of city websites   |
| (3)  | <b>Int 683-A -</b>  | Protocol relating to the accessibility of city government websites for persons with disabilities   |
| (4)  | <b>Int 881-A -</b>  | Disability service facilitators at city agencies.  |
| (5)  | <b>Int 883-A -</b>  | Requiring advertising to include information regarding accessibility for people with disabilities.   |
| (6)  | <b>Int 1029 -</b>   | Fulton Street BID.   |
| (7)  | <b>Int 1047 -</b>   | Fulton Mall Special Assessment District.   |
| (8)  | <b>Res 995 -</b>  | Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget <b>(Transparency Resolution)</b> . |
| (9)  | <b>L.U. 333 &amp; Res 998 -</b>                                     | Academy Gardens, Bronx, Community District No. 9, Council District No. 18.   |
| (10) | <b>Resolution approving various persons Commissioners of Deeds.</b> |  |

The Public Advocate (Ms. James) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

**Affirmative** – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Miller, Palma, Reynoso, Richards, Rodriguez, Rosenthal, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **46**.

**The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above.**

*The following Introductions were adopted by the Council and sent to the Mayor for his consideration and approval: Int Nos. 478-A, 673-A, 683-A, 881-A, 883-A, 1029, and 1047.*

## 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. 837

**Report of the Committee on Higher Education approving a Resolution in support of President Barack Obama's Second Chance Pell Pilot Program, which will initiate new models to allow incarcerated individuals to receive Pell Grants to finance their education.**

The Committee on Higher Education, to which the annexed resolution was referred on September 17, 2015 (Minutes, page 3368), respectfully

### REPORTS:

#### Introduction

On Monday, February 22, 2016, the Committee on Higher Education, chaired by Council Member Inez D. Barron, will convene for a second hearing of Resolution No. 837, in support of President Barack Obama's Second Chance Pell Pilot Program, which will initiate new models to allow incarcerated individuals to receive Pell Grants to finance their education. The Committee first heard the Resolution on Tuesday, September 22, 2015, during which the Committee also conducted an oversight hearing titled, "Higher Education access for Incarcerated and Recently Incarcerated Individuals." Representatives from the City University of New York, the Mayor's Office of Criminal Justice, civil rights and criminal justice reform organizations, and other institutions of higher education testified. On Monday, February 22, 2016, the Committee met and voted in favor of adopting the Resolution, with four in the affirmative, zero in the negative, and zero abstentions.

#### Resolution No. 837

The resolution would note that the Federal Pell Grant Program, established in 1972, was intended to give need-based grants to low income students, pursuing undergraduate and select post-baccalaureate degrees to support their education costs and came into being as part of amendments to Title IV of the Higher Education Act of 1965. The resolution would also state that the United States Office of Federal Student Aid is the largest provider of student financial aid in the country. The resolution would further note that the federal government's largest financial aid program for low-income students attending college is the Federal Pell Grant Program. The resolution would also note that the under Title IV of the Higher Education Act, incarcerated individuals were originally permitted to apply for federal financial aid for undergraduate courses. The resolution would additionally state that for correctional education programs, this funding was pivotal in ensuring their financial stability.

The resolution would state that the cost of both incarceration and higher education have, since 1991, risen dramatically making access by inmates to federal funding for college a disputed issue in light of the difficulties imposed on non-incarcerated Americans in affording college. The resolution would additionally note that statistics taken from the Encyclopedia of Prisons and Correctional Facilities ("Encyclopedia") showed that by 1973 in U.S. prisons there were 182 college programs operating, a number that peaked in 1982 with 350 programs operating in 45 states providing approximately 27,000 inmates with some form of higher education.

The resolution would note that in the school year 1993-94, according to the Encyclopedia, higher education Federal Pell Grant Program spending for inmates accounted for one-tenth of 1 percent of the program's annual budget. The resolution would further note that the U.S. Department of Education (DOE) counted that only 25,168 of the 3,327,683 students receiving Federal Pell Grant funding for higher education during the 1993-94 school year, or less than one percent, were inmates.

The resolution would also note that through a provision of the 1994 Violent Crime Control and Law Enforcement Act, signed by President Bill Clinton, students incarcerated at a federal or state penal institution were made ineligible to participate in the Federal Grant Program.

The resolution would state that unlike a loan, a Federal Pell Grant does not have to be repaid, and is the foundation for all federal student aid awarded. The resolution would also note that pursuant to DOE data, the cost of higher education has continued to rise to unprecedented levels, and the largest source of financial aid for tuition and fees, even among low-income students, are loans. The resolution would additionally note, that compounding the challenge of rising education costs, according to the Center on Budget and Policy Priorities, the period from December 2007 to June 2009, called the Great Recession, was the worst economic recession since the Great Depression with high unemployment and slow recovery.

The resolution would note that according to Georgetown University's Center on Education and the Workforce (CEW), the Great Recession has enlarged the gap between the less educated and those with more education. The resolution would additionally note that in 2013, the CEW reported that nearly four out of five jobs lost during the Great Recession were those employees with only a high school diploma while those who earned at least a Bachelor's degree were largely protected against similar job losses and even experienced some hiring gains. The resolution would also note that the CEW's measurements of post-recession job recovery show that workers with only a high school diploma, or even less, have continued to lose jobs while more than half of the hiring increases are enjoyed by those with a bachelor's or higher degree and the rest gained by those with some college education or an Associate's degree.

The resolution would further note that according to the U.S. Bureau of Justice Statistics (BJS), and the National Assessment of Adult Literacy published in a 2013 RAND report, 36.6 percent of inmates had less than a high school education, compared with 19 percent of the general U.S. population aged 16 and older, 16.5 percent of inmates had a high school diploma compared with 26 percent of the general population, and 14.4 percent of inmates had attained some higher education compared with 51 percent of the general population. The resolution would also note that according to the CEW, by 2020 an estimated 65 percent of all jobs will require postsecondary education and training, 35 percent will require a minimum of Bachelor's degree, and 30 percent will require some college or Associate's degree.

The resolution would state that the U.S. leads the world in persons who are incarcerated by a substantial margin, according to the International Centre for Prison Studies. The resolution would also state that over the last forty years there has been a 500 percent increase of adults held in local jails or under the jurisdiction of state or federal prisons, according to the BJS, number 2,220,3000 adults, or about 0.91 percent or 1 in 110 adults incarcerated in 2013.

The resolution would note that according to the BJS, the incarceration rate is disproportionately higher for certain gender, racial, and ethnic groups, with more than 60 percent of the current prison population comprised of low-skilled minority males. The resolution would also note that black men have a one in three lifetime likelihood of imprisonment and are six times more likely to be incarcerated than white men, that Latino men have a one in six lifetime likelihood of imprisonment and are 2.4 times more likely to be incarcerated than white men, and that white men have a one in 17 lifetime likelihood of imprisonment.

The resolution would note that according to a 2003 assessment cited in the 2013 RAND report, data taken of sample state and federal prisoners and non-incarcerated adults living in U.S. households, and focusing on English literacy, showed that on average inmates had lower literacy scores on all three measured scales. The resolution also would note that not only do inmates have lower literacy and educational attainment levels, they also often lack vocational skills and a consistent employment history needed to reenter and advance in employment which further limits the inmate's ability to accumulate work experience.

The resolution would state that according to a 2011 Pew Center Report, the high rate of recidivism is identified as one of the main impediments to reducing the U.S. prison population. The resolution would further state that nearly half of all released offenders in the U.S. return to a state prison within three years of their release despite a drastic increase in the total state spending on correctional programs, a figure of more than \$68 billion annually. The resolution would also state that according to the Education from the Inside Out Coalition (EIOC), a national collaborative advocating for inmate education and the lowering of recidivism, "for every dollar invested in correctional education programs, two dollars are saved through prevented recidivism." The resolution would additionally state that rising incarceration rates have resulted in such burdens as financial stress and prison overcrowding, two problem areas which could be dually addressed by successfully lowering

recidivism. The resolution would also state that, according to the RAND report from 2013, inmates participating in education programs were 43 percent less likely to remain in prison than inmates who did not. The resolution would further state that the EIOC reported of the 43.3 percent of formerly incarcerated individuals likely to return to prison within three years of release, the return rate drops to 13.7 percent for those awarded an Associate's degree, to 5.6 percent for those awarded a Bachelor's degree, and less than one percent for those awarded a Master's degree.

The resolution would note that according to the U.S. National Institutes of Health, more than 700,000 incarcerated individuals are released annually and many of these are concentrated in poor and minority neighborhoods where improvements in earning potential and employability would have a meaningful and positive impact on their successful integration into the community.

The resolution would note that on July 31, 2015, U.S. Secretary of Education Arne Duncan announced the Second Chance Pell Pilot Program "as part of the Obama Administration's commitment to create a fairer, more effective criminal justice system, reduce recidivism, and combat the impact of mass incarceration on communities" asserting that "America is a nation of second chances" and "[g]iving to people who have made mistakes in their lives a chance to get back on track and become contributing members of society is fundamental to who we are."

Finally, the resolution would note that for the first time in 20 years the Second Chance Pell Pilot Program will permit, on a temporary basis, incarcerated individuals to access federal financial aid for postsecondary education in order to have the opportunity to find gainful employment, become productive citizens, and live as successful and financially stable Americans

In conclusion, this resolution would support President Barack Obama's Second Chance Pell Pilot Program, which will initiate new models to allow incarcerated individuals to receive Pell Grants to finance their education.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res No. 837:)**

Res. No. 837

**Resolution in support of President Barack Obama's Second Chance Pell Pilot Program, which will initiate new models to allow incarcerated individuals to receive Pell Grants to finance their education.**

By Council Members Barron, Chin, King, Mendez, Richards, Williams, Crowley, Miller, Rosenthal, Dromm, Menchaca, Cabrera, Rodriguez, Van Bramer and Levin.

**Whereas**, The Federal Pell Grant Program, which provides need-based grants to low-income undergraduate and certain post-baccalaureate students for postsecondary education costs, was established in 1972 pursuant to amendments to Title IV of the Higher Education Act of 1965; and

**Whereas**, The United States Office of Federal Student Aid is the largest provider of student financial aid in the country and the Federal Pell Grant Program is the government's largest grant program for helping low-income students attend college; and

**Whereas**, The passage of Title IV initially permitted incarcerated individuals to apply for federal financial aid for college courses and, in doing so, provided the funding required to ensure the financial stability of correctional education programs; and

**Whereas**, By 1991, the cost of incarceration and the cost of attending college rose dramatically and it eventually became a point of contention for inmates to have access to federally-supported higher education while an increasing number of non-incarcerated Americans were having trouble paying for college; and

**Whereas**, According to the Encyclopedia of Prisons and Correctional Facilities ("Encyclopedia"), by 1973, there were 182 college programs operating in U.S. prisons, by 1982, the number of programs peaked with 350 active in 45 states and approximately 27,000 inmates received some form of postsecondary education; and

**Whereas**, The Encyclopedia notes that the total percentage of the Federal Pell Grant Program's annual budget spent in the 1993-94 school year on higher education for inmates only accounted for one-tenth of 1 percent; and

**Whereas**, According to the U.S. Department of Education (DOE), of the 3,327,683 students awarded Pell Grants in the 1993-94 school year, only 25,168, or fewer than 1%, were prisoners; and

**Whereas**, Through a provision of the Violent Crime Control and Law Enforcement Act of 1994, signed by President Bill Clinton, students incarcerated at a federal or state penal institution became ineligible to participate in the Federal Pell Grant Program; and

**Whereas**, A Federal Pell Grant is the foundation for all federal student aid awarded and, unlike a loan, does not have to be repaid; and

**Whereas**, According to the DOE, as the cost and of a postsecondary education has become greater than ever, loans are now the largest source of financial aid for tuition and fees, even for the lowest-income students; and

**Whereas**, According to the Center on Budget and Policy Priorities, during the Great Recession, which began in December 2007 and ended in June 2009, the U.S. suffered through its longest, and by most measures worst economic recession since the Great Depression, with an unemployment rate that rose far higher than that of the previous two recessions, and a slow recovery; and

**Whereas**, According to Georgetown University's Center on Education and the Workforce (CEW), the Great Recession contributed to the increasing divide between the less educated and those with more education; and

**Whereas**, In 2013 CEW reported that nearly four out of five jobs lost were held by those with only a high school diploma while those who had earned at least a Bachelor's degree were largely protected against job losses and even had some job gains; and

**Whereas**, Even in the post-recession job recovery, the CEW study showed that workers with less than, or at least, a high school diploma have continued to lose jobs while more than half of the employment increases have gone to workers holding a Bachelor's degree, or better, and the rest of the employment gains to those with some college education or an Associate degree; and

**Whereas**, An analysis of data on the educational attainment of state prisoners in 2004 from the U.S. Bureau of Justice Statistics (BJS) and the National Assessment of Adult Literacy, published in a 2013 RAND report, showed that 36.6 percent of inmates had less than a high school education compared with 19 percent of the general U.S. population aged 16 and older, 16.5 percent only had a high school diploma compared with 26 percent of the general population and 14.4 percent had attained some postsecondary education compared with 51 percent of the general population; and

**Whereas**, CEW estimates that by 2020, 65 percent of all jobs will require postsecondary education and training, 35 percent will require a Bachelor's degree, at minimum, and 30 percent will require some college or an Associate degree; and

**Whereas**, According to the International Centre for Prison Studies, the U.S. leads the world in persons incarcerated by a substantial margin; and

**Whereas**, BJS estimates that in 2013 there were 2,220,300 adults, about 0.91% or 1 in 110 adults, held in local jails or under the jurisdiction of state or federal prisons, representing a 500 percent increase over the last forty years; and

**Whereas**, According to BJS, the rate of incarceration is disproportionately higher for certain gender, race and ethnic groups, with currently more than 60 percent of the prison population comprised of low-skilled minority males; and

**Whereas**, BJS data shows black men have a one in three lifetime likelihood of imprisonment and are six times more likely to be incarcerated than white men; and

**Whereas**, BJS further shows that Latino men have a one in six lifetime likelihood of imprisonment and are 2.4 times more likely to be incarcerated than white men, who have a one in 17 lifetime likelihood of imprisonment; and

**Whereas**, A 2003 assessment of English literacy from a sample of state and federal prisoners and a sample of non-incarcerated adults living in U.S. households, cited in the 2013 RAND report, showed that on average, inmates had lower literacy scores on all three measured scales than the general U.S. population; and

**Whereas**, In addition to having lower levels of educational attainment than the general population, offenders often lack vocational skills and a steady history of employment, which is a significant challenge for reintegration while the dynamics of prison entry and re-entry further encumber this population's ability to accumulate meaningful, sustained work experience; and

**Whereas,** According to a 2011 Pew Center Report, one of the main obstacles to reducing America's enormous prison population is the high rate of recidivism; and

**Whereas,** Today, despite a massive increase in total state spending on correctional programs, more than \$68 billion annually in the U.S., nearly half of all released offenders nationwide return to a state prison within three years of their release; and

**Whereas,** The Education from the Inside Out Coalition (EIOC), a national collaborative advocating for higher education access for incarcerated and recently incarcerated individuals, asserts "For every dollar invested in correctional education programs, two dollars are saved through prevented recidivism"; and

**Whereas,** Rising incarceration trends in the U.S. have resulted in prison overcrowding and fiscal burdens on states to accommodate an expanding penal system, which highlights a better public return on spent correctional dollars; and

**Whereas,** The 2013 RAND report found that, on average, inmates who participated in correctional education programs were 43 percent less likely to return to prison within three years than inmates who did not; and

**Whereas,** EIOC reported that while 43.3 percent of formerly incarcerated individuals are likely to return to prison within three years of release, the likelihood drops to 13.7 percent for Associate degree recipients, 5.6 percent for Bachelor's degree recipients and less than 1 percent for Master's degree recipients; and

**Whereas,** According to the U.S. National Institutes of Health, more than 700,000 individuals are released from state and federal prisons annually and many ex-offenders are concentrated in poor and minority neighborhoods, hence preparing them for successful reintegration back into society by improving their earning potential and employability would have a meaningful and positive impact on our communities; and

**Whereas,** On July 31, 2015, "as part of the Obama Administration's commitment to create a fairer, more effective criminal justice system, reduce recidivism, and combat the impact of mass incarceration on communities," U.S. Education Secretary Arne Duncan announced the Second Chance Pell Pilot Program, asserting that "America is a nation of second chances" and "Giving people who have made mistakes in their lives a chance to get back on track and become contributing members of society is fundamental to who we are"; and

**Whereas,** The Second Chance Pell Pilot Program will allow, on a temporary basis, eligible incarcerated individuals to access federal financial aid for the first time in 20 years, giving inmates the opportunity to pursue life-changing postsecondary education, so as to find gainful employment and become productive citizens, successfully independent and financially stable Americans; now, therefore, be it

**Resolved,** That the Council of the City of New York supports President Barack Obama's Second Chance Pell Pilot Program, which will initiate new models to allow incarcerated individuals to receive Pell Grants to finance their education.

INEZ D. BARRON, Chairperson; FERNANDO CABRERA, JUMAANE D. WILLIAMS, YDANIS A. RODRIGUEZ; Committee on Higher Education, February 22, 2016.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 3 Council Members formally noted their opposition to this item: Council Members Borelli, Ulrich, and Matteo.

The following Council Member formally noted his abstention on this item: Council Member Cohen.

Adopted by the Council by voice-vote.

Report for voice-vote item Res No. 868

**Report of the Committee on Finance approving a Resolution calling upon the President of the United States to close the federal carried interest tax loophole using executive action.**

The Committee on Finance, to which the annexed resolution was referred on September 30, 2015 (Minutes, page 3569), respectfully

**REPORTS:**

**Background**

In general, a significant portion of the compensation paid to managers of private equity, venture capital, hedge, and other private investment funds is in the form of a percentage of the profits earned by the private investment funds, referred to as carried interest. For purposes of the federal income tax, a loophole exists in the federal tax regulations that permits these individuals to receive compensation for their services as private investment fund managers, but to avoid paying the higher tax rate that other workers who receive compensation for their services must pay.

Specifically, because of this loophole, the compensation of private investment fund managers is treated as capital gains, rather than ordinary income. Therefore, it is taxed at the long-term capital gains rate of 20 percent which is approximately half of the top marginal rate of 39.6 percent the rate that would be imposed if the compensation was treated like other forms of compensation and taxed as ordinary income.

Relative to the rest of the country's workers, the private investment fund managers who are benefitting from this tax loophole are extremely well compensated. According to a New York Times article titled "*For Top 25 Hedge Fund Managers, a Difficult 2014 Still Paid Well,*" in 2014 the top 25 hedge fund managers earned a combined \$11.62 billion in compensation, with three individuals earning over \$1 billion each. Moreover, according to the article, despite this extraordinary amount of total compensation, the 2014 total was significantly lower than the \$21.15 billion earned by the top 25 hedge fund managers in 2013.

The Congressional Budget Office estimated that closing this loophole would have produced \$17 billion in additional federal revenues between 2014 and 2023 and could have been used to fund a plethora of needs across the country.

In addition to the impact on federal revenues, closing the carried interest tax loophole would have an impact on New York City's revenues through the City's unincorporated business tax ("UBT"), which is imposed on any individual or unincorporated entity engaged in any trade, business, profession, or occupation carried on within the New York City. For purposes of the UBT, New York City also treats carried interest as investment income rather than ordinary business income because that is how it is classified by the federal government. Therefore, carried interest is currently exempt from the UBT.

In March 2015, the White House Press Secretary stated that the President was "very interested" in the possibility of using executive action to close certain federal tax loopholes such as the carried interest loophole. Since the carried interest loophole was not created through a legislative act of Congress, but rather through the administrative opinions and interpretations of the Internal Revenue Service, it would be appropriate for the President to act by executive action to close the loophole.

**Resolution 868**

This Resolution would call upon the President of the United States to close the federal carried interest tax loophole using executive action.

*Accordingly, this Committee recommends its adoption.*



**(The following is the text of Res No. 868:)**

Res. No. 868

**Resolution calling upon the President of the United States to close the federal carried interest tax loophole using executive action.**

By Council Members Ferreras-Copeland, Koo, Miller, Rosenthal and Kallos.

**Whereas**, The federal carried interest tax loophole allows managers of private equity, venture capital, hedge, and other private investment funds to have their compensation from those funds taxed at a lower rate than most American workers' compensations; and

**Whereas**, In general, a significant portion of these managers' compensation is in the form of a percentage of the profits earned by the private investment funds, referred to as carried interest; and

**Whereas**, For purposes of the federal income tax, a loophole exists in the federal tax regulations that permits these individuals to receive compensation for their services as private investment fund managers, but to avoid paying the higher tax rate that other workers who receive compensation for their services must pay; and

**Whereas**, Because of this loophole, the compensation of private investment fund managers is treated as capital gains, rather than ordinary income, so it is taxed at the long-term capital gains rate of 20 percent; and

**Whereas**, The long-term capital gains rate is approximately half of the top marginal rate of 39.6 percent the rate that would be imposed for federal income taxes if the compensation was treated like other forms of compensation and taxed as ordinary income; and

**Whereas**, According to a New York Times article titled "*For Top 25 Hedge Fund Managers, a Difficult 2014 Still Paid Well*," in 2014 the top 25 hedge fund managers earned a combined \$11.62 billion in compensation, with three individuals earning over \$1 billion each; and

**Whereas**, According to the article, despite this extraordinary amount of total compensation, the 2014 total was significantly lower than the \$21.15 billion earned by the top 25 hedge fund managers in 2013; and

**Whereas**, Because of the carried interest tax loophole, these extremely wealthy individuals are receiving a disproportionately large tax benefit that often causes them to pay a much lower effective tax rate than the average worker who earns a tiny fraction of the compensation earned by the private investment fund managers; and

**Whereas**, According to the Congressional Budget Office, closing this loophole would have produced an estimated \$17 billion in additional federal revenues between 2014 and 2023 and could have been used to fund a plethora of needs across the country; and

**Whereas**, In addition to the impact on federal revenues, closing the carried interest tax loophole would have an impact on New York City's revenues through the City's unincorporated business tax; and

**Whereas**, The City's unincorporated business tax is imposed on any individual or unincorporated entity engaged in any trade, business, profession, or occupation carried on within the City of New York; and

**Whereas**, As a result of the federal government's classification of carried interest as investment income in the form of capital gains rather than ordinary income, New York City also treats carried interest as investment income rather than business income subject to the unincorporated business tax; and

**Whereas**, Accordingly, carried interest is currently exempt from the City's unincorporated business tax; and

**Whereas**, In 2008, the Fiscal Policy Institute estimated that the City would realize an additional \$160 million to \$225 million per year if it imposed the unincorporated business tax on carried interest; and

**Whereas**, In March 2015, the White House Press Secretary stated that the President was "very interested" in the possibility of using executive action to close certain federal tax loopholes such as the carried interest loophole; and

**Whereas**, Since the carried interest loophole was not created through a legislative act of Congress, but rather through the administrative opinions and interpretations of the Internal Revenue Service, it is appropriate for the President to act by executive action to close the loophole; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the President of the United States to close the federal carried interest tax loophole using executive action.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL; Committee on Finance, February 24, 2016.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 3 Council Members formally noted their opposition to this item: Council Members Borelli, Ulrich, and Matteo.

Adopted by the Council by voice-vote.

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

Report for voice-vote item Res No. 996

**Report of the Committee on Finance approving a Resolution calling upon the State Legislature to introduce and pass, and the Governor to sign, legislation that would eliminate the exemption of private investment fund carried interest from the New York city unincorporated business tax.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on February 24, 2016, respectfully

#### **REPORTS:**

##### **Background**

The New York City unincorporated business tax (“UBT”) is a tax imposed on the net income of any individual or unincorporated entity engaged in any trade, business, profession, or occupation wholly or partly carried on within New York City. Private investment firms, such as private equity or hedge funds, that are structured as partnerships are subject to the UBT.

Partners in private investment firms are generally compensated in two ways. First, they receive payment of a management fee, typically two percent of the invested capital, and second, they receive payment of carried interest, which refers to a set percentage of the funds’ profits, typically set at 20 percent of profits.

While the management fee paid to partners is considered ordinary business income that is taxed under the UBT, carried interest is exempt from taxation under the UBT. The exemption that applies to carried interest earned by private investment funds is the “self-trading” exemption which operates on the principle that a person or entity is not conducting business in New York City merely because they are engaged in the purchase, holding, and sale of property for their own personal account. Because the federal tax regulations treat carried interest as investment income, the carried interest earned by private investment partners is treated as non-taxable investment income for purposes of the UBT.

Accordingly, an unincorporated private investment fund in New York City that is primarily engaged in self-trading may exempt carried interest from the UBT as an incentive allocation instead of treating it as taxable compensation. However, according to testimony submitted by the Director of the Congressional Budget Office to the U.S. Senate Committee in 2007, “most economists...view at least part and perhaps all of the carried interest as

performance-based compensation for management services...rather than a return on financial capital...” Therefore, as performance-based compensation, carried interest should be taxed in the same manner as other compensation under the UBT. By way of comparison, other types of partnerships, such as pension and mutual funds or law firms are not provided with a similar tax preference and are required to pay the UBT on their earnings.

In December 2015, the New York City Independent Budget Office (“IBO”) estimated that if carried interest were taxed under the UBT, the City would recognize approximately an additional \$200 million each year. If IBO’s estimates are accurate, the carried interest exemption from the UBT would rank one of the City’s costliest business income and excise tax expenditures as reported by the City’s Department of Finance its Fiscal 2015 Tax Expenditure Report.

The benefit of the carried interest exemption goes to some of the country’s wealthiest individuals. For example, of the 33 richest hedge fund managers in the United States identified by Forbes Magazine in 2015, all of whom had net worths in the billions of dollars, 26 worked for hedge funds that are headquartered in New York City.

As such, for purposes of equity and efficiency, private investment funds should be treated like all other partnerships and proprietors in New York City who are required to pay the UBT on their firms’ net earnings .

### **Preconsidered Resolution 996**

This Preconsidered Resolution would call upon the State Legislature to introduce and pass, and the Governor to sign, legislation that would eliminate the exemption of private investment fund carried interest from the New York City UBT.

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes)**

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, COREY D. JOHNSON, MARK LEVINE, I. DANEEK MILLER, HELEN K. ROSENTHAL; Committee on Finance, February 24, 2016.

Pursuant to Rule 8.50 of the Council, the Public Advocate (Ms. James) called for a voice vote. Hearing those in favor, the Public Advocate (Ms. James) declared the Resolution to be adopted.

The following 3 Council Members formally noted their opposition to this item: Council Members Borelli, Ulrich, and Matteo.

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 1079

By The Speaker (Council Member Mark-Viverito) and Council Members Williams, Palma, Richards and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to final inspections of gas piping systems.**

*Be it enacted by the Council as follows:*

Section 1. Section 28-116.2.4.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013, is amended by adding an exception to read as follows:

***Exception:** Such final inspection shall not be performed by a person found by the department to have performed work on gas piping systems without a permit within the previous five years. The department shall make a list of such persons publicly available on its website.*

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

Referred to the Committee on Housing and Buildings.

Int. No. 1080

By The Speaker (Council Member Mark-Viverito) and Council Members Garodnick, Rodriguez, Torres and Menchaca.

**A Local Law to amend the administrative code of the city of New York, in relation to fare quotes for black car and luxury limousine service.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-502 of the administrative code of the city of New York is amended to add a new subdivision z to read as follows:

*z. "Dispatch service provider" means an entity licensed by the commission to dispatch, reserve, or refer trips to drivers on behalf of a base station, black car base, or luxury limousine base through a publicly-available, passenger-facing booking tool.*

§ 2. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-544 to read as follows:

*§ 19-544 Fare quotes. a. A black car base or luxury limousine base, or a dispatch service provider operating on behalf of such a base, shall not quote or charge a fare that is more than the fare listed in the rate schedule filed with the commission.*

*b. Any website, smartphone application, software program accessed through an electronic device, or similar publically-available, passenger-facing booking tool utilized by a black car base or luxury limousine base, or dispatch service provider operating on behalf of such a base, shall allow prospective passengers to request a fare estimate prior to booking transportation.*

*c. If a prospective passenger requests a fare estimate, a black car base or luxury limousine base, or dispatch service provider operating on behalf of such a base, such base or entity shall ask such passenger to specify a destination and shall provide an accurate price quote expressed in dollars and cents for the trip before such passenger books transportation. If such passenger agrees to receive such transportation, such*

*base or entity shall not charge such passenger more than 120 percent of the price quoted unless such passenger changes the location of the pick up, destination, number of stops, or the vehicle type requested or requests a route change requiring the payment of a toll. Such price quote may be expressed in a range in dollars and cents, provided that the price charged is not more than 120 percent of the highest price included in such range.*

*d. Any black car base or luxury limousine base, or dispatch service provider operating on behalf of such a base, that has been found to have violated any provision of this section shall be subject to a civil penalty of not less than \$250 nor more than \$500 for each offense; provided, however, that such base or entity shall not be in violation of subdivision c of this section if it brings the price of the transportation provided into compliance with subdivision c of section within 10 business days of receiving notification from the passenger or the commission that such passenger was charged a fare in violation of such subdivision.*

§ 3. This local law takes effect in 90 days, except that the Taxi and Limousine Commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Res. No. 993

**Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation to expand the New York City child care tax credit.**

By The Speaker (Council Member Mark-Viverito) and Council Members Chin, Palma, Dickens and Gentile.

**Whereas**, Child and dependent care tax credits are available against the federal, New York State, and New York City personal income taxes; and

**Whereas**, The New York City Child Care Tax Credit (“the City Credit”) is a refundable tax credit that can be claimed by taxpayers for child care expenses for a dependent child under the age of four if those expenses enable the taxpayer to be gainfully employed; and

**Whereas**, For households with an annual federal adjusted gross income of \$25,000 or less, the amount of the City Credit is 75 percent of the claimed State credit, which in turn can range from 20 to 110 percent of the claimed federal credit depending on income; and

**Whereas**, The City Credit phases out to zero for households with annual federal adjusted gross incomes between \$25,000 and \$30,000; and

**Whereas**, The City Credit is more limited than the federal and State credits in several ways; and

**Whereas**, For example, the federal and State credits are available for child care expenses incurred for dependent children up to the age of thirteen, while the City Credit is available only for children under the age of four; and

**Whereas**, The federal and State credits are also available for expenses incurred for the care of adults claimed as dependents where those adults are unable to care for themselves, while the City Credit is not; and

**Whereas**, Additionally, neither the federal nor State credits have an income limitation, while the City Credit is not available to households with an annual federal adjusted gross income of more than \$30,000; and

**Whereas**, In Tax Year 2013, 24,118 New York City taxpayers claimed the City Credit with an average credit amount of \$482, according to the Annual Report on Tax Expenditures for Fiscal 2016 published by the City’s Department of Finance; and

**Whereas**, In contrast, the average cost for full-time, center-based infant child care in New York State in 2014 was \$14,144, according to report by Child Care Aware, a national not-for-profit organization that advocates for affordable child care; and

**Whereas**, With such high costs, New York ranked as the third least affordable state in the country for center-based infant care; and

**Whereas**, Accordingly, single-parent families in New York, which have a median annual income of \$25,937, would have had to spend 54.5 percent of their incomes on child care, while married-couple families, which have a median annual income of \$93,157, would have had to spend 15.2 percent of their incomes on child care; and

**Whereas**, New York City's caregivers need additional assistance to ensure that they are able to provide high-quality care to their loved ones; and

**Whereas**, The City Credit should be expanded to include more low-income families and should be deepened to lessen the burden on working families who must pay for child or dependent care in order to go to their jobs; and

**Whereas**, Specifically, the State should increase the annual federal adjusted gross income threshold for the full City Credit to \$35,000, with a phase-out to zero at \$45,000; and

**Whereas**, The maximum City Credit amount should be deepened from its current 75 percent of the State credit to 100 percent of the State credit; and

**Whereas**, It is estimated that these changes would increase the number of taxpayers eligible for the credit by approximately 18,700 and would increase the maximum benefit for one child from \$866 to \$1,155 for a household with an annual federal adjusted gross income of \$15,000; and

**Whereas**, In addition, similar to its federal and State counterparts, the City Credit should be expanded to cover expenses incurred for the care of adult dependents; and

**Whereas**, With the City's aging population on the rise, it is incumbent that caregivers are provided with the support they need to provide the care and companionship their loved ones need in order to age with dignity; and

**Whereas**, The AARP estimates that at any given time during the year, over four million family caregivers in New York State are providing unpaid care for a loved one; and

**Whereas**, Nearly six in ten caregivers, or approximately 59 percent, in New York State work or have worked while providing elder care to family members according to the New York State Family Caregiver Council; and

**Whereas**, Were these workers to pay for caregiving services, they would face an average cost of \$19 an hour for a home health aide in New York City according to MetLife;

**Whereas**, The lack of affordable child and dependent care is a major obstacle to being in the workforce for many parents and caregivers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation to expand the New York City child care tax credit.

Referred to the Committee on Finance.

Int. No. 1081

By Council Members Chin, Rose, the Speaker (Council Member Mark-Viverito), Palma and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to a comprehensive plan to address the needs of informal caregivers.**

*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 to add a new section 21-206 to read as follows:

*§ 21-206 Informal caregiver plan. a. Definitions. For purposes of this section:*

*Adult. The term "adult" means an individual 18 years of age or older.*

*Informal caregiver. The term "informal caregiver" means 1) an adult family member or other adult providing unpaid care to a person aged 60 years of age and older; 2) an adult family member or other adult providing unpaid care to a person with Alzheimer's disease or related disorders; 3) grandparents or other non-parent relatives 55 years of age and older providing care to children under the age of 18; and 4) adults providing unpaid care to individuals with disabilities between the ages of 18 and 59.*

*b. No later than September 30, 2016, the department shall develop and conduct a survey of informal caregivers, public and private service providers, and service recipients within the city to assess existing informal caregiver services and identify the needs of informal caregivers. Such survey shall contain questions designed to collect information on the following issues:*

1. Availability of information about programs, services, and other resources designed for informal caregivers;
  2. Accessibility of programs and services, including, but not limited to, hours of operation, location, cultural competency, and language capacity;
  3. Utilization of programs and services, including, but not limited to, the number of individuals requesting and receiving services and the number of individuals placed on waitlists for services;
  4. Barriers to accessing existing programs and services, including, but not limited to, price, transportation challenges, workforce issues, and eligibility restrictions;
  5. Recipient satisfaction with existing programs and services.
- c. No later than February 15, 2017, the department shall deliver to the mayor and the council and shall post on its website a comprehensive plan to address the needs of informal caregivers within the city, in consultation with the department of social services, the mayor's office for people with disabilities, the department of health and mental hygiene, and such other appropriate agencies as the mayor shall determine. The department also shall consult with informal caregivers, academic experts in caregiving issues, service providers, and advocates for senior citizens and individuals with disabilities when developing such plan.
- d. The plan required by subdivision c of this section shall include, but not be limited to:
    1. The results of the survey required by subdivision b of this section;
    2. Data on:
      - (a) the estimated total number of informal caregivers providing care in the city, disaggregated by age, gender, race, ethnicity, income level, borough of residence, and employment status;
      - (b) the estimated average number of hours of unpaid care per week provided by informal caregivers, disaggregated by age, gender, race, ethnicity, income level, borough of residence, and employment status; and
    3. Recommendations about:
      - (a) how to address issues and concerns with existing programs and services identified through the survey conducted pursuant to subdivision b of this section;
      - (b) how to increase information and outreach to informal caregivers across the lifespan;
      - (c) how to increase civic engagement and volunteerism to support informal caregivers;
      - (d) how to expand education and training for informal caregivers;
      - (e) how to educate and involve businesses in addressing workplace issues impacting informal caregivers; and
      - (f) additional programs and services that may be established to provide support to informal caregivers;
      - (g) Any other issues that the department deems appropriate.
  - e. Beginning two years following the submission of the plan required by subdivision c of this section and every five years thereafter, the department shall submit to the mayor and the speaker a report detailing progress made on the recommendations, initiatives, and priorities that result from such plan, as well as updated data for the information described in paragraph 2 of subdivision d.
  - f. The informal caregiver plan shall be revisited and revised as appropriate every five years after the submission of the initial plan.

§ 2. This local law takes effect immediately.

Referred to the Committee on Aging.

Int. No. 1082

By Council Members Cohen, Palma and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to the removal of snow and ice from motor vehicles.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.3 to read as follows:

*§19-163.3 Prohibition on operating motor vehicles with snow and ice accumulation. Prior to the operation of any motor vehicle on any street, road or highway in the city, all snow and ice accumulation shall be removed from the top of the vehicle, including the roof and hood of such vehicle. Failure to comply with this section shall be a traffic infraction punishable in accordance with section eighteen hundred of the vehicle and traffic law. This section shall not require the driver of a motor vehicle to cease operation while snow or ice is accumulating.*

§ 2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 1083

By Council Member Cohen.

**A Local Law to amend the administrative code of the city of New York, in relation to the letting of sleeping rooms.**

*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 10-173 to read as follows:

*§ 10-173 Letting out of sleeping rooms. No owner or operator of a hotel shall let out a sleeping room for less than 12 hours or more than twice within a 24 hour period. The terms used in this section shall have the meanings set forth in section 11-2501 of the code unless otherwise indicated.*

§ 2. This local law shall take effect 120 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 1084

By Council Members Cohen, the Speaker (Council Member Mark-Viverito), Palma, Rose, Van Bramer, and Rodriguez.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of a division of paid care.**

*Be it enacted by the Council as follows:*

Section 1. Section 20-a of chapter 1 of the New York city charter is amended by adding a new subdivision h to read as follows:

*h. Division of paid care. The mayor shall establish a division of paid care within the office.*

§ 2. The administrative code of the city of New York is amended by adding a new title 31 to read as follows:

*TITLE 31  
LABOR AND EMPLOYMENT*

*Chapter 1 Office of Labor Standards.*

*Chapter 2 Division of Paid Care.*

*CHAPTER 1*



## OFFICE OF LABOR STANDARDS

§ 31-101 (Reserved).

CHAPTER 2  
DIVISION OF PAID CARE

§ 31-201 Definitions. For the purposes of this chapter, the following terms have the following meanings:

*Advocate.* The term “advocate” means the advocate of the division who reports to the coordinator.

*Coordinator.* The term “coordinator” means the coordinator who heads the division.

*Child care worker.* The term “child care worker” means a person paid to work in a home or residence for the purpose of caring for a child.

*Director.* The term “director” means the director of the office of labor standards established pursuant to section 20-a of the charter.

*Division.* The term “division” means the division of paid care established pursuant to subdivision h of section 20-a of the charter.

*Home care services agency.* The term “home care services agency” means an organization primarily engaged in arranging or providing directly or through contract arrangement one or more of the following services, which may be of a preventive, therapeutic, rehabilitative, health guidance, or supportive nature to persons at home: nursing services; home health aide services; and other therapeutic and related services that may include, but are not limited to, physical, speech and occupational therapy, nutritional services, medical social services, personal care services, homemaker services, and housekeeper or chore services.

*Home care worker.* The term “home care worker” means a paid home health aide, personal care aide, home attendant or other licensed or unlicensed person whose primary responsibility is the provision of in-home assistance with simple health care tasks, personal hygiene services, household tasks essential to a person’s health and other related supportive services.

*Paid care worker.* The term “paid care worker” means a child care worker or a home care worker.

*State-approved education or training program.* The term “state-approved education or training program” means a program that provides education or training for persons to meet any requirement established by the New York state department of health for providing home health aide services or personal care services, which program is approved by the New York state department of health or the New York state education department.

§ 31-202 Coordinator; powers and duties. a. The coordinator shall assist the director in developing policies and programs that apply to paid care workers.

b. The coordinator shall conduct public information and outreach campaigns, in coordination with other agencies as appropriate, to inform paid care workers, employers and consumers about:

1. Their rights and obligations under applicable federal, state and local laws, including through regular informational clinics in each of the five boroughs to educate and counsel paid care workers about relevant labor standards;

2. Their eligibility for benefits;

3. Low-cost health insurance offerings;

4. Financial and tax credit literacy; and

5. State-approved education or training programs, including but not limited to costs of tuition and course materials, availability of free or low-cost programs in the city, and employment rates upon completion of a training program in the city, with such information conveyed in a pamphlet and on the division’s website; and

6. Any other matters that the coordinator deems relevant.

c. The coordinator shall engage in research on the paid care workforce, including by gathering information about:

1. The demographics of paid care workers and their clients in the city, disaggregated by, at a minimum, age, gender and ethnicity;

2. The registration status of elder case managers with the national associations that establish standards for the profession;

3. The practices of entities offering referral or placement assistance to persons needing residential care, including the practice of receiving referral fees from adult care facilities;

4. Policies and programs related to non-wage supports, such as state-approved education or training programs, assistive medical equipment, technological tools that promote fair labor standards, health insurance and transportation;

5. The effectiveness of, and recommendations for, the expansion of homecare worker cooperatives in the city; and

6. Any other matters that the coordinator deems relevant.

d. The coordinator shall work with the New York state department of health to expand the New York state home care services worker registry established pursuant to section 3613 of the public health law.

§ 31-203 Advocate; powers and duties. a. The advocate shall engage with paid care workers to address their workforce problems, including by:

1. Developing an intake system to allow paid care workers to submit complaints regarding workplace grievances through a hotline or other submission mechanism and to advise such workers of their rights under relevant federal, state and local law; and

2. Referring paid care workers to the appropriate federal, state and city agencies and officials, and legal services organizations for assistance.

b. The advocate shall investigate systemic legal violations, including by researching:

1. The practices of home care services agencies and similar agencies regarding violations of applicable federal, state and local laws;

2. The operation of any unlicensed home care services agencies and similar agencies in the city; and

3. The city's compliance with laws relevant to its contracted homecare workforce.

§ 31-204 Website and reporting. The coordinator shall post on the division's website and submit to the council no later than August 1 of each year the following information for the preceding calendar year:

a. The research that the coordinator conducts as required by subdivision c of section 31-202;

b. The number of complaints received by the intake system, the types of advice provided and the number of referrals made pursuant to subdivision a of section 31-203;

c. The results of the advocate's investigations into systemic legal violations made pursuant to subdivision b of section 31-203;

d. Any recommendations made by the coordinator and the advocate as required under this chapter;

e. Education and outreach efforts made by the division; and

f. Such other information as the coordinator deems appropriate.

§ 3. This local law takes effect immediately.

Referred to the Committee on Civil Service and Labor.

Res. No. 994

**Resolution calling upon the Metropolitan Transportation Authority and all other appropriate entities to support a Hudson River Greenway between Spuyten Duyvil and Yonkers to provide riverfront access in a continuous stretch concurrent with the Metro-North line extending from Manhattan to Westchester.**

By Council Members Cohen, Levin, Rodriguez and Palma.

**Whereas**, In 1991, the Hudson River Valley Greenway Act (the Act) was signed by then Governor Mario Cuomo to initiate the design and construction of multi-use trails along the Hudson River from Manhattan to Saratoga County; and

**Whereas**, An important mission of the Act is to promote increased public access to the Hudson River by creating riverside parks and develop the Hudson River Valley Greenway Trail System; and

**Whereas**, The Hudson River Valley Greenway, established by the Act is a state sponsored program created to assist in the development and preservation of natural, historic and recreational resources while encouraging economic development among the 13 counties bordering the Hudson River; and

**Whereas,** Currently, residents of Riverdale and the public have access to Riverdale Station Park, a 300 foot promenade with entrances through the Riverdale's Metro North Station at 254<sup>th</sup> Street; and

**Whereas,** Residents, advocacy groups and local elected officials have expressed that expanding access to the Hudson River waterfront would be beneficial to residents and local businesses surrounding the area to take advantage of the City's waterfront; and

**Whereas,** The New York Metropolitan Transportation Council (NYMTC), a regional council of governments and transportation providers which serves as the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley, conducted the Greenway Link Study (the Study) in 2013 which consisted of evaluating designs for a pathway connecting the Manhattan Waterfront Greenway in northern Manhattan with the Old Croton Aqueduct Trail in Yonkers; and

**Whereas;** The Study was conducted to map a route for the trail and identify specific physical improvements and ensure a safe route for pedestrians and cyclists as close to the river as possible; and

**Whereas;** The Study also outlined planning and design issues that affect topography when having to construct an off-road multi-use trail for recreational purposes, specifically code compliance, regulatory compliance and property ownership issues; and

**Whereas,** When released to the public, residents raised concerns regarding certain aspects of the Study, specifically sidewalk construction that would require altering the wooded nature of the area, cost estimates and also safety concerns for cyclists crossing the Broadway Bridge which requires them to ride on a steel-grate roadway with two lanes of traffic in each direction; and

**Whereas,** There is community support for additional engineering and other relevant studies to be performed by the appropriate agencies to achieve easier access to the Hudson River waterfront for the Bronx community and the public; and

**Whereas,** Residents, advocacy groups, elected officials and all agencies involved with the Hudson River Valley Greenway share a common goal to initiate new studies and evaluate plans and designs that will grant the public access to the waterfront safely and will benefit the community, both recreationally and economically; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the Metropolitan Transportation Authority and all other appropriate entities to support a Hudson River Greenway between Spuyten Duyvil and Yonkers to provide riverfront access in a continuous stretch concurrent with the Metro-North line extending from Manhattan to Westchester.

Referred to the Committee on Parks and Recreation.

Int. No. 1085

By Council Members Cumbo, Espinal, the Speaker (Council Member Mark-Viverito), Palma, Dickens, Rose, Gentile and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of consumer affairs to provide outreach and education on consumer protection issues that affect women.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new section 20-706.5 to read as follows:

§ 20-706.5 *Outreach and education program for women on consumer protection issues. By September 1, 2016, the commissioner shall establish and implement an outreach and education program to promote women's financial independence, stability and success, and that provides information on issues that typically and uniquely affect women, including but not limited to the following: (i) short- and long- term financial planning, including planning for retirement; (ii) navigation of public benefits programs; (iii) the prevalence of gender-based pricing; and (iv) common deceptive business practices, and predatory consumer and financial products. Such outreach and education program shall also provide information related to the office of financial empowerment and its financial education providers. The outreach and education program required by this section shall include the production of educational materials that shall be made available on the department's website and submitted to the New York city commission on women's issues and the mayor's office to combat domestic violence. Such educational materials shall be made available in English and in the six languages most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning. The commissioner shall update the educational materials made available on the department's website on an annual basis and submit such updated material to the New York city commission on women's issues and the mayor's office to combat domestic violence.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs.

Int. No. 1086

By Council Members Deutsch, Espinal, the Speaker (Council Member Mark-Viverito), Palma, Dickens, Rose, Gentile, Rodriguez and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of consumer affairs to provide seniors with outreach and education regarding consumer protection issues.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new section 20-706.3 to read as follows:

§ 20-706.3 *Outreach and education on consumer protection issues for seniors. a. Definitions. For purposes of this section:*

*Naturally Occurring Retirement Community. The term "naturally occurring retirement community" means an apartment building, housing complex, or housing development, as identified by the department for the aging, (i) not originally built for senior citizens; (ii) not restricted in admissions solely to the elderly; and (iii) with an occupant who is a senior citizen in at least fifty percent of the units or with at least two thousand five hundred residents who are senior citizens.*

*Senior Center. The term "senior center" shall have the same meaning as in section 21-201 of this code.*

*b. The commissioner, in consultation with the commissioner for the department for the aging, shall establish and engage in outreach and education efforts that are tailored to individuals ages sixty years and older. Such outreach and education shall concern consumer issues that are likely to affect individuals ages sixty and older including, but not limited to: (a) telemarketing and internet fraud; (b) social security, medicare and healthcare fraud; (c) reverse mortgage products; and (d) investment schemes. Such outreach and education shall also provide information related to the department's office of financial empowerment and its financial education providers, as well as information on how to report fraudulent activity. The outreach and education required by this section shall commence on September 1, 2016 and shall include, but not be limited to, educational materials that shall be made available on the department's website on or before such date, and submitted to the commissioner of the department for the aging no later than September 1, 2016. The educational materials made available on the department's website pursuant to this section shall be made*

*available in English and in the six languages most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning. The commissioner shall update the educational materials made available on the department's website and shall submit such updated materials to the commissioner of the department for the aging annually as needed on or before September 1.*

*c. The commissioner of the department for the aging shall make best efforts to ensure that every senior center and naturally occurring retirement community make available at such center or naturally occurring retirement community those materials required by subdivision b of this section, not less than sixty days following the date any such materials are placed on the department's website.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs.

Int. No. 1087

By Council Members Espinal, the Speaker (Council Member Mark-Viverito), Palma, Dickens, Gentile, Rodriguez and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of consumer affairs to provide outreach and education on consumer protection issues that affect immigrants.**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new section 20-706.4 to read as follows:

§ 20-706.4 *Outreach and education program for immigrants on consumer protection issues. a. Definitions. As used in this section, the following terms have the following meanings:*

*IDNYC. The term "IDNYC" means the New York city identity card established pursuant to section 3-115 of subchapter 1 of chapter 1 of title 3 of this code.*

*ITIN. The term "ITIN" means an individual taxpayer identification number issued by the internal revenue service for the purpose of filing federal taxes.*

*b. By September 1, 2016, the commissioner shall establish and implement an outreach and education program to promote the financial stability and success of immigrants. Such outreach and education program shall concern issues related to access of consumer and financial products and services, and protection from common risks and frauds, including but not limited to: (i) identifying financial institutions that accept the IDNYC or ITIN for purposes of opening a bank account; (ii) consumer risks and consequences of using non-bank institutions such as check cashers, money transfer companies and other fringe financial institutions; (iii) state and local laws regulating employment and immigration assistance services; (iv) federal and state laws regulating tax preparers; and (v) local institutions that offer preferred products and services to immigrants and immigrant communities, such as community-based organizations, credit unions and other community development financial institutions.*

*c. Such outreach and education program shall also provide information related to the office of financial empowerment and its financial education providers. The outreach and education program shall include production of educational materials that shall be made available on the department's website, and submitted to the commissioner of the mayor's office of immigrant affairs. The educational materials made available on the department's website pursuant to this section shall be made available in English and in the six languages most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning. The commissioner shall update the educational materials made available on the department's website on an annual basis and submit such updated materials each year to the commissioner of the mayor's office of immigrant affairs.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs.

Int. No. 1088

By Council Members Espinal, Williams, Levine, Palma, Rose, Richards, Rodriguez and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to periodic inspections of gas piping systems.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 318 to read as follows:

**ARTICLE 318**  
**PERIODIC INSPECTION OF GAS PIPING SYSTEMS**

**§ 28-318.1 General.** *Building gas piping systems, other than gas piping systems of buildings classified in occupancy group R-3, shall be periodically inspected in accordance with this article.*

**§ 28-318.2 Frequency of inspection.** *An inspection of a building's gas piping system shall be conducted at periodic intervals as set forth by rule of the commissioner, but such inspection shall be conducted at least once every four years. The initial inspection for a new building shall be conducted in the tenth year following the issuance date of a temporary or final certificate of occupancy or as otherwise prescribed by rule.*

**§ 28-318.3 Inspection process.** *Gas piping systems shall be inspected and tested in accordance with sections 28-318.3.1 through 28-318.3.5.*

**§ 28-318.3.1 Inspection entities.** *Inspections of gas piping systems shall be conducted on behalf of the building owner by or under the direct supervision of a licensed master plumber with appropriate qualifications as prescribed by the department.*

**§ 28-318.3.2 Scope.** *At each inspection, in addition to the requirements prescribed by this article or by the department, all exposed gas lines from point of entry of gas piping into a building, including building service meters, up to individual tenant spaces shall be inspected for evidence of excessive atmospheric corrosion or piping deterioration, illegal connections, and non-code compliant installations. The inspection entity shall also test public spaces, hallways, corridors, and mechanical and boiler rooms with a portable combustible gas detector to determine if there is any gas leakage in excess of industry standards.*

**§ 28-318.3.3 Report on inspection.** *Inspection reports, signed by the inspector performing the inspection and the building owner, shall be submitted to the department on such forms and in such manner as required by the department within 60 days of the inspection. Each inspection report shall include, for each gas piping system inspected, a listing of potential violations, instances where parts of such system have worn to such an extent that the safe and reliable operation of such system may be affected, gas leaks and any additional information required by the department. A copy of the report shall be delivered to the building owner within 30 days of the inspection. All reports shall be kept on file by the inspection entity and the building owner for at least eight years after the date of inspection.*

**§ 28-318.3.4 Reporting an unsafe or hazardous condition.** *If an inspection reveals any of the following conditions, the inspection entity shall notify the owner, the utility and the department immediately:*

1. A gas leak;
2. Evidence of illegal connections or non-code compliant installations; or

3. *Any other condition that is unsafe or hazardous to life and safety.*

**§ 28-318.3.5 Repair of defects.** *The building owner shall correct all defects and violations identified in the inspection report.*

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

Referred to the Committee on Housing and Buildings.

Preconsidered Res. No. 995

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

By Council Members Ferreras-Copeland and Palma.

**Whereas,** On June 26, 2015 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2016 with various programs and initiatives (the “Fiscal 2016 Expense Budget”); and

**Whereas,** On June 26, 2014 the Council adopted the expense budget for fiscal year 2015 with various programs and initiatives (the “Fiscal 2015 Expense Budget”); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2015 and Fiscal 2016 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2016 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to a certain initiative; now, therefore, be it

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of a certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure (CASA) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Speaker’s Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the Food Pantries Development Grant Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Support Our Seniors Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the change in the designation of the administering agency receiving funding pursuant to the Participatory Budgeting at NYCHA Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Young Women's Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Gun Violence – Art a Catalyst for Change Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Alternatives to Incarceration (ATI's) Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Supportive Service Enhancement Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Discretionary Child Care Initiative in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2015 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the organizations that will receive equipment from the organization funded by the Beating Hearts Initiative as designated in the Transparency Resolution dated September 17, 2015, as set forth in Chart 23; and be it further



**Resolved,** That the City Council approves the new description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2016 Expense Budget, as set forth in Chart 24.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res No. 995 printed in these Minutes).

Int. No. 1089

By Council Members Gentile, Palma and Dickens.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending parking meter rules on certain holidays.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-163 of subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended to read as follows:

§ 19-163 Holiday suspensions of parking rules. a. All alternate side of the street parking rules and requirements to activate parking meters and muni-meters shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, Asian Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, and all state and national holidays. *For the purposes of this section, "muni-meter" shall have the same meaning as in subdivision b of section 19-167.1.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 1090

By Council Members Gibson, Williams, Palma, Dickens, Rose, Richards, Gentile and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring owners to provide notice to their tenants regarding procedures that should be followed when a gas leak is suspected.**

*Be it enacted by the Council as follows:*

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

*f. The owner of a dwelling shall deliver or cause to be delivered to each tenant and prospective tenant of such dwelling, along with the lease or lease renewal form for such tenant or prospective tenant, and shall post and maintain in a common area of the building containing such dwelling, a notice, in a form developed or approved by the department, regarding the procedures that should be followed when a gas leak is suspected. Such notice shall instruct the tenants to first call 911 and then call the relevant gas service provider, whose name and emergency phone number shall be set forth on such notice, before contacting such owner or an agent thereof when a gas leak is suspected.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 1091

By Council Members Kallos, Palma, Dickens and Rose.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to amending references to the tribunal functions of the environmental control board to include reference to a consolidated administrative tribunal of the office of administrative trials and hearings.**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph (i) of paragraph 9 of subdivision a of section 533 of the New York city charter, as amended by chapter 167 of the 2010 laws of New York state, is amended to read as follows:

(i) Any violation of such rules or regulations, except any violation of subparagraph (ii) of this paragraph, shall be a misdemeanor triable by a judge of the criminal court of the city of New York and punishable by not more than ninety days imprisonment or by a fine of not more than one thousand dollars or by both. Any violation of such rules or regulations shall also subject the violator to a civil penalty of not more than ten thousand dollars for each violation which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. Such proceeding shall be commenced by the service of a notice of violation returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 2. Subparagraph (ii) of paragraph 9 of subdivision a of section 533 of the New York city charter, as amended by chapter 167 of the 2010 laws of New York state, is amended to read as follows:

(ii) Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree shall be a misdemeanor triable by a judge of the criminal court of the city of New York and punishable by not more than one year imprisonment or by a fine of not more than fifteen thousand dollars or by both. Any violation of a rule or regulation concerning the unlawful cutting, removal or destruction of any tree shall also subject the violator to a civil penalty of not more than ten thousand dollars for each violation which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. Such proceeding shall be commenced by the service of a notice of violation returnable to the environmental control board or an authorized tribunal of the office of administrative trials and hearings. The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall have the power to impose the civil penalties prescribed herein;

§ 3. Paragraph 9-a of subdivision a of section 533 of the New York city charter, as amended by local law 35 for the year 2008, is amended to read as follows:

9-a. by agreement with the battery park city authority (a public benefit corporation established pursuant to title twelve of article eight of the public authorities law), to enforce the rules and regulations of such authority or of a not-for-profit corporation acting on behalf of such authority, relating to the use, government and protection of public parks and recreational facilities of and adjacent to battery park city within the jurisdiction of such authority. In addition to or as an alternative to any of the remedies or penalties provided under any other provision of law, violation of such rules and regulations shall be punishable by a civil penalty of not more than five hundred dollars for each violation, which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. Such proceeding shall be commenced by a notice of violation returnable before such board *or tribunal*. The procedures set forth in section one thousand forty-nine-a of this charter applicable to the adjudication by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* of violations within the jurisdiction of the commissioner shall apply to the adjudication of violations of such rules

and regulations by such board *or tribunal* and final orders of such board *or tribunal* imposing civil penalties for such violations shall constitute judgments that may be entered and enforced as set forth in such section.

§ 4. Paragraph 9-b of subdivision a of section 533 of the New York city charter, as amended by local law 35 for the year 2008, is amended to read as follows:

9-b. by agreement with the Hudson river park trust (a public benefit corporation established pursuant to section five of the Hudson river park act, chapter five hundred ninety-two of the laws of nineteen hundred ninety-eight), to enforce the rules and regulations of such trust relating to the use, government and protection of the Hudson river park, created pursuant to section four of such act. In addition to or as an alternative to any of the remedies or penalties provided under any other provision of law, violation of such rules and regulations shall be punishable by a civil penalty of not more than five hundred dollars for each violation, which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. Such proceeding shall be commenced by a notice of violation returnable before such board *or tribunal*. The procedures set forth in section one thousand forty-nine-a of this charter applicable to the adjudication by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* of violations within the jurisdiction of the commissioner shall apply to the adjudication of violations of such rules and regulations by such board *or tribunal* and final orders of such board *or tribunal* imposing civil penalties for such violations shall constitute judgments that may be entered and enforced as set forth in such section.

§ 5. Paragraph 9-c of subdivision a of section 533 of the New York city charter, as added by chapter 167 of the 2010 laws of New York state, is amended to read as follows:

9-c. by agreement with the Brooklyn bridge park corporation (a not-for-profit corporation formed pursuant to section four hundred two of the not-for-profit corporation law), to enforce the rules and regulations of such corporation, relating to the use, government and protection of public parks and recreational facilities within the jurisdiction of such corporation. In addition to or as an alternative to any of the remedies or penalties provided under any other provision of law, violation of such rules and regulations shall be punishable by a civil penalty of not more than five hundred dollars for each violation, which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. Such proceeding shall be commenced by a notice of violation returnable before such board *or tribunal*. The procedures set forth in section one thousand forty-nine-a of this charter applicable to the adjudication by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* of violations within the jurisdiction of the commissioner shall apply to the adjudication of violations of such rules and regulations by such board *or tribunal* and final orders of such board *or tribunal* imposing civil penalties for such violations shall constitute judgments that may be entered and enforced as set forth in such section.

§ 6. Subdivisions b-1, c and d of section 1049-a of the New York city charter, as amended and renumbered by local law 35 for the year 2008, are amended to read as follows:

b-1. [The environmental control board] *An authorized tribunal of the office of administrative trials and hearings* shall promulgate rules or regulations not inconsistent with any provision of law:

(1) providing that appropriate language assistance services are afforded respondents whose primary languages are not English to assist such respondents in communicating meaningfully with hearing officers;

(2)(a) providing that if a notice of violation sets forth a specific hearing date and hearing office and the respondent timely appears on such date at such office pursuant to that notice of violation, then the hearing officer may exercise his or her discretion to adjourn the hearing only: (i) if a representative of the petitioning agency appears at the hearing; (ii) if, due to extraordinary circumstances, a representative of the petitioning agency is not present at the hearing; or (iii) if the respondent consents to the adjournment;

(b) notwithstanding any other provision of this charter, for the purpose of making an appearance under this paragraph, any city agency that issues notices of violations returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* may delegate authority to appear on its behalf to any representative authorized to appear on behalf of any other city agency that issues notices of violation returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*; and

(3) providing that if (i) a hearing has been adjourned by a hearing officer solely for the purpose of obtaining the presence and testimony of the officer of the petitioning agency who issued the subject notice of violation, (ii) the respondent timely appears on the adjourned hearing date, and (iii) such officer of such agency

fails to timely appear on the adjourned hearing date, then the hearing shall not be further adjourned solely to obtain the presence and testimony of such officer of such agency, unless the respondent consents to the adjournment or the hearing officer determines that extraordinary circumstances warrant the adjournment.

c. (1) The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall enforce the provisions of the charter and the administrative code, and any rules and regulations made thereunder, which relate to:

- (a) the cleanliness of the streets;
- (b) the disposal of wastes;
- (c) the provision of a pure, wholesome and adequate supply of water;
- (d) the prevention of air, water and noise pollution;
- (e) the regulation of street peddling;
- (f) the prevention of fire and danger to life and property therefrom which are within the jurisdiction of the fire department and which the fire commissioner shall designate by rule or regulation;
- (g) the construction, alteration, maintenance, use, occupancy, safety, sanitary condition, mechanical equipment and inspection of buildings or structures and the regulation, inspection and testing of wiring and appliances for electric light, heat and power in or on buildings or structures in the city which are within the jurisdiction of the department of buildings or the department of small business services and which the commissioner of buildings or the commissioner of small business services shall designate by rule or regulation;
- (h) the response to emergencies caused by releases or threatened releases of hazardous substances;
- (i) the use and regulation of all property subject to the jurisdiction of the department of parks and recreation;
- (j) the reporting of information relating to the amount, location and nature of hazardous substances, and the labeling of hazardous substances;
- (k) the construction, maintenance and repair and obstruction or closure of public roads, streets, highways, parkways, bridges and tunnels which are within the jurisdiction of the department of transportation and the department of information technology and telecommunications;
- (l) the use and regulation of all property subject to the jurisdiction of the department of small business services;
- (m) the defacement of property; and
- (n) landmarks and historic districts within the jurisdiction of the landmarks preservation commission.

(2) The board *or an authorized tribunal of the office of administrative trials and hearings* shall have concurrent jurisdiction with the board of health to enforce those provisions of the health code and the rules and regulations relating thereto which the board of health shall designate.

(3) [The board] *An authorized tribunal of the office of administrative trials and hearings* shall have authority from time to time to make, amend and rescind such rules and regulations as may be necessary to carry out [its] *the duties of the board or tribunal* under this subdivision.

d. (1) (a) The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall conduct proceedings for the adjudication of violations of the laws, rules and regulations enforced by it pursuant to the provisions of subdivision c of this section or of any other law providing for enforcement by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* in accordance with this paragraph (1) and with rules and regulations promulgated by [the board] *an authorized tribunal of the office of administrative trials and hearings*, and shall have the power to render decisions and orders and to impose the civil penalties provided under law for such violations.

(b) The form and wording of notices of violation shall be prescribed by [the board] *an authorized tribunal of the office of administrative trials and hearings*. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein.

(c) The notice of violation shall contain information advising the person charged of the manner and the time in which such person may either admit or deny the violation charged in the notice. Such notice of violation shall also contain a warning to advise the person charged that failure to plead in the manner and time stated in the notice may result in a default decision and order being entered against such person. The original or a copy of the notice of violation shall be filed and retained by the board *or an authorized tribunal of the*

*office of administrative trials and hearings* and shall be deemed a record kept in the ordinary course of business.

(d) Where a respondent has failed to plead within the time allowed by the rules of [the board] *an authorized tribunal of the office of administrative trials and hearings* or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty in the maximum amount prescribed under law for the violation charged.

(e) Where a proceeding has been referred by the board *or an authorized tribunal of the office of administrative trials and hearings* to a hearing officer, upon the failure of any party to respond properly to a lawful discovery order or request made pursuant to rules of [the board] *an authorized tribunal of the office of administrative trials and hearings* governing discovery, or upon any party's wrongful refusal to answer questions or produce documents, the hearing officer may take whatever action he or she deems appropriate including, but not limited to, preclusion of evidence or witnesses, or striking the pleadings or defenses of such party. It shall not be necessary for a party to have been subpoenaed to appear or produce documents at any properly ordered discovery proceeding for such sanctions to be applicable.

(f) Where the rules of [the board] *an authorized tribunal of the office of administrative trials and hearings* permit exceptions to be filed with the board *or tribunal* from a recommended decision and order issued pursuant to this subdivision and such exceptions are filed pursuant to the rules of [the board] *an authorized tribunal of the office of administrative trials and hearings*, if no final decision and order has been issued by the board *or tribunal* to the parties after the expiration of one hundred eighty days from the filing of the exceptions, a respondent who filed such exceptions may seek, at any time after the expiration of the one hundred eighty days, judicial review pursuant to article seventy-eight of the New York civil practice law and rules, and if a respondent does so, the recommended decision and order issued pursuant to this subdivision shall be deemed the final decision and order of the board *or tribunal*, provided that no respondent may rely upon this subparagraph to have a recommended decision and order deemed a final decision and order of the board *or tribunal* unless: (i) at least forty-five days before the filing of any petition pursuant to article seventy-eight of the New York civil practice law and rules, such respondent shall have filed with the board *or tribunal* written notice, pursuant to [its] *the rules of such tribunal*, of the respondent's intention to file such petition; and (ii) such respondent has served such petition on the board *or tribunal* pursuant to the New York civil practice law and rules. The board *or tribunal* may issue a final decision and order at any time after the respondent has filed with the board *or tribunal* written notice of his or her intention to file such petition, provided that the respondent has not filed such petition on a day prior to the [board's] issuance of [its] *a final decision by the board or tribunal*.

(g) Any final order of the board *or an authorized tribunal of the office of administrative trials and hearings* imposing a civil penalty, whether the adjudication was had by hearing or upon default or otherwise, shall constitute a judgment rendered by the board *or tribunal* which may be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state, and may be enforced without court proceedings in the same manner as the enforcement of money judgments entered in civil actions; provided, however, that no such judgment shall be entered which exceeds the sum of twenty-five thousand dollars for each respondent.

(h) Notwithstanding the foregoing provision, before a judgment based upon a default may be so entered the board *or an authorized tribunal of the office of administrative trials and hearings* must have notified the respondent by first class mail in such form as the board *or tribunal* may direct: (i) of the default decision and order and the penalty imposed; (ii) that a judgment will be entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state of New York; and (iii) that entry of such judgment may be avoided by requesting a stay of default for good cause shown and either requesting a hearing or entering a plea pursuant to the rules of [the board] *an authorized tribunal of the office of administrative trials and hearings* within thirty days of the mailing of such notice.

(i) A judgment entered pursuant to this paragraph shall remain in full force and effect for eight years.

(j) The board *or an authorized tribunal of the office of administrative trials and hearings* shall develop and implement technology to enable electronic case management, including but not limited to: online adjudication and payments in appropriate cases; more efficient administration of case conferences, hearings and appeals; electronic case scheduling; and generation of data and other reports to enhance the efficiency and increase

public accountability of board *or tribunal* adjudication functions. Not later than December 1, 2008, the board *or tribunal* shall report to the city council on its plans and progress in fulfilling the requirements of this subparagraph and shall include in its report a projected schedule for implementation.

(2) (a) The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall not enter any final decision or order pursuant to the provisions of paragraph one of this subdivision unless the notice of violation shall have been served in the same manner as is prescribed for service of process by article three of the civil practice law and rules or article three of the business corporation law, except that:

(i) service of a notice of violation of any provisions of the charter or administrative code the enforcement of which is the responsibility of the fire commissioner, the commissioner of buildings, the commissioner of environmental protection, the commissioner of transportation, the commissioner of small business services, the landmarks preservation commission or the commissioner of the department of information technology and telecommunications and over which the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* has jurisdiction, may be made by delivering such notice to a person employed by the respondent on or in connection with the premises where the violation occurred, provided however, that the department of buildings and the fire department may not utilize the procedures set forth in this item to serve a notice of violation relating to commercial premises or residential premises with a legal occupancy of four or more dwelling units; and

(ii) service of a notice of violation of any provision of the charter or administrative code, the enforcement of which is the responsibility of the commissioner of sanitation, the commissioner of buildings or the commissioner of the fire department and over which the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* has jurisdiction, may be made by affixing such notice in a conspicuous place to the premises where the violation occurred; and

(iii) service of a notice of violation of any provision of the administrative code relating to the prevention of noise pollution caused by an audible motor vehicle burglar alarm and over which the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* has jurisdiction may be served upon the owner of a motor vehicle by affixing such notice to said vehicle in a conspicuous place; and

(iv) service of a notice of violation of any of the provisions of section 10-119 or 10-120 of the administrative code of the city of New York and over which the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* has jurisdiction, may be made by certified mail, return receipt requested, to the respondent's last known residence or business address, provided that delivery of such notice shall be restricted to the respondent. Service by certified mail shall be deemed complete upon mailing of the notice of violation unless the notice of violation is returned to the sender by the United States postal service for any reason other than refusal of delivery.

(b) Such notice may only be affixed or delivered pursuant to items (i) and (ii) of subparagraph (a) of this paragraph where a reasonable attempt has been made to deliver such notice to a person in such premises upon whom service may be made as provided for by article three of the civil practice law and rules or article three of the business corporation law. When a copy of such notice has been affixed or delivered, pursuant to items (i) and (ii) of subparagraph (a) of this paragraph, a copy shall be mailed to the respondent at the address of such premises. In addition to the foregoing mailing, if the respondent is neither the owner nor the managing agent nor the occupying tenant of such premises, then a copy of the notice shall also be mailed to the respondent at such respondent's last known residence or business address, and, if the respondent is the owner or agent of the building with respect to which such notice was issued and the identity of and an address for such person is contained in any of the files specified in items (i), (ii) and (iii) of this subparagraph, a copy of the notice shall also be mailed:

(i) to the person registered with the department of housing preservation and development as the owner or agent of the premises, at the address filed with such department in compliance with article two of subchapter four of chapter two of title twenty-seven of the administrative code; or

(ii) to the person designated as owner or agent of the building or designated to receive real property tax or water bills for the building at the address for such person contained in one of the files compiled by the department of finance for the purpose of the assessment or collection of real property taxes and water charges or in the file compiled by the department of finance from real property transfer forms filed with the city register upon the sale or transfer of real property; or

(iii) to the person described as owner or agent of the premises, at the address for such person contained in the files of the agency which issued such notice of violation compiled and maintained for the purpose of the enforcement of the provisions of the charter or administrative code or other law over which such agency has jurisdiction.

(c) Proof of such service made pursuant to item (i) or (ii) of subparagraph (a) of this paragraph and subparagraph (b) of this paragraph shall be filed with the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* within twenty days; service shall be complete ten days after such filing.

(3) The environmental control board or an authorized tribunal of the office of administrative trials and hearings may apply to a court of competent jurisdiction for enforcement of any other decision or order issued by such board *or tribunal* or of any subpoena issued by such board *or tribunal*.

§ 7. Subdivision a of section 1060 of the New York city charter, as added by general election, November 7, 1989, is amended to read as follows:

a. Except as otherwise provided pursuant to subdivision b of this section, the public may attend all sessions, *hearings* or meetings of the following agencies whenever items on the calendar of such agency are to be considered and acted upon in a preliminary or final manner; art commission, conciliation and appeals board, environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, board of health, landmarks preservation commission, city planning commission, board of standards and appeals, tax commission, youth board, and the council and its committees.

§ 8. Subparagraph (iii) paragraph (1) of subdivision d of section 3-121 of the administrative code of the city of New York, as added by local law 55 for the year 2011, is amended to read as follows:

(iii) the total amount of civil penalties imposed for such notices of violation by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*;

§ 9. Paragraph 2 of subdivision j of section 10-108 of the administrative code of the city of New York, as amended by local law 13 for the year 1996, is amended to read as follows:

2. Any person who shall violate any provision of this section, any rule promulgated pursuant thereto or the terms of a permit issued pursuant to subdivision f of this section, shall be liable for a civil penalty recoverable in a civil action brought in the name of the police commissioner or the commissioner of environmental protection or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* in an amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation and seven hundred fifty dollars for the third and each subsequent violation. However, any person who commits a fourth and any subsequent violation within a period of six months shall be classified as a persistent violator and shall be liable for a civil penalty of one thousand dollars for each such violation.

§ 10. Subdivision g of section 10-117 of the administrative code of the city of New York, as amended by local law 5 for the year 2004, is amended to read as follows:

g. In addition to the criminal penalties imposed pursuant to subdivision f of this section, a person who violates the provisions of subdivision a, b, c or d of this section shall be liable for a civil penalty of not more than five hundred dollars for each violation which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. Any person who has been previously convicted of violating the provisions of subdivision a, b, c or d of this section shall be liable for a civil penalty of not more than one thousand dollars for each violation which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. Such proceeding shall be commenced by the service of a notice of violation returnable before such board *or tribunal*. Anyone found to have violated the provisions of subdivision a of this section, by affixing, attaching or placing by whatever means a sticker or decal, in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized stickers or decals.

§ 11. Subparagraph i of paragraph 4 of subdivision h of section 10-117.3 of the administrative code of the city of New York, as added by local law 65 for the year 2009, is amended to read as follows:

i. Penalty for failure to remove graffiti from commercial and residential buildings. The owner of a commercial or residential building who has been given written notice pursuant to subdivision h of this section and who fails to remove or conceal such graffiti within sixty days of receipt of such notice or to consent to the marking shall be liable for a civil penalty of not less than one hundred fifty dollars nor more than three

hundred dollars. Such civil penalty may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 12. Subdivision b of section 10-118.1 of the administrative code of the city of New York, as added by local law 55 for the year 2013, is amended to read as follows:

b. Any person who violates any provision of this section shall be liable for a civil penalty of not less than two thousand five hundred dollars nor more than ten thousand dollars. A notice of violation issued pursuant to this section shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, which shall have the power to impose such civil penalty.

§ 13. Subdivision b of section 10-121 of the administrative code of the city of New York, as amended by local law 29 for the year 2003, is amended to read as follows:

b. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-119 or 10-120 of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, which shall have the power to impose the civil penalties of not less than seventy five dollars nor more than one hundred fifty dollars for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period. Anyone found to have violated the provisions of Section 10-119 or 10-120, in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized signs. Anyone found to have violated section 10-119 of this chapter by affixing any handbill, poster, notice, sign or advertisement to a tree by means of nailing or piercing the tree by any method shall have an additional penalty imposed equal to the amount of the original penalty.

§ 14. Subdivision c of section 10-121 of the administrative code of the city of New York is amended to read as follows:

c. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of [the environmental control board] *an authorized tribunal of the office of administrative trials and hearings*, he or she shall become liable for additional penalties. The additional penalties shall not exceed fifty dollars for each violation.

§ 15. Subdivision a of section 10-149 of the administrative code of the city of New York, as amended by local law 7 for the year 1996, is amended to read as follows:

a. Any individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation violating the provisions of section 10-148 of this code concerning a tree shall be liable to arrest and upon conviction thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than fifteen thousand dollars or by imprisonment of not more than one year or by both such fine and imprisonment for each such violation. Such individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation shall also be liable for a civil penalty of not more than ten thousand dollars for each such violation which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. A proceeding to recover any civil penalty authorized by this section shall be commenced by the service of a notice of violation returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall have the power to impose the civil penalties prescribed herein.

§ 16. Subdivision c of section 10-149 of the administrative code of the city of New York, as amended by local law 7 for the year 1996, is amended to read as follows:

c. Any individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation found to be guilty of violating the provision of section 10-148 of this code or subdivision a of section 18-129 of this code by a court of competent jurisdiction or by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall be denied the opportunity to obtain written consent from the commissioner of parks and recreation or from an agency having control of public property to cut, remove or in any way destroy or cause to be destroyed, any tree or other form of vegetation on such property for a maximum of two years from the date of conviction, or from the date the civil penalty was imposed.

§ 17. Subdivision g of section 10-157 of the administrative code of the city of New York, as amended by local law 56 for the year 2012, is amended to read as follows:



g. Any business using a bicycle for commercial purposes shall be responsible for the compliance with the provisions of this section of any employees it shall retain. Violation of any of the provisions of this section by any such business, or of any of the rules or regulations that may be promulgated pursuant hereto, shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than two hundred fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition, any business using a bicycle for commercial purposes that violates any of the provisions of this section or any of the rules promulgated pursuant hereto shall be subject to a civil penalty of one hundred dollars. Any such business that violates a provision of this section or rule promulgated pursuant hereto more than thirty days after such business has already violated the same provision or rule shall be subject to an additional civil penalty of two hundred fifty dollars. Such civil penalties may be in addition to any criminal penalty imposed, and shall be recoverable against such business in an action or proceeding in any court or tribunal of competent jurisdiction or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 18. Subdivision d of section 10-157.1 of the administrative code of the city of New York, as amended by local law 56 for the year 2012, is amended to read as follows:

d. The violation of any provision of subdivision a or b of this section, or of any of the rules or regulations that may be promulgated pursuant hereto, shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than two hundred fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition, any business using a bicycle for commercial purposes, as defined in subdivision a of section 10-157 of this chapter who violates any provision of subdivision a or b of this section or any of the rules or regulations promulgated pursuant hereto shall be subject to a civil penalty of one hundred dollars. Any such business that violates a provision of this section or rule promulgated pursuant hereto more than thirty days after such business has already violated the same provision or rule shall be subject to an additional civil penalty of two hundred fifty dollars. Such civil penalties may be in addition to any criminal penalty imposed, and shall be recoverable against such business in an action or proceeding in any court or tribunal of competent jurisdiction or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 19. Paragraph 6 of subdivision b of section 10-169 of the administrative code of the city of New York, as amended by local law 67 for the year 2014, is amended to read as follows:

6. In addition to penalties provided for in any other provisions of law, in the event that a publicly accessible collection bin is placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, the department shall have the authority to remove such bin. Any publicly accessible collection bin placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be presumed to have been placed there intentionally. If the name and address of the owner of such publicly accessible collection bin are located on the bin and are legible, such owner shall be notified by the department by certified mail, return receipt requested, that such publicly accessible collection bin was removed by the department and that the owner can claim such bin through the procedure established by rule. If the name and address of the owner of such publicly accessible collection bin are not located on the bin or are not legible, the commissioner may dispose of such bin in accordance with applicable law and rules thirty days after removal. Any owner who seeks to claim a publicly accessible collection bin that has been removed by the department shall pay the penalty established by this section and the costs of removal and storage, unless, after adjudication by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, the owner is found not liable for violating this section, in which case such bin shall be released forthwith, and no removal or storage costs shall be imposed as a condition of such release. If any publicly accessible collection bin is not claimed within thirty days of the mailing of notice to the owner, the commissioner may dispose of such bin in accordance with applicable law and rules.

§ 20. Subdivision c of section 10-169 of the administrative code of the city of New York, as amended by local law 67 for the year 2014, is amended to read as follows:

c. Any person who violates the provisions of paragraph two of subdivision b of this section shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* of two hundred fifty dollars for the first offense and five hundred dollars for each subsequent offense within any eighteen-month period. Any person who violates

the provisions of paragraph two of subdivision b of this section by attaching or enclosing by any means any publicly accessible collection bin to or on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* of five hundred dollars for the first offense and one thousand dollars for each subsequent offense within any eighteen-month period. For purposes of this section, each publicly accessible collection bin placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be deemed a separate violation.

§ 21. Subdivision d of section 10-169 of the administrative code of the city of New York, as amended by local law 67 for the year 2014, is amended to read as follows:

d. Any person who violates the provisions of paragraphs one, four or five of subdivision b of this section shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* of fifty dollars for the first offense and one hundred dollars for each subsequent offense within any eighteen-month period.

§ 22. Section 11-136 of the administrative code of the city of New York, as added by local law 11 for the year 2015, is amended to read as follows:

§ 11-136 Report on notices of violations returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. a. No later than November first of each year, the department of finance shall submit to the council, and make available on the department's website, a report on the outstanding debt for base penalties, default penalties, and default [judgements] *judgments* issued for notices of violations returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* and referred to the department for collection during the previous fiscal year, and base penalties, default penalties, and default judgments issued for notices of violations returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* and referred to the department for collection that remain in full force and effect, pursuant to subparagraph (i) of paragraph one of subdivision d of section 1049-a of the charter. Such report shall include: (1) the total number of [judgements] *judgments* referred to the department by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, including the number of default [judgements] *judgments*; (2) the total dollar amount of [judgements] *judgments* referred to the department, disaggregated by base penalty, interest, and default penalty; (3) the average length of time for referral of a [judgement] *judgment* from the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* to the department; (4) the total dollar amount collected by the department for [judgements] *judgments*; (5) an analysis of the length of time for collection of [judgements] *judgments* described in paragraph four; (6) the total number of [judgements] *judgments* that require corrective action by a respondent; (7) the enforcement efforts used by the department to collect [judgements] *judgments* described in paragraph four; and (8) the total number of [judgements] *judgments* that are no longer in full force and effect, pursuant to subparagraph (i) of paragraph one of subdivision d of section 1049-a of the charter, and the total dollar amount of such [judgements] *judgments*. The department shall disaggregate the information required by paragraphs one through eight of this subdivision by the agency in which the notice of violation originated, and the fiscal year in which the [judgement] *judgment* was entered.

b. For purposes of this section, the following terms shall have the specified meanings:

"Base penalty" means, with respect to any notice of violation returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, the penalty that would be imposed upon a timely admission by the respondent or finding of liability after a hearing, pursuant to the environmental control board penalty schedule *or such other penalty schedule as may be set by the administrative tribunal of the office of administrative trials and hearings*, without regard to reductions of penalty in cases of mitigation or involving stipulations.

"Default [judgement] *judgment*" means a [judgement] *judgment* of the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, pursuant to subparagraph (d) of paragraph one of subdivision d of section 1049-a of the charter, determining a respondent's liability based upon that respondent's failure to plead within the time allowed by the rules of [the environmental control board] *an authorized tribunal of the office of administrative trials and hearings* or failure to appear before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* on a designated hearing date or on a subsequent date following an adjournment.

"Default penalty" means a penalty imposed by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, pursuant to section 1049-a of the charter, in the maximum amount prescribed by law for the violation charged.

"Respondent" means a person or entity named as the subject of a notice of violation returnable to, or a [judgement] *judgment* issued by, the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, or such other person or entity who asserts legal responsibility for the liability of the person or entity named in the notice or the [judgement] *judgment*.

§ 23. Subdivision a of section 11-266 of the administrative code of the city of New York is amended to read as follows:

a. If a court, or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* with respect to matters within its jurisdiction, finds that at the property which is the subject of a certificate of eligibility there has been a violation of any of the provisions of the building, fire and air pollution control codes set forth in subdivision b of this section, all benefits pursuant to such certificate shall be suspended unless within one hundred eighty days after the department of finance has sent notice of such finding to the recipient, and all other persons having a financial interest in the property who have filed a timely request for such notice in such form as may be prescribed by the department of finance, the recipient submits to the department of finance, certification from the department of buildings, the fire department or the department of environmental protection respectively that the underlying code violation has been cured. If the recipient fails to submit the required certification within the one hundred eighty day period, the period of suspension shall be effective retroactively to the time of the finding by the court or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. The suspension of benefits shall continue until the recipient submits to the department of finance the required certification that the violation has been cured. If the original finding of violation or the denial of certification is appealed and a court or appropriate governmental agency finally determines that the finding of violation or denial of certification was invalid, any benefits lost pursuant to this section to which the recipient was entitled shall be restored retroactively. As applied to a recipient who is eligible for deferral of tax payments pursuant to subdivision d of section 11-257 of this part, suspension of benefits shall be deferred by operation of such section and interest at the rate charged by the department of finance for overdue taxes shall be charged on the amount of any tax payments already deferred by operation of such section. The interest charged shall accrue from the beginning of the period of suspension.

§ 24. Subdivision a of section 11-277 of the administrative code of the city of New York, as added by local law 61 for the year 2008, is amended to read as follows:

a. If a court, or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* with respect to matters within its jurisdiction, finds that there has been a violation of the city construction codes, the 1968 building code or other law or rule enforced by the department of buildings classified as immediately hazardous pursuant to chapter two of title twenty-eight of the administrative code or the rules of the department of buildings; a violation of subdivision a of section 1-102 of title fifteen of the rules of the city of New York; or a violation of the city fire code or title three of the rules of the city of New York, relating to the failure to provide a fire protection system or emergency power system, or maintain it in good working order, to prepare or, where required, submit for fire department approval, a fire safety and evacuation plan or emergency action plan, or to provide a fire safety and evacuation plan or emergency action plan staff, or relating to the obstruction of a means of egress at any property receiving benefits pursuant to this part, such benefits shall be suspended unless, within one hundred eighty days after the department of finance has sent notice of such finding to the recipient, the recipient submits to the department of finance documentation from the department of buildings, the department of environmental protection or the fire department, whichever is applicable, certifying that the underlying violation has been legally cured or corrected. Such notice may be in any form determined by the department of finance, including in electronic form, and shall be sent to the recipient on the next quarterly statement of account after the department of finance has learned of such finding. If the recipient fails to make the required submission within the one hundred eighty day period, the suspension of benefits shall continue until the recipient makes such submission to the department of finance. After the recipient makes such submission, benefits shall resume, but benefits lost during the period of suspension shall not be restored.

§ 25. Paragraph 4 of subdivision a of section 14-150 of the administrative code of the city of New York, as amended by local law 2 for the year 2014, is amended to read as follows:

4. A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board *or an authorized tribunal of the office of administrative trials and hearings* notice of violation, or criminal court summons) for each patrol precinct, housing police service area and transit district; domestic violence radio runs for each patrol precinct; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. Such report shall also include the total number of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation, pursuant to the following timetable:

1. Beginning January first, two thousand fourteen, the thirty largest parks, as determined by acreage;
2. Beginning June first, two thousand fourteen, the one hundred largest parks, as determined by acreage;
3. Beginning January first, two thousand fifteen, the two hundred largest parks, as determined by acreage;
4. Beginning January first, two thousand sixteen, the three hundred largest parks, as determined by acreage;
5. Beginning January first, two thousand seventeen, all parks one acre or greater in size; and
6. Beginning January first, two thousand eighteen, all public pools, basketball courts, recreation centers, and playgrounds that are not located within parks one acre or greater in size.

The department shall conspicuously post all quarterly reports of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation online via the department's website within five business days of the department's submission of such reports to the council.

§ 26. Subdivision b of section 15-220.1 of the administrative code of the city of New York is amended to read as follows:

b. Such person shall also be liable for a civil penalty of not less than one thousand dollars nor more than five thousand dollars which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. In any such proceeding which relates to a false statement in a certification filed pursuant to section 15-230, if an inspection made within six months after the filing of the certification finds a condition constituting a violation which is the same as the condition described in the notice of violation with respect to which such certification was filed, there shall be a rebuttable presumption that the condition described in such notice of violation continued and is the same condition found in the inspection.

§ 27. Section 15-223.1 of the administrative code of the city of New York is amended to read as follows:

§ 15-223.1 Orders; penalty for noncompliance. a. Any person who shall violate or fail to comply with an order issued by the commissioner, except an order issued pursuant to section 15-230, shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed five thousand dollars. Such person shall also be subject to the payment of a civil penalty of not more than five thousand dollars to be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

b. Any person who shall knowingly violate or fail to comply with any order of the commissioner, except an order issued pursuant to section 15-230, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than ten thousand dollars or imprisonment for not more than six months or both for each offense. Such person shall also be subject to a civil penalty of not more than ten thousand dollars to be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 28. Paragraph (i) of subdivision d of section 15-227 of the administrative code of the city of New York, as amended by local law 23 for the year 1990, is amended to read as follows:

d. (i) Any order to seal, secure and close issued pursuant to item (ii) of subdivision b of this section shall contain notice of the opportunity for a hearing with respect to such order, to determine if the order was properly issued in accordance with the provisions of this section. Such hearing shall be conducted by the commissioner, or in the commissioner's discretion, by the office of administrative trials and hearings or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. If the matter is referred to such office or board *or tribunal*, the hearing officer shall submit his or her findings of fact and a recommended decision to the commissioner. The hearing shall be held within three business days after the receipt of the written request of an owner, lessor, lessee or mortgagee for such hearing and the commissioner shall render a decision within three business days after such hearing is concluded.

§ 29. Section 15-229 of the administrative code of the city of New York, as amended by local law 33 for the year 2004, is amended to read as follows:

§ 15-229 Environmental control board *or an authorized tribunal of the office of administrative trials and hearings*; civil penalties.

a. In addition to or as an alternative to any of the remedies and penalties provided in any laws, rules, or regulations enforceable by the department, any person who shall violate or fail to comply with any such laws, rules, or regulations shall, except as otherwise specifically provided in subdivision c of section 15-230, be liable for a civil penalty which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. Such proceeding shall be commenced by the service of a notice of violation returnable before the board *or tribunal*. Except as otherwise specifically provided, such civil penalty shall be determined as follows: (1) The maximum penalty for the first violation shall be one thousand dollars (\$1,000); (2) the maximum penalty for the second and any subsequent violation of the same provision of law, rule or regulation shall be five thousand dollars (\$5,000), provided the violation is committed by the same respondent, is for the same provision of law, rule or regulation, and occurs within eighteen months of first violation, and provided, further, that if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred, the violation occurred at the same premises.

b. For the purposes of the multiple offense schedule, if the respondent is the owner or agent of the building or structure with respect to which the violation occurred or a lessee of the entire building or structure, the term premises shall mean the entire building or structure. If the respondent is the lessee or person in control of a part of such building or structure, the term premises shall mean that part of such building or structure leased to or under the control of the respondent.

c. Notwithstanding any other provision of this section, if the respondent is the owner or agent of the building or structure with respect to which the violation occurred or a lessee of the entire building or structure, a prior violation by the same respondent shall not serve as a predicate for purposes of the multiple offense schedule set forth in this section if the prior violation or the violation for which penalties are to be imposed occurred within an area of the building or structure which, at the time of the violation, was leased to and under the control of a person other than the respondent except that this provision shall not apply if both the prior violation and the violation for which penalties are to be imposed occurred within areas leased to and under the control of the same lessee. In any proceeding before the board *or tribunal*, the burden of proof with respect to this exception shall be upon the respondent.

d. The commissioner may, by rule or regulation, establish a schedule of civil penalties providing a maximum penalty for the violation of each separate provision of law, rule or regulation based on the degree of seriousness of the violation. Such maximum penalties shall not exceed the maximum penalties for such violation set forth in this section.

§ 30. Section 15-230 of the administrative code of the city of New York is amended to read as follows:

§ 15-230 Environmental control board *or an authorized tribunal of the office of administrative trials and hearings* proceedings; order to certify correction.

a. Except as otherwise provided in subdivision e of this section, whenever the commissioner serves a notice of violation such notice shall include an order which requires the respondent to correct the condition constituting the violation and to file a certification with the department that the condition has been corrected. Such order shall require that the condition be corrected within thirty days from the date that the order is issued

and that certification of the correction of the condition shall be filed with the department in a manner and form and within such further period of time as shall be established by rule or regulation of the department.

b. If the board *or tribunal* finds, upon good cause shown, that the respondent cannot correct the violation within the period specified in subdivision a, it may, with the concurrence of the commissioner, postpone the period for compliance with such order upon such terms and conditions and for such period of time as shall be appropriate under the circumstances.

c. For violations which are subject to the penalties for a first violation as set forth in section 15-229, if the respondent complies with the order issued pursuant to subdivision a of this section within the time set forth in such subdivision there shall be no civil penalty for such first violation. Such violation may however serve as a predicate for purposes of the multiple offense schedule set forth in section 15-229.

d. In any proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, if the board *or tribunal* finds that the commissioner has failed to prove the violation charged it shall notify the commissioner and the order requiring the respondent to correct the condition constituting the violation shall be deemed to be revoked.

e. Subdivisions a, b, c, and d of this section shall not apply to environmental control board *or an authorized tribunal of the office of administrative trials and hearings* proceedings to impose penalties for violations of sections 15-220.1, 15-223.1 and 15-231 or to impose penalties for any violation which the commissioner, in his discretion, determines to be hazardous.

§ 31. Section 15-231 of the administrative code of the city of New York is amended to read as follows:

a. Any person who shall fail to comply with an order of the commissioner issued pursuant to subdivision a of section 15-230 within the time specified in such subdivision or within such further period of time as may be provided by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* pursuant to subdivision b of section 15-230 shall, in addition to the penalties which may be imposed for the violation pursuant to section 15-229, be liable for a civil penalty of not more than five thousand dollars for each violation for which there has been a failure to comply with such order. Such civil penalty may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

b. For the purposes of this section, if the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* finds that a respondent has knowingly made false statements relating to the correction of a violation in a certification filed pursuant to section 15-230, such certification as to correction shall be null and void and the penalties set forth in this section may be imposed as if such false certification had not been filed with and accepted by the department.

§ 32. Section 15-232 of the administrative code of the city of New York, as amended by local law 26 for the year 2008, is amended to read as follows:

§ 15-232 Limitations on power of commissioner to designate administrative code provisions which may be enforced by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. Notwithstanding any other provision of law, the commissioner may not designate the following provisions of the administrative code for enforcement by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*:

- (1) Section 15-208
- (2) Section 15-125
- (3) Subdivision a of section 15-126
- (4) Section 15-214
- (5) Paragraph one of subdivision b of section 15-127
- (6) Subdivision c of section 15-127

§ 33. Subdivision d of section 16-116 of the administrative code of the city of New York, as amended by local law 153 for the year 2013, is amended to read as follows:

d. (i) Except as provided in paragraph (ii) of this subdivision, violation of any of the provisions of this section or any rules promulgated pursuant thereto shall be punishable by a civil penalty of not less than fifty nor more than one hundred dollars, provided that a first-time violation of subdivision (b) of this section or any rules promulgated thereto by any owner, lessee or person in control of a commercial establishment shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the violation at the hearing of such notice of violation. Any

notice of violation, appearance ticket or summons issued for a violation of this section shall be returnable before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* which shall impose the penalty herein provided.

(ii) A commercial establishment required by subdivision b of section 16-505 of this code to register with the New York city trade waste commission shall be subject to a penalty for the violation of such subdivision or any rule pertaining thereto as provided in subdivision c of section 16-515 of this code. Such penalty may be recoverable in the manner provided therein or may be returnable in a civil action brought in the name of the commissioner before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* which shall impose a penalty not be exceed one thousand dollars.

§ 34. Paragraph (2) of subdivision (g) of section 16-117.1 of the administrative code of the city of New York is amended to read as follows:

(2) In addition to any other criminal or civil penalty authorized by law, any violation of this section or any rule or regulation adopted pursuant to this section shall be punishable by a civil penalty of not less than five hundred dollars and not more than twenty-five thousand dollars. Such penalty may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 35. Subdivision 10 of section 16-118 of the administrative code of the city of New York is amended to read as follows:

10. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, which shall have the power to impose the civil penalties hereinabove provided in subdivision nine of this section.

§ 36. Subdivision 11 of section 16-118 of the administrative code of the city of New York, as amended by local law 1 for the year 2003, is amended to read as follows:

11. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of [the environmental control board] *an authorized tribunal of the office of administrative trials and hearings*, he or she shall become liable for additional penalties. The additional penalties shall not exceed four hundred fifty dollars for each violation.

§ 37. Paragraph (2) of subdivision c of section 16-119 of the administrative code of the city of New York, as amended by chapter 500 of the 1999 laws of New York state, is amended to read as follows:

(2) Any owner, owner-operator or operator who is found in violation of this section in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* and who shall fail to pay the civil penalty imposed by such environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall be subject to the suspension of his or her driver's license, privilege to operate or vehicle registration or renewal thereof imposed pursuant to section twelve hundred twenty-a of the vehicle and traffic law, in addition to any other civil and criminal fines and penalties set forth in this section.

§ 38. Subdivision d of section 16-119 of the administrative code of the city of New York, as amended by chapter 500 of the 1999 laws of New York state, is amended to read as follows:

d. In the instance where the notice of violation, appearance ticket or summons is issued for a breach of the provisions of subdivision a of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, which board *or tribunal* shall have the power to impose the civil penalties hereinabove provided in subdivision c of this section, provided further, that, notwithstanding any other provision of law, the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall have such powers and duties as are set forth under section twelve hundred twenty-a of the vehicle and traffic law.

§ 39. Paragraph (2) of subdivision e of section 16-119 of the administrative code of the city of New York, as amended by local law 58 for the year 1985, is amended to read as follows:

(2) In addition to any other penalties provided in this section, the interest of an owner as defined in subdivision c of this section in any vehicle impounded pursuant to paragraph (1) of this subdivision shall be subject to forfeiture upon notice and judicial determination thereof if such owner (i) has been convicted of or

found liable for a violation of this section in a civil or criminal proceeding or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* three or more times, all of which violations were committed within an eighteen month period or (ii) has been convicted of or found liable for a violation of this section in a civil or criminal proceeding or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* if the material unlawfully dumped is a material identified as a hazardous waste or an acute hazardous waste in regulations promulgated pursuant to section 27-0903 of the environmental conservation law.

§ 40. Paragraph (1) of subdivision f of section 16-119 of the administrative code of the city of New York, as added by local law 32 for the year 1995, is amended to read as follows:

(1) Where a notice of violation, appearance ticket or summons is issued for a violation of subdivision a of this section based upon a sworn statement by one or more individuals and where the commissioner determines, in the exercise of his or her discretion, that such sworn statement, either alone or in conjunction with testimony at a civil or criminal proceeding or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, results in the conviction of or the imposition of a civil penalty upon any person for a violation of subdivision a of this section, the commissioner shall offer as a reward to such individual or individuals an amount that, in the aggregate, is equal to:

- (i) fifty percent of any fine or civil penalty collected; or
- (ii) five hundred dollars when a conviction is obtained, but no fine or civil penalty is imposed.

§ 41. Paragraph (3) of subdivision f of section 16-119 of the administrative code of the city of New York, as added by local law 32 for the year 1995, is amended to read as follows:

(3) No peace officer, employee of the department or of the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, or employee of any governmental entity that, in conjunction with the department, conducts enforcement activity relating to a violation of subdivision a of this section shall be entitled to obtain the benefit of any such reward or obtain the benefit of such reward when acting in the discharge of his or her official duties.

§ 42. Subdivision g of section 16-120 of the administrative code of the city of New York is amended to read as follows:

g. In the instance where a notice of violation is issued for breach of the provisions of this section such process shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, which shall have the power to impose the civil penalties provided in subdivision f of this section.

§ 43. Subdivision h of section 16-120 of the administrative code of the city of New York, as amended by local law 1 for the year 2003, is amended to read as follows:

h. In the event that a person fails to answer such notice of violation within the time provided therefor by [the environmental control board] *an authorized tribunal of the office of administrative trials and hearings*, that person shall become liable for additional penalties. The additional penalties shall not exceed three hundred dollars for each violation.

§ 44. Paragraph 5 of subdivision i of section 16-120.1 of the administrative code of the city of New York, as amended by local law 75 for the year 1989, is amended to read as follows:

5. In addition to any other penalties provided under paragraph one of this subdivision or any other provisions of law, any violation of the provisions of this section other than subdivision d shall be punishable by a civil penalty of not less than twenty-five hundred dollars nor more than ten thousand dollars for the first violation, not less than five thousand dollars nor more than ten thousand dollars for the second violation and ten thousand dollars for the third and any subsequent violation. Civil penalties shall be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. For the purposes of this paragraph, each bag or container of solid waste with a capacity of not larger than one cubic yard shall constitute a separate violation of this section.

§ 45. Subdivision (d) of section 16-120.2 of the administrative code of the city of New York, as added by local law 38 for the year 2015, is amended to read as follows:

(d) Any person who violates the requirements of this section shall be liable for a civil penalty of two hundred fifty dollars for the first offense, five hundred dollars for the second offense committed within any twelve-month period and one thousand dollars for the third and any subsequent offense committed within any



twelve-month period. For purposes of this section, the second and any subsequent violation shall only occur after notice of the first violation has been properly served and an opportunity to cure such violation has been provided to the violator, provided that such opportunity to cure shall not exceed thirty days. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 46. Subdivision i of section 16-122 of the administrative code of the city of New York is amended to read as follows:

i. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, which shall have the power to impose the civil penalties hereinabove provided in subdivision h of this section.

§ 47. Subdivision j of section 16-122 of the administrative code of the city of New York is amended to read as follows:

j. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of [the environmental control board] *an authorized tribunal of the office of administrative trials and hearings*, he or she shall become liable for additional penalties. The additional penalties shall not exceed fifty dollars for each violation.

§ 48. Subdivision i of section 16-123 of the administrative code of the city of New York is amended to read as follows:

i. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, which shall have the power to impose the civil penalties hereinabove provided in subdivision h of this section.

§ 49. Subdivision j of section 16-123 of the administrative code of the city of New York, as amended by local law 1 for the year 2003, is amended to read as follows:

j. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of [the environmental control board] *an authorized tribunal of the office of administrative trials and hearings*, he or she shall become liable for additional penalties. The additional penalties shall not exceed three hundred fifty dollars for each violation.

§ 50. Subdivisions f and g of section 16-127 of the administrative code of the city of New York are amended to read as follows:

f. In the instance where the notice of violation, appearance ticket or summons is issued for a breach of the provisions of this section and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, which shall have the power to impose the civil penalties hereinabove provided in subdivision e of this section.

g. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of [the environmental control board] *an authorized tribunal of the office of administrative trials and hearings*, such violator shall become liable for additional penalties. The additional penalties shall not exceed fifty dollars for each violation.

§ 51. Paragraph 2 of subdivision a of section 16-133 of the administrative code of the city of New York, as repealed and added by local law 40 for the year 1990, is amended to read as follows:

2. In addition to any other penalties provided under paragraph one of this subdivision, any violation of section 16-129, 16-130, 16-131, 16-131.2, 16-131.3 or 16-131.5 of this chapter, or article one hundred fifty-seven of the New York city health code, shall be punishable by a civil penalty of not less than twenty-five hundred dollars nor more than ten thousand dollars for the first violation, not less than five thousand nor more than ten thousand dollars for the second violation committed in a period of three years, and ten thousand dollars for the third and any subsequent violation committed in such period. Every owner of premises or of equipment, vehicles or other personal property shall be punishable by a civil penalty of not less than twenty-five hundred dollars nor more than ten thousand dollars for the first violation, not less than five thousand nor more than ten thousand dollars for the second violation committed in a period of three years, and ten thousand dollars for the third and any subsequent violation committed in such period by any person using or operating the same, in the business of such owner or otherwise, with the permission, express or implied, of such owner. In the case of a continuing violation, every day's continuance thereof may be deemed to be a separate and

distinct violation. Civil penalties shall be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, provided however that civil penalties for violations of article one hundred fifty-seven of the New York city health code may only be recovered as provided by law for violations of the New York city health code. As used in this paragraph, "owner" means a person, other than a holder of a security interest, having the property in or title to premises or equipment, vehicles or other personal property, including but not limited to a person entitled to use and possession of premises or equipment, vehicles or other personal property subject to a security interest in another person and also includes any lessee or bailee having exclusive use thereof.

§ 52. Paragraph 2 of subdivision b of section 16-133 of the administrative code of the city of New York, as repealed and added by local law 40 for the year 1990, is amended to read as follows:

2. In addition to any other penalties provided under paragraph one of this subdivision, any violation of section 16-117 of this chapter shall be punishable by a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars. Civil penalties shall be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 53. Subdivision d of section 16-133 of the administrative code of the city of New York, as repealed and added by local law 40 for the year 1990, is amended to read as follows:

d. The commissioner of health shall have the power to issue notices of violation for violations of sections 16-130 and 16-131 of this chapter, and such notices of violation shall be returnable in a civil action brought in the name of the commissioner of health or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 54. Subdivisions a, b and d of section 16-206 of the administrative code of the city of New York, as added by local law 39 for the year 1986, are amended to read as follows:

a. The commissioner shall issue a notice of violation returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* to any person violating a provision of this chapter or any regulation promulgated by the commissioner pursuant to this chapter.

b. The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall impose penalties as provided in subdivisions c and d.

d. Violations not listed in subdivision c may be punishable as determined by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* by a penalty not to exceed ten thousand dollars.

§ 55. Subdivision b of section 16-306 of the administrative code of the city of New York, as amended by local law 32 for the year 2010, is amended to read as follows:

b. The rules promulgated pursuant to subdivision a of this section shall require that generators of waste collected by businesses required to be licensed pursuant to section 16-505 of this code source separate the designated materials in such manner and to such extent as the commissioner determines to be necessary to minimize contamination and maximize the marketability of such materials. However, in promulgating such rules the commissioner shall not require source separation of a material unless the commissioner has determined that an economic market exists for such material. For the purpose of this section, the term "economic market" refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials. The New York city business integrity commission shall adopt and implement rules requiring businesses licensed to remove, collect or dispose of trade waste to provide for the collection of, and ensure the continued separation of, designated materials that have been source separated, provide for the separation of all other designated materials, and provide for recycling of all the designated materials. Rules promulgated by the business integrity commission pursuant to this subdivision shall be enforced in the manner provided in section 16-517 of this code and violations of such rules shall be subject to the penalties provided in subdivision a of section 16-515 of this code for violation of the provisions of chapter one of title 16-A of this code. In addition, the commissioner shall have the authority to issue notices of violation for any violation of such rule and such notices of violation shall be returnable in a civil action brought in the name of the commissioner before the environmental control board *or an authorized*

*tribunal of the office of administrative trials and hearings* which shall impose a penalty not to exceed ten thousand dollars for each such violation.

§ 56. Subdivision a of section 16-324 of the administrative code of the city of New York, as amended by local law 142 for the year 2013, is amended to read as follows:

a. Subject to the provisions of subdivision b of this section, any person who violates this chapter, except section 16-306.1 of this chapter, subdivision g of section 16-308 of this chapter, section 16-310.1 of this chapter or section 16-329 of this chapter, or any rule promulgated pursuant thereto, shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control *board or an authorized tribunal of the office of administrative trials and hearings*, as follows:

1. For residential buildings containing fewer than nine dwelling units, the civil penalty shall be in an amount of twenty-five dollars for the first violation, fifty dollars for the second violation committed on a different day within a period of twelve months, and one hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board *or tribunal* may waive the penalty for the first violation upon a showing of good cause.

2. For residential buildings containing nine or more dwelling units and commercial, manufacturing or industrial buildings, the civil penalty shall be in an amount of one hundred dollars for the first violation, two hundred dollars for the second violation committed on a different day within a period of twelve months, and four hundred dollars for the third and each subsequent violation committed on a different day within a period of twelve months, provided that the court before which such civil action is brought or such board *or tribunal* may waive the penalty for the first violation upon a showing of good cause. The owner, net lessee or person in charge of any residential building of nine or more dwelling units or a commercial, manufacturing or industrial building with respect to which four or more violations were committed on different days within a period of six months shall be classified as a persistent violator.

3. For persistent violators only, each container or bag containing solid waste that has not been source separated or placed out for collection in accordance with the rules promulgated by the commissioner pursuant to this chapter shall constitute a separate violation, provided that no more than twenty separate violations are issued on a per bag or per container basis during any twenty-four hour period. Before issuing any such notices of violation to a persistent violator on a per bag or per container basis, the commissioner shall give such violator a reasonable opportunity to correct the condition constituting the violation.

4. There shall be a rebuttable presumption that the number of dwelling units designated on a notice of violation issued pursuant to this section reflects the number of dwelling units in the residential building for which the notice of violation was issued. Where such presumption is rebutted, the number of dwelling units on such notice of violation shall be deemed modified accordingly, and in no event shall such notice of violation be dismissed solely on the ground that the number of dwelling units on the original notice of violation was incorrectly stated.

5. The commissioner or the commissioner's designee shall establish a recycling training program for owners or employees of residential buildings of nine or more dwelling units for which at least three notices of violation for failing to properly source separate designated recyclable material have been issued within a twelve-month period and which the commissioner determines to be in need of recycling training. Such training program shall require the building owner, or an employee who is primarily responsible for waste disposal and/or janitorial services for any such building, to attend a training program established by the commissioner or the commissioner's designee designed to improve recycling practices at such building and a fee may be imposed on any owner or employee who participates in such training program. Such training program may be held in any location designated by the commissioner or the commissioner's designee, including, in order to facilitate tenant participation, at such building.

§ 57. Paragraph 2 of subdivision c of section 16-324 of the administrative code of the city of New York, as amended by local law 34 for the year 2010, is amended to read as follows:

2. Any owner or other person responsible for an impermissibly placed publicly accessible textile drop-off bin that fails to respond within twenty days of receipt of such notice under paragraph one of this subdivision or otherwise fails to establish that the publicly accessible textile drop-off bin is not on city property, or property maintained by the city, or on any public sidewalk or roadway pursuant to paragraph one of this subdivision,

shall be liable for a civil penalty in the amount of one hundred dollars, recoverable in a proceeding returnable before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 58. Subdivision e of section 16-324 of the administrative code of the city of New York, as amended by local law 34 for the year 2010, is amended to read as follows:

e. (1) Any covered establishment that violates section 16-306.1 of this chapter or rules of the department, the department of health and mental hygiene, or the department of consumer affairs promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or the commissioner of health and mental hygiene, or the commissioner of consumer affairs, or in a proceeding returnable before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

(2) Any transfer station that violates section 16-306.1 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

§ 59. Subdivision f of section 16-324 of the administrative code of the city of New York, as added by local law 142 for the year 2013, is amended to read as follows:

f. Any person who violates section 16-329 of this chapter or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer affairs, or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer affairs shall not issue a notice of violation, but shall issue a warning and provide information on replacement material, for any violation that occurs before January first, two thousand sixteen.

§ 60. Section 16-328 of the administrative code of the city of New York, as added by local law 13 for the year 2009, is amended to read as follows:

§ 16-328 Penalties. In addition to any other applicable penalties, any producer/event manager, or any sponsor when there is no producer/event manager, who violates subdivision a or b of section 16-327 of this subchapter shall be liable for a civil penalty of one hundred dollars for each such violation, except that a sponsor or producer/event manager shall not be liable for more than five hundred dollars per day or more than two thousand dollars per street event. Such civil penalties shall be recoverable in a proceeding returnable before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 61. Section 16-406 of the administrative code of the city of New York, as added by local law 97 for the year 2005, is amended to read as follows:

§ 16-406 Penalties. a. Any person who violates section 16-404 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* in the amount of fifty dollars for the first violation, one hundred dollars for a second violation committed within twelve months of a prior violation and two hundred dollars for a third or subsequent violation committed within twelve months of any prior violation.

b. Any retailer who violates section 16-405 of this chapter shall be liable for a civil penalty in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* in the amount of two hundred dollars for the first violation, four hundred dollars for a second violation committed within twelve months of a prior violation, and five hundred dollars for a third or subsequent violation committed within twelve months of any prior violation.

c. Any battery manufacturer who violates section 16-405 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* in the amount of two thousand dollars for the first violation, four thousand dollars for a second violation committed within twelve months of a prior violation, and five thousand dollars for a third or subsequent violation committed within twelve months of any prior violation.

§ 62. Subdivision a of section 16-427 of the administrative code of the city of New York, as added by local law 13 for the year 2008, is amended to read as follows:

a. The department and the department of consumer affairs shall have the authority to enforce the provisions of this chapter. Any notice of violation charging a violation of any provision of this chapter shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, which shall have the power to impose civil penalties as provided herein.

§ 63. Subdivisions a-f of section 16-455 of the administrative code of the city of New York, as added by local law 1 for the year 2008, are amended to read as follows:

a. Any operator who violates subdivision a of section 16-453 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* in the amount of three hundred dollars per day for each day that a recycling program meeting the requirements of such subdivision is not in effect. It shall be an affirmative defense to a violation of paragraph one or five of subdivision a of section 16-453 of this chapter that the operator used its best efforts to comply with such paragraph but was unable to because of circumstances beyond such operator's control.

b. Any operator who violates subdivision b of section 16-453 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* in the amount of: (1) one hundred dollars for the first violation; (2) seven hundred dollars for the second violation within a twelve-month period of the first violation; and (3) one thousand dollars for the third violation within such twelve-month period.

c. Any operator who violates subdivision c of section 16-453 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* in the amount of: (1) one hundred dollars for the first violation within twelve months of the date the report referred to in such subdivision is due; (2) seven hundred dollars for the second violation within such twelve-month period; and (3) one thousand dollars for the third violation within such twelve-month period.

d. Any manufacturer who violates subdivision a of section 16-454 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* in the amount of five hundred dollars per day for each day that such violation continues.

e. Any manufacturer who violates subdivision b of section 16-454 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* in the amount of: (1) one hundred dollars for the first violation within twelve months of the date the report referred to in such subdivision is due; (2) one thousand dollars for the second violation within such twelve-month period; and (3) fifteen hundred dollars for the third violation within such twelve-month period.

f. Any manufacturer who violates subdivision c of section 16-454 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the*

*office of administrative trials and hearings* in the amount of: (1) one hundred dollars for the first violation; (2) one thousand dollars for the second violation within a twelve-month period of the first violation; and (3) fifteen hundred dollars for the third violation within such twelve-month period.

§ 64. Paragraph 3 of subdivision b of section 16-461 of the administrative code of the city of New York, as added by local law 56 for the year 2013, is amended to read as follows:

3. For any department-marked item removed in violation of this subdivision, a written agreement between the owner of a residential building or an authorized agent of such owner and the person removing such item shall not be a defense in any proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or other court of appropriate jurisdiction to the improper removal of such item.

§ 65. Section 16-462 of the administrative code of the city of New York, as added by local law 56 for the year 2013, is amended to read as follows:

§ 16-462 Rewards. The commissioner shall establish a program to allow individuals to submit a sworn statement affirming the observation of a violation of section 16-461 of this chapter and, where the commissioner deems it appropriate, allow for a reward for any such sworn statement. Where a notice of violation or summons is issued for a violation of section 16-461 of this chapter based upon a sworn statement by one or more individuals and where the commissioner determines, in the exercise of his or her discretion, that such sworn statement, either alone or in conjunction with the testimony of the person submitting such sworn statement at a civil or criminal proceeding or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, contributes to the imposition of a civil or criminal penalty upon any person for a violation of section 16-461 of this chapter, the commissioner shall offer as a reward to such individual or individuals an amount that, in the aggregate, is equal to fifty percent of any civil or criminal penalty collected. No peace officer, employee of the department or of the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, employee of any company under contract with the department, or employee of any governmental entity that, in conjunction with the department, conducts enforcement activity relating to a violation of section 16-461 of this chapter, shall be entitled to obtain the benefit of any such reward when acting in the discharge of his or her official duties.

§ 66. Subdivision c of section 16-463 of the administrative code of the city of New York, as added by local law 56 for the year 2013, is amended to read as follows:

c. No person shall receive for storage, collection or processing any department-marked item from any person other than an authorized employee or agent of the department. A written agreement between the owner of a residential building or an authorized agent of such owner, and anyone delivering a department-marked item to such person shall not be a defense in any proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or other court of appropriate jurisdiction to the improper receipt of such item.

§ 67. Paragraph 4 of subdivision d of section 16-464 of the administrative code of the city of New York, as added by local law 56 for the year 2013, is amended to read as follows:

4. In addition to any other penalties provided in this subdivision, the interest of a vehicle owner in any motor vehicle impounded pursuant to paragraph three of this subdivision shall be subject to forfeiture upon notice and judicial determination thereof if such vehicle owner has been convicted of or found liable for a violation of this chapter in a criminal or civil proceeding or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* three or more times, all of which violations were committed within any eighteen-month period.

§ 68. Subdivision i of section 16-464 of the administrative code of the city of New York, as added by local law 56 for the year 2013, is amended to read as follows:

i. Where a notice of violation is issued for a violation of any of the provisions of this chapter, such process shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or court of appropriate jurisdiction, which shall have the power to impose the civil penalties provided in this section.

§ 69. Subdivisions a-c of section 16-476 of the administrative code of the city of New York, as added by local law 56 for the year 2013, is amended to read as follows:

a. Any person who violates section 16-471 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* of one thousand dollars for each such violation.

b. Any person who violates section 16-472 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* of five hundred dollars for each such violation.

c. Any person who violates sections 16-473 or 16-474 of this chapter shall be liable for a civil penalty recoverable in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* of two hundred fifty dollars for each such violation.

§ 70. Subdivision e of section 17-321 of the administrative code of the city of New York, as added by local law 20 for the year 2013, is amended to read as follows:

e. Any notice of violation issued to a food vendor by an officer or employee described in subdivision a of this section that is returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall state the permit number of the vehicle or pushcart associated with such notice of violation.

§ 71. Subdivision d of section 17-325 of the administrative code of the city of New York is amended to read as follows:

d. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision c of this section shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or the administrative tribunal established by the board of health. The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or the board of health's administrative tribunal shall have the power to impose the civil penalties prescribed by subdivision c of this section.

§ 72. Subdivision f of section 17-508 of the administrative code of the city of New York, as amended by local law 11 for the year 2011, is amended to read as follows:

f. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision e of this section shall be commenced by the service of a notice of violation which shall be returnable to the administrative tribunal established by the board of health, except that a proceeding to recover a civil penalty authorized pursuant to subdivision e for violation of subdivision d by smoking, or using an electronic cigarette, in a pedestrian plaza or in a park or other property under the jurisdiction of the department of parks and recreation, as prohibited by paragraph seven of subdivision c and by paragraph three of subdivision d of section 17-503 respectively, shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. The board of health's administrative tribunal and the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall have the power to impose the civil penalties prescribed by subdivision e of this section.

§ 73. Subdivisions h and i of section 17-508 of the administrative code of the city of New York, as amended by local law 11 for the year 2011, is amended to read as follows:

h. If the administrative tribunal established by the board of health or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* finds, upon good cause shown, that the respondent cannot correct the violation specified in subdivision g of this section, it may postpone the period for compliance with such order upon such terms and conditions and for such period of time as shall be appropriate under the circumstances.

i. In any proceeding before the administrative tribunal established by the board of health or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, if the tribunal finds that the department or other agency issuing the notice of violation has failed to prove the violation charged, it shall notify the department or other agency issuing the notice of violation, and the order requiring the respondent to correct the condition constituting the violation shall be deemed to be revoked.

§ 74. Subdivision c of section 17-1103 of the administrative code of the city of New York, as amended by local law 35 for the year 2008, is amended to read as follows:

c. A proceeding to recover any civil penalty authorized pursuant to section 17-1104 shall be commenced by the service of a notice of violation returnable to the administrative tribunal established by the board of health pursuant to section 558 of the charter of the city of New York where the department issues such notice,

the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* established pursuant to section 1049-a of the charter of the city of New York where the department of environmental protection issues such notice, or the adjudication division of the department of consumer affairs established pursuant to section 20-104(e) of the administrative code of the city of New York where that department issues such notice. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. The administrative tribunal of the board of health, the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* and the adjudication division of the department of consumer affairs shall have the power to render decisions and orders and to impose the remedies and penalties provided for in section 17-1104, in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

§ 75. Section 17-1409 of the administrative code of the city of New York, as added by local law 2 for the year 2012, is amended to read as follows:

§ 17-1409 Enforcement and penalties. The provisions of this chapter shall be enforced by the department and the department of consumer affairs. Any person found to be in violation of section 17-1402 or 17-1403 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than five hundred dollars for each violation. Any person found to be in violation of section 17-1405 or 17-1407 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than two hundred fifty dollars for each violation. Such civil penalties may be recovered in proceedings before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or the administrative tribunal of the department of consumer affairs or in an action in any court of appropriate jurisdiction. Notices of violation returnable to such board or tribunal may be served by officers and employees of the department and the department of consumer affairs. In any proceeding it shall be an affirmative defense that the respondent is a laborer in the employ of the carpet business to do the physical work of installing the carpet and that he or she has no ownership interest in or control of the business or in any corporation, partnership or other legal entity that owns or controls the business and that he or she has no managerial or supervisory responsibility.

§ 76. Subdivisions c, d and e of section 18-108.1 of the administrative code of the city of New York, as added by local law 42 for the year 1995, are amended to read as follows:

c. (1) A person who violates subdivision (b) of this section shall be guilty of a misdemeanor punishable by not more than ninety days imprisonment or by a fine of not more than one thousand dollars or by both such fine and imprisonment. Notwithstanding the provisions of paragraph nine of subdivision (a) of section five hundred thirty-three of the New York city charter, such person shall also be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. (2) Where the operator is less than fourteen years of age, a notice of violation of this section shall be personally served upon such operator's parent or guardian in accordance with the civil practice law and rules. Where the operator is fourteen years of age or over, but less than eighteen years of age, a notice of violation of this section shall be personally served upon such operator and his or her parent or guardian in accordance with the civil practice law and rules. (3) Notwithstanding the provisions of any other local law, where a summons or a notice of violation is issued for a violation of subdivision (b), an authorized designee of the commissioner or a member of the police department may seize and impound the motorcycle, all terrain vehicle, snowmobile or motor vehicle.

d. A motorcycle, all terrain vehicle, snowmobile or motor vehicle seized and impounded pursuant to this section shall be released to the owner or other person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the department and proof of payment of any fine or civil penalty imposed for the violation or, if a proceeding in connection with the violation is pending before a court or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, upon the posting of a bond or other form of security acceptable to the department in an amount which will secure the payment of such costs and any fine or civil penalty which may be imposed for the violation. If a court or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* finds in favor of the respondent, the owner shall be entitled forthwith to possession of the motorcycle,



all terrain vehicle, snowmobile or motor vehicle without charge and to the extent that any amount has been previously paid for release of the motorcycle, all terrain vehicle, snowmobile or motor vehicle, such amount shall be refunded.

e. The owner of a motorcycle, all terrain vehicle, snowmobile or motor vehicle shall be given the opportunity for a post seizure hearing within five business days before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* regarding the seizure. The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall render a determination within three business days after the conclusion of the hearing. Where the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* finds that there was no basis for the seizure, the owner shall be entitled forthwith to possession of the motorcycle, all terrain vehicle, snowmobile or motor vehicle without charge and to the extent that any amount has been previously paid for release of the motorcycle, all terrain vehicle, snowmobile or motor vehicle, such amount shall be refunded.

§ 77. Subdivisions b and c of section 18-129 of the administrative code of the city of New York, as amended by local law 7 for the year 1996, are amended to read as follows:

b. Any individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation violating the provisions of subdivision a of this section concerning a tree shall be liable to arrest and upon conviction thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than fifteen thousand dollars or by imprisonment of not more than one year or by both such fine and imprisonment for each such violation. Such individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation shall also be liable for a civil penalty of not more than ten thousand dollars for each such violation which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. A proceeding to recover any civil penalty authorized pursuant to this section shall be commenced by the service of a notice of violation returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall have the power to impose the civil penalties prescribed herein.

Any individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation violating the provisions of subdivision a of this section concerning any other form of vegetation shall be liable to arrest and upon conviction thereof shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars or by imprisonment of not more than ninety days or by both such fine and imprisonment for each such violation.

c. Any individual, firm, corporation, agent, employee or person under the control of such individual, firm or corporation found to be guilty of violating the provisions of subdivision a of this section or section 10-148 of this code by a court of competent jurisdiction or by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall be denied the opportunity to obtain written consent from the commissioner or from an agency having control of public property to cut, remove or in any way destroy or cause to be destroyed, any tree or other form of vegetation on public property under the jurisdiction of the commissioner, or such agency, for a maximum of two years from the date of conviction, or from the date the civil penalty was imposed.

§ 78. Subdivision d of section 19-103 of the administrative code of the city of New York, as amended and renumbered by local law 104 for the year 1993, is amended to read as follows:

d. The commissioner may suspend review of application for permits pending (i) payment by an applicant of outstanding fines, civil penalties or judgments imposed or entered against such applicant by a court or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* pursuant to this subchapter, (ii) payment by an applicant of outstanding fees or other charges lawfully assessed by the commissioner against such applicant pursuant to this subchapter and/or (iii) satisfactory compliance by an applicant with a request for corrective action or order issued by the commissioner pursuant to this subchapter.

§ 79. Subdivision f of section 19-103 of the administrative code of the city of New York, as amended and renumbered by local law 104 for the year 1993, is amended to read as follows:

f. The commissioner may refuse to issue a permit to an applicant (i) who has exhibited a pattern of disregard for the provisions of this subchapter, of section 24-521 of the code, the rules or orders of the department in relation thereto or the terms or conditions of permits issued pursuant to such provisions, or (ii)

who has been found liable by a court or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* for a violation of any provision of this subchapter, of section 24-521 of the code, of a rule or order of the department in relation thereto or of a term or condition of a permit issued pursuant to such provision, which violation caused an imminent peril to life or property.

§ 80. Paragraph 2 of subdivision h of section 19-103 of the administrative code of the city of New York, as amended and renumbered by local law 104 for the year 1993, is amended to read as follows:

2. The provisions of this subdivision shall not be construed to limit the power of the commissioner to take any other action authorized pursuant to this subchapter with respect to any violation, including but not limited to, the commencement of an action or proceeding in a court or before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or to require that the commissioner resort to the procedure set forth in this subdivision as a prerequisite to the commencement of an action or proceeding in a court or before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or the taking of any other action authorized pursuant to this subchapter with respect to a violation.

§ 81. Subdivision c of section 19-121 of the administrative code of the city of New York, as amended and renumbered by local law 104 for the year 1993, is amended to read as follows:

c. Removal of unauthorized obstructions. The commissioner may remove any construction material or equipment placed in or upon any street in violation of this section, the rules of the department or the terms or conditions of a permit issued pursuant to this section. If the identity and address of the owner is reasonably ascertainable, notice of the removal shall be sent to the owner within a reasonable period of time after the removal. If such material or equipment is not claimed within thirty days after its removal, it shall be deemed to be abandoned. If the equipment is a vehicle, its disposition shall be governed by section twelve hundred twenty-four of the vehicle and traffic law. All other unclaimed material or equipment may be sold at public auction after having been advertised in the City Record and the proceeds paid into the general fund or such unclaimed material or equipment may be used or converted for use by the department or by another city agency or by a not-for-profit corporation engaged in the construction of subsidized housing. Material or equipment removed pursuant to this subdivision shall be released to the owner or other person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the department and any fines or civil penalties imposed for the violation or, if an action or proceeding for the violation is pending in court or before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, upon the posting of a bond or other form of security acceptable to the department in an amount which will secure the payment of such costs and any fines or civil penalties which may be imposed for the violation.

§ 82. Paragraph 7 of subdivision a of section 19-128.1 of the administrative code of the city of New York, as added by local law 23 for the year 2002, is amended to read as follows:

7. "Board" shall mean the environmental control board of the city of New York *or an authorized tribunal of the office of administrative trials and hearings*.

§ 83. Subdivision e of section 19-133.1 of the administrative code of the city of New York, as added by local law 4 for the year 2011, is amended to read as follows:

e. In addition to any other fines, penalties, sanctions or remedies provided for in this section, an ATM booth which remains in violation of subdivision d of this section shall be deemed abandoned. The department shall be authorized to provide for the seizure of such ATM booth, after the owner has been provided with notice and an opportunity to be heard before the appropriate administrative tribunal, if the owner of such ATM booth has accumulated an aggregate of fifty thousand dollars in civil penalties that have remained unpaid for ninety days following the expiration of the time to appeal the imposition of such penalties in accordance with the procedures of the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 84. Paragraphs 2 and 3 of subdivision b of section 19-150 of the administrative code of the city of New York, as added by local law 104 for the year 1993, are amended to read as follows:

2. The civil penalties provided for in this subdivision may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or in an action in any court of competent jurisdiction.

3. The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall have the power to impose the civil penalties provided for in this subdivision. A proceeding before such board *or tribunal* shall be commenced by the service of a notice of violation returnable before such board *or tribunal*.

§ 85. Subdivision a of section 19-151 of the administrative code of the city of New York, as added by local law 104 for the year 1993, is amended to read as follows:

a. In addition to police officers, authorized officers and employees of the department of transportation and of other city agencies who are designated by the commissioner shall have the power to enforce the provisions of this subchapter and the rules and orders of the commissioner in relation thereto and to issue summonses and appearance tickets returnable in the criminal court and notices of violation returnable before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* for violations thereof.

§ 86. Subdivisions c, e, g and h of section 19-171.1 of the administrative code of the city of New York, as added by local law 19 for the year 2007, are amended to read as follows:

c. Any person who violates subdivision b of this section may be issued a notice of violation and shall be subject to a civil penalty that shall not be: (1) less than two hundred nor more than five hundred dollars for the first violation; (2) less than five hundred nor more than one thousand dollars for the second violation committed within a one year period; (3) less than one thousand nor more than four thousand dollars for the third violation committed within a one year period. Such penalty may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

e. Where a police or peace officer or an authorized employee of a department designated by the commissioner serves a summons or notice of violation for violation of this section on a person operating a multi-passenger wheeled device or motorized pedicab, such multi-passenger wheeled device or motorized pedicab may be seized. Any device seized pursuant to this subdivision shall be delivered into the custody of the police department. The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall hold a hearing to adjudicate the violation of subdivision b of this section on an expedited schedule and shall render its determination accordingly.

g. Where the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* finds that there was no violation of subdivision b of this section, the owner shall be entitled forthwith to possession of the multi-passenger wheeled device or motorized pedicab without charge or to the extent that any amount has been previously paid for release of the device, such amount shall be refunded.

h. Where the board *or tribunal*, after adjudication of the violation of subdivision b of this section, finds a violation of such subdivision, then (i) if the multi-passenger wheeled device or motorized pedicab is not subject to forfeiture pursuant to paragraph one of subdivision j, the police department shall release such device to its owner upon payment of all applicable civil penalties and all reasonable costs of removal and storage; or (ii) if the multi-passenger wheeled device or motorized pedicab is subject to forfeiture pursuant to paragraph one of subdivision j of this section, the police department may release such device to its owner upon payment of all civil penalties and all reasonable costs of removal and storage, or may commence a forfeiture action within ten days after the written demand by such owner for such device.

§ 87. Subdivisions b and c of section 19-176 of the administrative code of the city of New York, as amended by local law 14 for the year 2002, are amended to read as follows:

b. No person shall ride a bicycle upon any sidewalk unless permitted by an official sign. A person who violates this subdivision may be issued a notice of violation and shall be liable for a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

c. A person who violates subdivision b of this section in a manner that endangers any other person or property shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars or imprisonment for not more than twenty days or both such fine and imprisonment. Such person shall also be liable for a civil penalty of not less than one hundred dollars nor more than three hundred dollars, except where a hearing officer has determined that where there was physical contact between the rider and another person, an additional civil penalty of not less than one hundred dollars nor more than two hundred dollars may be imposed. Such civil penalties may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. Enforcement agents shall indicate on the

summons or notice of violation issued pursuant to this subdivision whether physical contact was made between the rider and another person. Any person who violates any provision of this subdivision more than once within any six month period shall be subject to the imposition of civil penalties in an amount that is double what would otherwise have been imposed for the commission of a first violation. It shall be an affirmative defense that physical contact between a rider and another person was in no way the fault of the rider.

§ 88. Subdivisions e and f of section 19-176 of the administrative code of the city of New York, as relettered by local law 14 for the year 2002, are amended to read as follows:

e. A bicycle impounded pursuant to this section shall be released to the owner or other person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the police department and proof of payment of any fine or civil penalty for the violation or, if a proceeding for the violation is pending in a court or before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, upon the posting of a bond or other form of security acceptable to the police department in an amount which will assure the payment of such costs and any fine or civil penalty which may be imposed for the violation. If the court or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* finds in favor of the defendant or respondent, the owner shall be entitled forthwith to possession of the bicycle without charge or to the extent that any amount has been previously paid for release of the bicycle, such amount shall be refunded. The police department shall establish by rule the time within which bicycles which are not redeemed may be deemed abandoned and the procedures for disposal.

f. The owner of a bicycle shall be given the opportunity for a post seizure hearing within five business days before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* regarding the impoundment. The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall render a determination within three business days after the conclusion of the hearing. Where the board *or tribunal* finds that there was no basis for the impoundment, the owner shall be entitled forthwith to possession of the bicycle without charge or to the extent that any amount has been previously paid for release of the bicycle, such amount shall be refunded.

§ 89. Subdivision c of section 19-176.2 of the administrative code of the city of New York, as added by local law 51 for the year 2004, is amended to read as follows:

c. Any person who violates subdivision b of this section shall be liable for a civil penalty in the amount of five hundred dollars. Authorized employees of the police department and department of parks and recreation shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of violation that shall be returnable before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with section eighteen hundred of the New York state vehicle and traffic law.

§ 90. Subdivisions a and b of section 19-190 of the administrative code of the city of New York, as added by local law 29 for the year 2014, are amended to read as follows:

a. Except as provided in subdivision b of this section, any driver of a motor vehicle who fails to yield to a pedestrian or person riding a bicycle when such pedestrian or person has the right of way shall be guilty of a traffic infraction, which shall be punishable by a fine of not more than fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall be subject to a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. For purposes of this section, "motor vehicle" shall have the same meaning as in section one hundred twenty-five of the vehicle and traffic law.

b. Except as provided in subdivision c of this section, any driver of a motor vehicle who violates subdivision a of this section and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury, shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than two hundred fifty dollars, or imprisonment for not more than thirty days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall also be subject to a civil penalty of not more than two hundred fifty dollars which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. For purposes of this section, "physical injury" shall have the same meaning as in section 10.00 of the penal law.

§ 91. Subdivisions a and b of section 19-191 of the administrative code of the city of New York, as added by local law 50 for the year 2014, are amended to read as follows:

a. Except as provided in the vehicle and traffic law, in addition to or as an alternative to any penalties assessed thereunder, any driver who, knowing or having cause to know that damage has been caused to the real property or the personal property of another due to an incident involving the driver's motor vehicle, leaves the scene of an incident without complying with all of the provisions of paragraph a of subdivision one of section six hundred of the vehicle and traffic law, shall be liable for a civil penalty, recoverable at the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, of not more than five hundred dollars.

b. Except as provided in the vehicle and traffic law, in addition to or as an alternative to any penalties assessed thereunder, any driver who, knowing or having cause to know that physical injury has been caused to another person due to an incident involving the driver's motor vehicle, leaves the scene of an incident without complying with all of the provisions of paragraph a of subdivision two of section six hundred of the vehicle and traffic law, shall be liable for a civil penalty, recoverable at the environmental control board or an authorized tribunal of the office of administrative trials and hearings, of not less than one thousand dollars nor more than two thousand dollars, except where such injury is a serious physical injury, such driver shall be liable for a civil penalty, recoverable at the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, of not less than two thousand dollars nor more than ten thousand dollars, and where such injury results in death, such driver shall be liable for a civil penalty, recoverable at the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, of not less than five thousand dollars nor more than ten thousand dollars.

§ 92. Subdivision d of section 20-472 of the administrative code of the city of New York is amended to read as follows:

d. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision c of this section shall be commenced by the service of a notice of violation which shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. The board *or tribunal* shall have the power to impose the penalties prescribed by subdivision c of this section.

§ 93. Subdivision b of section 20-472.1 of the administrative code of the city of New York, as added by local law 16 for the year 2013, is amended to read as follows:

b. Commencing on June 1, 2013, and every three months thereafter, the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall issue quarterly reports to the council with respect to violations that were issued pursuant to this subchapter or to subchapter two of chapter three of title seventeen of the administrative code, and that were adjudicated by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. Each report shall detail the three-month period prior to the issuance of the report. Such report shall include:

1. the number of hearings held to adjudicate violations of each section of such subchapters;
2. for each section of such subchapters the number of violations: (a) adjudicated during the period; (b) for which vendors were found liable; and (c) for which vendors were found not liable;
3. the dollar amount of each civil penalty imposed by the board *or tribunal*; and
4. the dollar amount collected on each civil penalty imposed by the board *or tribunal*.

§ 94. Subdivision d of section 20-910 of the administrative code of the city of New York, as added by local law 38 for the year 2008, is amended to read as follows:

d. The department shall have the authority to enforce the provisions of subdivision b of this section. A proceeding to recover any civil penalty prescribed by subdivision e of this section shall be commenced by the service of a notice of violation, which shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall have the power to impose any civil penalty prescribed by subdivision e of this section.

§ 95. Subdivisions c and d of section 22-112 of the administrative code of the city of New York, as amended by local law 40 for the year 2012, are amended to read as follows:

c. Any person violating paragraph one or two of subdivision a of this section, which is not concurrently a violation of section 16-119 of this code, shall be liable for a civil penalty of not less than one thousand five hundred dollars nor more than ten thousand dollars for a first violation, and not less than five thousand dollars

nor more than twenty thousand dollars for each subsequent violation of either paragraph. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

d. The owner or operator of a ship, steamer, or vessel operating for commercial purposes, carrying passengers for hire, or serving primarily as a residence that violates paragraph three of subdivision a of this section shall be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars for a first violation, and not less than one thousand five hundred dollars nor more than five thousand dollars for each subsequent violation. The owner or operator of any other vessel that violates paragraph three of subdivision a of this section shall be liable for a civil penalty of not more than five hundred dollars for a first violation, and not less than five hundred dollars nor more than one thousand dollars for each subsequent violation. All penalties set forth in this subdivision may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 96. Subdivision a of section 22-215 of the administrative code of the city of New York, as amended by local law 54 for the year 1995, is amended to read as follows:

a. Except as otherwise provided in subdivision b of this section, any person who violates any provision of this chapter or any of the rules promulgated pursuant thereto shall be liable for a civil penalty which shall not exceed ten thousand dollars for each such violation. Such civil penalty may be recovered in a civil action brought in a court of competent jurisdiction or an administrative proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 97. Paragraph (i) of subdivision b of section 22-215 of the administrative code of the city of New York, as amended by local law 54 for the year 1995, is amended to read as follows:

(i) Any person who violates subdivision a of section 22-204, subdivision a of section 22-206, subdivision c of section 22-208 or section 22-219 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars or by imprisonment not exceeding six months, or both; and any such person shall also be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action brought in a court of competent jurisdiction or an administrative proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 98. Paragraphs (ii) and (iii) of subdivision b of section 22-215 of the administrative code of the city of New York, as added by local law 50 for the year 1995, are amended to read as follows:

(ii) Any person who interferes or attempts to interfere with the conduct of loading or unloading services authorized pursuant to this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, be punished for each such violation by a criminal fine of not more than ten thousand dollars or by imprisonment not exceeding six months, or both and any such person shall also be subject to a civil penalty of not more than five thousand dollars for each such violation to be recovered in a civil action brought in a court of competent jurisdiction or an administrative proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* for each day that the violation continues.

(iii) Any person who intentionally or without permission of the owner or other person having lawful possession of such property destroys or damages property or equipment associated with loading or unloading services authorized pursuant to this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished for each such violation by a criminal fine of not more than ten thousand dollars or by imprisonment not exceeding six months, or both and any such person shall also be subject to a civil penalty of not more than five thousand dollars for each such violation to be recovered in a civil action brought in a court of competent jurisdiction or an administrative proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 99. Subdivision a of section 22-220 of the administrative code of the city of New York, as amended by local law 54 for the year 1995, is amended to read as follows:

a. Any police officer or authorized officer or employee of the department may, upon service of a notice of violation or criminal summons upon the owner or operator of a vehicle or other property or equipment seize such vehicle or such other property or equipment which such police officer or authorized officer or employee has reasonable cause to believe is being used in connection with an act constituting a violation of subdivision a of section 22-204, subdivision a of section 22-206 or subdivision c of section 22-208 of this chapter. Any

vehicle, property or equipment seized pursuant to this subdivision shall be delivered into the custody of the department or other appropriate agency. Where a notice of violation has been served, a hearing to adjudicate the violation underlying the seizure shall be held before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* within five business days after the seizure and such board *or tribunal* shall render a decision within five business days after the conclusion of the hearing. Where a criminal summons has been served, a hearing to adjudicate the violation underlying the seizure shall be held before a court of competent jurisdiction. In the event that such court or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* determines that there has been no violation, the vehicle, property or equipment that was seized shall be released forthwith to the owner or any person authorized by the owner to take possession of such vehicle, property or equipment.

§ 100. Subdivisions b and c of section 22-220 of the administrative code of the city of New York, as added by local law 50 for the year 1995, are amended to read as follows:

b. Except as otherwise provided in subdivision a of this section or where notice has been given that forfeiture will be sought pursuant to paragraph (ii) of subdivision e of this section, a vehicle or other property or equipment seized pursuant to subdivision a of this section shall be released upon payment of a fine or civil penalty imposed for the violation underlying the seizure and the costs of removal and storage as set forth in the rules of the department. Where an action or a proceeding relating to the violation underlying the seizure is pending in a court of competent jurisdiction or an administrative proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, the vehicle or other property or equipment shall be released upon posting of a bond or other form of security sufficient to cover the maximum fine or civil penalty which may be imposed for such violation and the costs of removal and storage.

c. Where a court of competent jurisdiction or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* makes a finding that the vehicle or other property or equipment has not been used in connection with an act constituting a violation of subdivision a of section 22-204, subdivision a of section 22-206 or subdivision c of section 22-208 of this chapter, the vehicle or other property or equipment shall be released forthwith to the owner or any person authorized by the owner to take possession of such vehicle, property or equipment.

§ 101. Subdivision d and paragraph (i) of subdivision e of section 22-220 of the administrative code of the city of New York, as amended by local law 54 for the year 1995, are amended to read as follows:

d. Any vehicle or other property or equipment that has not been claimed by the owner within ten business days after mailing by first class mail to such owner of notice of a determination by a court of competent jurisdiction or by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* that there has been no violation or that the vehicle or other property or equipment was not used in connection with a violation of subdivision a of section 22-204, subdivision a of section 22-206 or subdivision c of section 22-208 of this chapter shall be deemed by the department to be abandoned. Any vehicle unclaimed under the provisions of this subdivision shall be disposed of by the department pursuant to section twelve hundred twenty-four of the vehicle and traffic law. Property or equipment other than a vehicle shall be disposed of by sale at public auction following notice by publication in the city record describing such property or equipment not less than ten business days prior to such sale. Such notice shall provide that the owner may reclaim such property or equipment until a date that shall be not sooner than ten business days from the date the notice is published.

e. (i) In addition to any other fines, penalties, sanctions or remedies provided for in this chapter, a vehicle or other property or equipment which has been seized pursuant to subdivision a of this section and all rights, title and interest therein shall be subject to forfeiture upon notice and judicial determination thereof if the owner of such vehicle or other property or equipment has been found liable by a court of competent jurisdiction or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* on one or more prior occasions for using such vehicle or such other property or equipment in connection with an act constituting a violation of subdivision a of section 22-204, subdivision a of section 22-206 or subdivision c of section 22-208 of this chapter.

§ 102. Subdivision a and paragraph (i) of subdivision b of section 22-258 of the administrative code of the city of New York, as added by local law 28 for the year 1997, are amended to read as follows:

a. Except as otherwise provided in subdivision b of this section, any person who violates any provision of this chapter or any of the rules promulgated hereto shall be liable for a civil penalty which shall not exceed ten

thousand dollars for each such violation. Such civil penalty may be recovered in a civil action or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or other administrative tribunal of competent jurisdiction.

b. (i) Any person who violates the requirement to obtain a photo identification card or to register a business contained in section 22-252 or section 22-253 of this chapter or who violates section 22-262 of this chapter shall, upon conviction thereof, be subject to a criminal fine for each violation of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or other administrative tribunal of competent jurisdiction.

§ 103. Subdivisions a-d and paragraph (i) of subdivision e of section 22-262.1 of the administrative code of the city of New York, as added by local law 15 for the year 2000, are amended to read as follows:

a. Any police officer or authorized officer or employee of the department may, upon service of a notice of violation or criminal summons upon the owner or operator of a vehicle or other property or equipment, seize such vehicle or such other property or equipment which such police officer or authorized officer or employee has reasonable cause to believe is being used in connection with an act constituting a violation of subdivision a of section 22-253 of this chapter where such vehicle or other property or equipment is owned, leased or rented by a person subject to the provisions of such subdivision or such vehicle or other property or equipment is owned by a person other than an employee and is used directly by a person subject to the provisions of such subdivision. Any vehicle, property or equipment seized pursuant to this subdivision shall be delivered into the custody of the department or other appropriate agency. Where a notice of violation has been served, a hearing to adjudicate the violation underlying the seizure shall be held before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* within five business days after the seizure and such board *or tribunal* shall render a decision within five business days after the conclusion of the hearing. Where a criminal summons has been served, a hearing to adjudicate the violation underlying the seizure shall be held before a court of competent jurisdiction. In the event that such court or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* determines that there has been no violation, the vehicle, property or equipment that was seized shall be released forthwith to the owner or any person authorized by the owner to take possession of such vehicle, property or equipment.

b. Except as otherwise provided in subdivision a of this section or where notice has been given that forfeiture will be sought pursuant to paragraph (ii) of subdivision e of this section, a vehicle or other property or equipment seized pursuant to subdivision a of this section shall be released upon payment of a fine or civil penalty imposed for the violation underlying the seizure and the costs of removal and storage as set forth in the rules of the department. Where an action or a proceeding relating to the violation underlying the seizure is pending in a court of competent jurisdiction or an administrative proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, the vehicle or other property or equipment shall be released upon posting of a bond or other form of security sufficient to cover the maximum fine or civil penalty which may be imposed for such violation and the costs of removal and storage.

c. Where a court of competent jurisdiction or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* makes a finding that the vehicle or other property or equipment has not been used in connection with an act constituting a violation of subdivision a of section 22-253 of this chapter, the vehicle or other property or equipment shall be released forthwith to the owner or any person authorized by the owner to take possession of such vehicle, property or equipment.

d. Any vehicle or other property or equipment that has not been claimed by the owner within ten business days after mailing by first class mail to such owner of notice of a determination by a court of competent jurisdiction or by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* that there has been no violation or that the vehicle or other property or equipment was not used in connection with a violation of subdivision a of section 22-253 of this chapter shall be deemed by the department to be abandoned. Any vehicle unclaimed under the provisions of this subdivision shall be disposed of by the department pursuant to section twelve hundred twenty-four of the vehicle and traffic law. Property or equipment other than a vehicle shall be disposed of by sale at public auction following notice by publication in the city record describing such property or equipment not less than ten business days prior to such sale. Such



notice shall provide that the owner may reclaim such property or equipment until a date that shall be not sooner than ten business days from the date the notice is published.

e. (i) in addition to any other fines, penalties, sanctions or remedies provided for in this chapter, a vehicle or other property or equipment which has been seized pursuant to subdivision a of this section and all rights, title and interest therein shall be subject to forfeiture upon notice and judicial determination thereof if the owner of such vehicle or other property or equipment has been found liable by a court of competent jurisdiction or the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* on one or more prior occasions for using such vehicle or such other property or equipment in connection with an act constituting a violation of subdivision a of section 22-253 of this chapter.

§ 104. Subdivisions b, c, e, paragraph (3) of subdivision i and subdivision k of section 23-408 of the administrative code of the city of New York, as added by local law 68 for the year 1995, are amended to read as follows:

b. An owner who repeatedly fails to provide phone services from a public pay telephone for any sustained period of time or who fails to provide coinless twenty-four hour 911 service from such public pay telephone shall be in violation of this chapter and shall be liable for a civil penalty of not more than two thousand five hundred dollars for each violation which may be recovered in a civil action or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense.

c. An owner who violates any provision of this chapter, or any term or condition of a permit issued pursuant thereto, or any rule promulgated by the commissioner pursuant thereto shall be liable for a civil penalty of not more than one thousand dollars for each violation which may be recovered in a civil action or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense.

e. In addition to authorized officers and employees of the department, officers and employees of the department of transportation who are designated by the commissioner shall have the power to issue summonses and appearance tickets returnable in the criminal court and notices of violation returnable before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* for violations of the provisions of this chapter.

i. 3. The procedures set forth in this subdivision shall be employed by the commissioner in addition to or in lieu of the other remedies set forth in this section and shall not be construed to limit the power of the commissioner to commence a civil action or proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, or to require that the commissioner resort to any procedure set forth in this subdivision as a prerequisite to the commencement of any such action or proceeding.

k. Any public pay telephone removed pursuant to this section which is not claimed by the owner within thirty days of removal shall be deemed to be abandoned. All abandoned public pay telephones may be sold at public auction after having been advertised in the City Record and the proceeds paid into the general fund or such abandoned telephones may be used or converted for use by the department or by another city agency. A public pay telephone shall be released to the owner upon payment of the costs of removal, repair and restoration work, and of storage, any fees for any administrative expense or expense of additional inspections incurred by the department as a result of the violation, or, if an action or proceeding for the violation is pending in a court or before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, upon the posting of a bond or other form of security acceptable to the commissioner in an amount which will secure the payment of such costs and any fines or civil penalties which may be imposed for the violation.

§ 105. Subdivision (c) of section 24-128 of the administrative code of the city of New York, as relettered and amended by local law 38 for the year 2015, is amended to read as follows:

(c) An application for a certificate of operation or any renewal or reinstatement thereof may be denied by the commissioner if any board penalty *or penalty of an authorized tribunal of the office of administrative trials and hearings* against the owner of equipment or apparatus which is the subject of the application has not been complied with or satisfied.

§ 106. Subdivision (a) of section 24-132 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

(a) The commissioner shall suspend or revoke a work permit or certificate of operation when ordered to do so by the board *or by an authorized tribunal of the office of administrative trials and hearings* pursuant to subchapter nine of this code.

§ 107. Section 24-137 of the administrative code of the city of New York, as renumbered by local law 38 for the year 2015, is amended to read as follows:

24-137 Enforcement of the labor law. Pursuant to subdivision two of section nine hundred ten of the labor law, the commissioner shall have all the powers and responsibility of the commissioner of labor in enforcing the provisions of article thirty of the labor law and the rules and regulations adopted thereunder; provided, however, that the civil penalties authorized pursuant to subdivisions one and two of section nine hundred nine of such law shall be imposed by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* after a hearing in accordance with the rules of [the board] *an authorized tribunal of the office of administrative trials and hearings*.

§ 108. Paragraph (1) of subdivision (h) of section 24-163 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, as proposed in introduction number 230, is amended to read as follows:

(1) the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* that states the number of notices of violation issued for engine idling violations returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, including the total amount of penalties imposed for such notices of violations;

§ 109. Paragraphs (1) – (3) of subdivision d of section 24-163.11 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, are amended to read as follows:

(1) In addition to the department, the business integrity commission shall have the authority to enforce this section and shall have the power to issue notices of violation. All notices of violation issued in accordance with this section shall be returnable to the board *or an authorized tribunal of the office of administrative trials and hearings*.

(2) Any owner or operator of a heavy duty trade waste hauling vehicle that violates any provision of this section shall be liable for a civil penalty of ten thousand dollars per vehicle that is in violation. Each notice of violation shall contain an order of the commissioner or of the chairperson of the business integrity commission directing the respondent to correct the condition constituting the violation and to file with the department or the business integrity commission electronically, or in such other manner as the department or the business integrity commission shall authorize, respectively, a certification that the condition has been corrected within sixty days from the date of the order. In any proceeding before the board *or an authorized tribunal of the office of administrative trials and hearings*, no civil penalty shall be imposed for a violation of this section if the respondent complies with the order of the commissioner or chairperson to correct and to certify correction of the violation within sixty days. In addition to such civil penalty, a separate additional penalty may be imposed of not more than five hundred dollars for each day that the violation is not corrected beyond sixty days from such order.

(3) For the purposes of this section, if the board *or an authorized tribunal of the office of administrative trials and hearings* finds that a certification of correction filed pursuant to paragraph two of this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void and the penalties set forth in this section for the violation may be imposed as if such false certification had not been filed with and accepted by the department or the business integrity commission. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

§ 110. Subdivision (g) of section 24-165 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

(g) The commissioner may recommend to the board *or an authorized tribunal of the office of administrative trials and hearings* that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that the work has been

performed to permanently correct the violation. If the commissioner accepts such certification of compliance, he or she shall recommend to the board *or an authorized tribunal of the office of administrative trials and hearings* that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§ 111. Subdivision (c) of section 24-166 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

(c) The commissioner may recommend to the board *or an authorized tribunal of the office of administrative trials and hearings* that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that the work has been performed to permanently correct the violation. If the commissioner accepts such certification of compliance, he or she shall recommend to the board *or an authorized tribunal of the office of administrative trials and hearings* that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§ 112. Subdivision (a) of section 24-178 of the administrative code of the city of New York, as repealed and added by local law 38 for the year 2015, is amended to read as follows:

(a) The board *or an authorized tribunal of the office of administrative trials and hearings* may, upon notice pursuant to this chapter, and after a hearing pursuant to the rules of [the board] *an authorized tribunal of the office of administrative trials and hearings*:

(1) Order the commissioner to seal any equipment or apparatus which causes or is maintained or operated so as to cause a violation of any provision of this code or order or rule promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings*, except as provided in subdivision (b) of this section;

(2) Order any person to cease and desist from any activity or process that causes or is conducted so as to cause, a violation of any provision of this code or any order or rule promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings*, except as provided in subdivision (b) of this section;

(3)(i) Impose a civil penalty in each instance in an amount as hereinafter set forth in the table of civil penalties against any person who violates any provision of this code or of any order or rule promulgated thereunder.

TABLE OF CIVIL PENALTIES

Violation	Minimum	Maximum
24-108	\$200	\$800
24-109(a)(1)-(2)	800	3200
24-109(a)(3)-(17)	400	1600
24-109(f)	400	1600
24-109(g)	400	1600
24-111	400	1600
24-112	400	1600
24-113	200	800
24-118	1600	6400
24-120	800	3200
24-122	800	3200
24-123(d)	800	3200
24-131	200	800
24-136	1000	15000
24-138	1000	15000
24-139	1600	6400
24-141	400	1600
24-142	400	1600
24-143	200	800

24-143.1	200	800
24-145	800	3200
24-146(b)-(d)	400	1600
24-146(e),(f)	800	3200
24-147	800	3200
24-148	800	3200
24-149	200	800
24-149.1	400	1600
24-149.2	400	1600
24-149.3	400	1600
24-149.4	800	3200
24-149.5	400	1600
24-151	800	3200
24-152	200	800
24-153	800	3200
24-155	400	1600
24-156	400	1600
24-159	200	800
24-160	400	1600
24-161	200	800
24-163	200	2000
24-163.3, 24-163.5, 24-163.6, 24-163.7, 24-163.9	1000{1}	10000{1}
24-163.8	500	500
24-163.11	0	10000{2}
24-164	400	1600
24-165	0	1600
24-166	0	875
24-167	200	800
24-168	800	3200
24-168.1	800	3200
24-169	1600	6400
24-173	1600	6400
24-176	200	800
24-177	200	800
All other sections, subdivisions and paragraphs of this chapter	400	1600

{1} Plus twice the amount saved by failing to comply.

{2} Plus five hundred dollars per day for each day the violation is not corrected beyond sixty days from the date of an order of the commissioner or of the chairperson of the business integrity commission to correct the violation.

(ii) Impose a separate penalty for each day on which a violation under this code shall have occurred.

(iii) Impose an additional civil penalty, in the amount of ten percent (10%) of the penalty originally imposed, for late payment of a penalty for each month or part thereof that the penalty payment is in arrears. In no event shall the total additional civil penalty exceed the maximum set forth in the table of civil penalties.

(4) Impose a civil penalty of not less than one thousand nor more than four thousand dollars on any person who willfully breaks, or causes or permits the breaking of, a seal placed on equipment pursuant to this section.

§113. Subdivisions (b), (c), (d) and (e) of section 24-178 of the administrative code of the city of New York, as repealed and added by local law 38 for the year 2015, is amended to read as follows:

(b) The board *or an authorized tribunal of the office of administrative trials and hearings* may, upon notice pursuant to section 24-180 of this code, order any person to:

(1) Cease and desist from the installation or alteration of equipment or apparatus, without a permit as required by section 24-120 of this code;

(2) Cease and desist from the operation of any equipment or apparatus without a certificate and the board *or tribunal* may also order the commissioner to seal any such equipment or apparatus;

(3) Cease and desist from the spraying of insulating material on, or the demolition of, any building or structure which does not conform to the requirements of section 24-109 or 24-146 of this code or any rule promulgated thereunder. The board *or tribunal* may also order the commissioner to seal any equipment used therefor.

(c) The board *or tribunal* may order the commissioner to install any apparatus or to clean, repair, or alter any equipment or apparatus which causes or is maintained or operated so as to cause a violation of an order issued pursuant to paragraph two of subdivision (a) of this section, where such installation, cleaning, repairing, or alteration can reasonably be expected to correct such a violation. Any work required under such an order may be executed by the commissioner through the officers, agents or contractors of the department. The department shall be reimbursed promptly for all costs and expenses of such work by the owner of the equipment or apparatus to which the order relates and in respect to which such expenses were incurred. Such expenses may be recovered in a civil action brought in the name of the commissioner.

(d) If an order of the board *or tribunal* issued pursuant to subdivisions (a) and (b) of this section provides for a period of time during which a person subject to the order is permitted to correct a violation, the board *or an authorized tribunal of the office administrative trials and hearings* may require the respondent to post a performance bond or other security with the department in a form and amount sufficient to assure the correction of such violation within the prescribed time. In the event of a failure to meet the schedule prescribed by [the board] *an authorized tribunal of the office administrative trials and hearings or tribunal*, the sum named in the bond or other security shall be forfeited and shall be paid to the commissioner.

(e) The board *or an authorized tribunal of the office administrative trials and hearings* may order any person to cease and desist from an activity which it reasonably believes causes an emission of an air contaminant which creates an imminent peril to the public health. Such order shall be effective upon service thereof. Any party affected by such an order may request a hearing on written notice, and he or she shall be afforded a hearing, within twenty-four hours after service of such request, pursuant to the rules of [the board] *an authorized tribunal of the office administrative trials and hearings*. If such an accelerated hearing is not requested, then a hearing shall be afforded within ten days of the issuance of the order. The board *or an authorized tribunal of the office administrative trials and hearings* shall issue its final decision and order thereon within three days from the conclusion of a hearing held pursuant to this subdivision.

§ 114. Section 24-182 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

§ 24-182 Citizen's complaint. (a) Any person, other than personnel of the department and employees of the city of New York authorized by law to serve summonses for violations of the code, may serve upon the department a complaint, in a form prescribed by the department, alleging that a person has violated any provision of this code or order or regulation promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings*, except with respect to sections 24-143 and 24-163 of this code, but still applicable to buses as defined in section one hundred four of the vehicle and traffic law and trucks as defined in section one hundred fifty eight of the vehicle and traffic law, together with evidence of such violation. With respect to section 24-142 of this code, only such person who has been certified as a smoke watcher, by passing a course of smoke observation approved by the department within three years prior to the observation, may serve such complaint.

(b) A person who has served a complaint pursuant to subdivision (a) of this section may serve upon the person allegedly in violation, and upon the board *or an authorized tribunal of the office of administrative trials and hearings*, a notice of violation in a form prescribed by the board or tribunal within forty-five days from service of such complaint if;

(1) The department has failed to serve a notice of violation, pursuant to the rules of [the board] *an authorized tribunal of the office of administrative trials and hearings*, for the violation alleged in a complaint pursuant to subdivision (a) of this section; or

(2) The department fails to serve a written notice upon the complainant of its determination that his or her complaint is frivolous or duplicitous.

(c) A person commencing a proceeding pursuant to this section shall prosecute such proceeding at his or her own expense. The department may intervene in such a proceeding at any time.

(d) In any proceeding brought by the department after receiving a complaint, pursuant to subdivision (a) of this section, pertaining to a violation of this code or any regulation or order promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings*, wherein the source of the violation is a manufacturing or industrial facility or a facility for the generation of steam for off-premises sale or electricity or equipment used by any such facility, the board *or an authorized tribunal of the office of administrative trials and hearings* shall award the complainant, out of the proceeds collected, an amount which shall not exceed twenty-five percent of such proceeds, for disclosure of information or evidence, not in the possession of the department prior to the receipt of the complaint by the department, which leads to the imposition of the civil penalty.

(e) In any proceeding brought by a complainant pursuant to subdivision (a) of this section, the board *or an authorized tribunal of the office of administrative trials and hearings* shall award, out of the proceeds collected, fifty percent of any civil penalty as fair and reasonable compensation to such person.

§ 115. Section 24-183 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

§ 24-183 Adjudication, settlement and settlement by stipulation. The adjudication, settlement or settlement by stipulation of any notice of violation issued pursuant to this subchapter shall be in accordance with section 1049-a of the New York city charter and the applicable rules of [the board] *an authorized tribunal of the office of administrative trials and hearings*.

§ 116. Section 24-189 of the administrative code of the city of New York is amended to read as follows:

§ 24-189 Procedural rules. [The board] *An authorized tribunal of the office of administrative trials and hearings* shall have authority from time to time to make, amend, and rescind such procedural rules as may be necessary to carry out the provisions of this subchapter.

§ 117. Subdivisions (a) and (b) of section 24-190 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, are amended to read as follows:

(a) Any person who shall knowingly make a false statement or who shall knowingly falsify or allow to be falsified any certification, registration, form, signed statement, application or report required under the provisions of this code or regulation promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings* shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment not to exceed five months, or both.

(b) Any person, other than a corporation, who violates any order of the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings* or any provision of section 24-120, 24-122 or 24-146 of this code or who illegally breaks a seal on equipment, upon conviction shall be punished for each offense by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for not more than thirty days or by both.

Any corporation which violates any order of the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings* or any provision of section 24-120, 24-122 or 24-146 of this code, or which illegally causes a seal to be broken, upon conviction shall be punished for each offense by a fine of not less than one hundred dollars nor more than two thousand dollars. Every day during which such violation occurs constitutes a separate offense.

§ 118. Subdivision (f) of section 24-190 of the administrative code of the city of New York, as designated by local law 38 for the year 2015, is amended to read as follows:

(f) Any person convicted of violating any of the provisions of this code or any regulation of the board *or an authorized tribunal of the office administrative trials and hearings* not otherwise provided for by this section shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars or by imprisonment for twenty days or both for the first offense, and by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment for not more than thirty days or both for a second offense, and by a fine of not less than four hundred dollars nor more than five thousand dollars or by imprisonment for not more than four months or both for a third or subsequent offense.

§ 119. Section 24-209 of the administrative code of the city of New York is amended to read as follows:

§ 24-209 Interfering with or obstructing department personnel. No person shall interfere with or obstruct the commissioner or any department employee in carrying out any duty for the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 120. Subdivision (d) of section 24-227 of the administrative code of the city of New York, as added by local law 153 for the year 2013, is amended to read as follows:

(d) The commissioner may recommend to the board *or an authorized tribunal of the office of administrative trials and hearings* that there shall be no civil penalty imposed for a first violation of this section if, within forty five days of the return date set forth on the notice of violation, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials; and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section. If the commissioner accepts such certification of compliance, he or she shall recommend to the board *or an authorized tribunal of the office of administrative trials and hearings* that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§121. Paragraph (1) of subdivision (b) of section 24-231 of the administrative code of the city of New York, as added by local law 113 for the year 2005, is amended to read as follows:

(1) The commissioner may recommend to the board *or an authorized tribunal of the office of administrative trials and hearings* that there shall be no civil penalty imposed for a first violation of this section if, within 30 days after the issuance of such violation or, if applicable, within the time granted by the commissioner pursuant to paragraph two of this subdivision, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section. If the commissioner accepts such certification of compliance, he or she shall recommend to the board *or an authorized tribunal of the office of administrative trials and hearings* that no civil penalty shall be imposed for the violation. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section.

§122. Subdivision (b) of section 24-240 of the administrative code of the city of New York, as added by local law 113 for the year 2005, is amended to read as follows:

(b) An opportunity for a hearing before the board *or an authorized tribunal of the office of administrative trials and hearings* shall be provided to the owner of a motor vehicle removed pursuant to this section within five business days after a request for a hearing is made to determine whether there was a basis for such removal. The board *or an authorized tribunal of the office of administrative trials and hearings* shall render a decision within two business days following the conclusion of the hearing. If it is determined that there was no basis for removal of a vehicle pursuant to this section, the owner of such vehicle may recover from the city any amounts paid by such owner for towing and storage.

§ 123. Subdivision (c) of section 24-247 of the administrative code of the city of New York is amended to read as follows:

(c) Information concerning secret processes which may be required, ascertained or discovered by the department shall not be disclosed by any department employee, except that the information may be disclosed by the commissioner if the department is subpoenaed for the information or if in the course of a departmental court proceeding or departmental or board hearing *or hearing of an authorized tribunal of the office of administrative trials and hearings*, the information is relevant to the proceeding or hearing.

§ 124. Subdivision (a) of section 24-252 of the administrative code of the city of New York is amended to read as follows:

(a) The commissioner shall suspend or revoke a tunneling permit or certificate when ordered to do so by the board *or an authorized tribunal of the office of administrative trials and hearings* pursuant to subchapter eight of this chapter of this code.

§ 125. Subdivision (a) of section 24-257 of the administrative code of the city of New York is amended to read as follows:

(a) The board *or an authorized tribunal of the office of administrative trials and hearings*, in addition to other duties assigned to [it] *such board or tribunal* by law, shall have the power to conduct hearings pursuant to this subchapter and, by the issuance of a subpoena, compel the attendance of witnesses and the production of any books, papers or other things relating to the matter under investigation.

§ 126. Subdivision (b) of section 24-257 of the administrative code of the city of New York, as amended by local law 153 for the year 2013, is amended to read as follows:

(b) The board *or an authorized tribunal of the office of administrative trials and hearings* may, upon notice pursuant to section 24-259 of this code, and after a hearing pursuant to section 24-263 of this code, or in default thereof pursuant to section 24-264 of this code: (1) Order the commissioner to revoke or suspend a certificate or tunneling permit issued pursuant to this code for any device or activity where such device or activity causes, or is maintained or operated so as to cause a violation of any provision of this code or order or regulation promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings*;

(2) Order the owner of any device which causes or is maintained or operated so as to cause a violation of any provision of this code or any order or regulation promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings*, to install any apparatus which can reasonably be expected to correct the violation, or to repair, properly maintain, replace or alter such device in a manner which can reasonably be expected to correct the violation;

(3) Seal any device which causes or is maintained or operated so as to cause a violation of any provision of this code or order or regulation promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings*, except as provided in subdivision (c) of this section;

(4) Order any person to cease and desist from any activity which causes or is conducted so as to cause a violation of any provision of this code or any order or regulation promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings*, except as provided in subdivision (c) of this section;

(5) Impose a civil penalty in each instance in an amount as set out in table I against any person who violates a provision of this code, or of any order, rule or regulation promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings*. Each day during which such violation continues shall constitute a separate violation. The board *or an authorized tribunal of the office of administrative trials and hearings* may remit, in whole or in part, such a civil penalty if, at the conclusion of the hearing or at the time of the board determination *or determination of an authorized tribunal of the office of administrative trials and hearings* under section 24-266 of this code, the respondent is no longer in violation of a provision of this code, or of any order, rule or regulation promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings*;



TABLE I

Violations related to section and subdivision	Civil Penalties					
	First Violation		Second Violation*		Third and Subsequent Violations*	
	Maxi- mum	Mini- mum	Maxi- mum	Mini- mum	Maxi- mum	Mini- mum
24-216 (d)	2,625	650	5,250	1,300	7,875	1,950
24-218	1,000	350	2,000	700	3,000	1,050
24-218.1	50	50	50	50	50	50
24-220	1,400	440	2,800	880	4,200	1,320
24-222	3,500	875	7,000	1,750	10,500	2,625
24-223	3,500	875	7,000	1,750	10,500	2,625
24-224	3,500	875	7,000	1,750	10,500	2,625
24-225	1,400	440	2,800	880	4,200	1,320
24-226	1,400	440	2,800	880	4,200	1,320
24-227	875	0	1,750	440	2,625	660
24-228	1,400	440	2,800	880	4,200	1,320
24-229	1,400	440	2,800	880	4,200	1,320
24-230	1,400	440	2,800	880	4,200	1,320
24-231 (a)	8,000	0	16,000	4,000	24,000	6,000
24-231 (b)	1,750	440	3,500	880	5,250	1,320
24-231 (c)	875	350	1,750	700	2,625	1,050
24-232	1,400	440	2,800	880	4,200	1,320
24-233 (a)	175	50	350	100	525	150
24-233 (b) (1)	175	50	350	100	525	150
24-233 (b) (2)	350	100	700	200	1,050	300
24-234	175	50	350	100	525	150
24-235	175	50	350	100	525	150
24-236 (a)	525	150	1,050	300	1,575	450
24-236 (b) (c) (d)	1,440	440	2,800	880	4,200	1,320
24-237 (a)	1,000	150	2,000	300	3,000	450
24-237 (b)	875	220	1,750	440	2,625	660
24-237 (c)	875	220	1,750	440	2,625	660
24-237 (d)	1,000	350	2,000	700	3,000	1,050
24-238	875	220	1,750	440	2,625	660
24-239 (b)	350	100	700	200	1,050	300
24-241	1,400	440	2,800	880	4,200	1,320
24-242	875	220	1,750	440	2,625	660
24-244	1,750	440	3,500	880	5,250	1,320
24-245	2,625	660	5,250	1,320	7,875	1,980
All remaining sections and subdivisions	875	220	1,750	440	2,625	660

\* By the same respondent of the same provision of law, order, rule or regulation and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred, at the same premises (all violations committed within two years).

Each day during which such violation continues shall constitute a separate violation. The board or an authorized tribunal of the office of administrative trials and hearings may remit, in whole or in part, such a civil penalty if, at the conclusion of the hearing or at the time of the board determination or determination of

*an authorized tribunal of the office of administrative trials and hearings* under section 24-266 of this code, the respondent is no longer in violation of a provision of this code, or of any order, rule or regulation promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings*;

(6) Impose a civil penalty of not more than two hundred fifty dollars on any owner of a device for each day such equipment is sealed pursuant to this section;

(7) Impose a civil penalty of not less than one thousand nor more than four thousand dollars on any person who willfully breaks, or causes or permits the breaking of, a seal placed on a device pursuant to this section.

(8) Impose an additional civil penalty in the amount of twenty-five percent of that which would otherwise be imposed for each twelve decibels by which the sound or noise level measured exceeds the maximum sound level as contained in subchapters five and six of this chapter.

(9) Impose an additional civil penalty in the amount of ten percent of the penalty originally imposed, for late payment of penalty for each month, or part thereof, that the penalty payment is in arrears. In no event shall the total additional civil penalty exceed the maximum set forth in the table of civil penalties, or as modified pursuant to paragraph eight of this subdivision or paragraph ten of this subdivision, or both.

(10) Order any person to be classified as a persistent violator if such person is found to be in violation of this code and has also on one or more prior occasions within the preceding five years been found to be in violation of this code, where such repeated violations evidence [substantial] *substantial* disregard thereof. If a person is classified as a persistent violator, the board *or an authorized tribunal of the office of administrative trials and hearings* shall in each instance double the amount of the penalty which it would otherwise impose pursuant to paragraph five of this subdivision. Such double penalties shall be imposed for violations which the board *or tribunal* finds a person committed pursuant to the same proceeding at which it classified such person as a persistent violator and for all violations committed within two years immediately following such classification, after which such classification shall terminate. However, if at the end of such two year period such person is still in violation of this code because of a failure to take or complete a corrective action as required by the board *or tribunal*, such classification shall continue until such time as such person is no longer in violation of this code because of such failure, at which time such classification shall cease. Thereafter, the board *or tribunal* may again classify such person as a persistent violator, on the same basis it used originally.

§ 127. Subdivision (c) of section 24-257 of the administrative code of the city of New York, as amended by local law 113 for the year 2005, is amended to read as follows:

(c) The board *or an authorized tribunal of the office of administrative trials and hearings* may, upon notice pursuant to section 24-259 of this code:

(1) order any person to cease and desist from the operation of any listed device without a certificate as required by section 24-245 of this code and the board *or an authorized tribunal of the office of administrative trials and hearings* may also seal such device;

(2) order any person to cease and desist from tunneling without a tunneling permit as required by section 24-245 of this code and the board *or an authorized tribunal of the office of administrative trials and hearings* may also seal any device used in such tunneling;

(3) order any person not in possession of an after hours work authorization issued pursuant to section 24-223 of this code to cease and desist from construction activities other than during the permissible hours specified in section 24-222 of this code and the board *or an authorized tribunal of the office of administrative trials and hearings* may also seal any device used in such construction activities;

(4) order any person to cease and desist from the operation of a device without registration required by section 24-208 of this code and the board *or an authorized tribunal of the office of administrative trials and hearings* may also seal such device.

§ 128. Subdivisions (d) and (e) of section 24-257 of the administrative code of the city of New York are amended to read as follows:

(d) The board *or an authorized tribunal of the office of administrative trials and hearings* may order the commissioner to install any apparatus or to repair or alter any device or apparatus which causes or is maintained or operated so as to cause a violation of an order issued pursuant to paragraph two of subdivision (b) of this section, where such repairing or alteration can reasonably be expected to correct such a violation. Any work required under such an order may be executed by the commissioner through the officers, agents or contractors of the department. The department shall be reimbursed promptly for all costs and expenses of such

work by the owner of the device to which the order relates and in respect to which such expenses were incurred. Such expenses may be recovered in a civil action brought in the name of the commissioner.

(e) If an order of the board *or an authorized tribunal of the office of administrative trials and hearings* issued pursuant to subdivisions (b) and (c) of this section provides for a period of time during which a person subject to the order is permitted to correct a violation, the board *or tribunal* may require the respondent to post a performance bond or other security with the department in a form and amount sufficient to assure the correction of such violation within the prescribed time. In the event of a failure to meet the schedule prescribed by the board *or tribunal*, the sum named in the bond or other security shall be forfeited and shall be paid to the commissioner.

§ 129. Subdivision (f) of section 24-257 of the administrative code of the city of New York, as amended by local law 113 for the year 2005, is amended to read as follows:

(f) (1) The *board or an authorized tribunal of the office of administrative trials and hearings* may order any person to cease and desist from an activity which it reasonably believes causes unreasonable noise which creates imminent peril to the public health and well being, or to cease and desist from an activity which it reasonably believes constitutes a [wilful] *willful* or continued violation of any provision of this code or order or regulation, promulgated by the commissioner or board *or an authorized tribunal of the office of administrative trials and hearings*. Such order shall be effective upon service thereof. Any party affected by such an order may request a hearing on written notice, and he or she shall be afforded a hearing, within twenty-four hours after service of such request, pursuant to section 24-263 of this code. If such an accelerated hearing is not requested, then a hearing shall be afforded within ten days of the issuance of the order. The board *or an authorized tribunal of the office of administrative trials and hearings* shall issue its final decision and order thereon within three days from the conclusion of a hearing held pursuant to this subdivision.

§ 130. Subdivision (b) of section 24-259 of the administrative code of the city of New York is amended to read as follows:

(b) Whenever the commissioner has reasonable cause to believe that a violation of any provision of this code or any order or regulation promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings* may exist, he or she may cause to have a notice of violation issued and served on:

- (1) The person in violation; or
- (2) An owner with an equity interest in the device in violation, if any; or
- (3) If an owner with an equity interest in the device in violation cannot be located with due diligence, any other owner of said device.

§ 131. Subdivision (a) of section 24-260 of the administrative code of the city of New York is amended to read as follows:

(a) A written response in a form prescribed by [the board] *an authorized tribunal of the office of administrative trials and hearings* shall be served upon the department and filed with the board *or tribunal* within five days of receipt of the notice of violation.

§ 132. Subdivisions (b), (c), (d) and (e) of section 24-261 of the administrative code of the city of New York are amended to read as follows:

(b) A person who has served a complaint pursuant to subdivision (a) of this section may serve upon the person allegedly in violation and upon the board *or an authorized tribunal of the office of administrative trials and hearings* a notice of violation in a form prescribed by [the board] *an authorized tribunal of the office of administrative trials and hearings*, if within thirty days from service of such complaint:

- (1) The department has failed to serve a notice of violation, pursuant to section 24-259 of this code, for the violation alleged in a complaint pursuant to subdivision (a) of this section; or
- (2) The department fails to serve a written notice upon the complainant of its determination that his or her complaint is frivolous or duplicitous.

(c) A person commencing a proceeding before the board *or an authorized tribunal of the office of administrative trials and hearings* pursuant to this section, shall prosecute such proceeding at his or her own expense. The department may intervene in such a proceeding at any time.

(d) In any proceeding brought by the department after receiving a complaint pursuant to subdivision (a) of this section, the board *or an authorized tribunal of the office of administrative trials and hearings* shall award the complainant, out of the proceeds collected, fair and reasonable compensation, which shall not exceed

twenty-five percent of the proceeds collected, for disclosure of information or evidence not in the possession of the department, which leads to the imposition of the civil penalty.

(e) In any proceeding brought by a complainant, the board *or an authorized tribunal of the office of administrative trials and hearings* shall award, out of the proceeds collected, fifty percent of any civil penalty as fair and reasonable compensation to such person.

§133. Section 24-262 of the administrative code of the city of New York is amended to read as follows:

§ 24-262 Settlement of proceedings. The *board or an authorized tribunal of the office of administrative trials and hearings* may settle any proceeding by stipulation and may exercise any or all of its powers under section 24-257 of this code thereby, at any time prior to the issuance of a decision pursuant to section 24-266 of this code.

§134. Subdivisions (a), (c) and (d) of section 24-263 of the administrative code of the city of New York are amended to read as follows:

(a) The chairperson of the board *or an authorized tribunal of the office of administrative trials and hearings* shall designate a hearing officer or at least one member of the board *or an authorized tribunal of the office of administrative trials and hearings* to preside over hearings held pursuant to this subchapter. In any hearing in which a quorum of the board is present, such members shall be deemed to be sitting as the board.

(c) At the request of any party to such a hearing, the board *or an authorized tribunal of the office of administrative trials and hearings* shall by the issuance of a subpoena compel the attendance of such witnesses and shall require the production of any such books, papers, or other things relating to the matter under investigation if such a request reasonably relates to such hearing.

(d) Any party to a hearing may be represented by counsel, may make oral and written argument and cross-examine witnesses. All testimony taken before the board *or an authorized tribunal of the office of administrative trials and hearings* or the designated hearing officer shall be under oath and shall be recorded. The record shall be open to public inspection, and copies thereof shall be made available to any person upon payment of the actual cost of reproduction.

§ 135. Paragraph (3) of subsection (a) and subsection (b) of section 24-264 of the administrative code of the city of New York are amended to read as follows:

(a) (3) Neglected to proceed in a manner ordered by the board *or an authorized tribunal of the office of administrative trials and hearings*.

(b) Within sixty days of a decision and order of the board *or an authorized tribunal of the office of administrative trials and hearings* issued pursuant to paragraph two of subdivision (c) of section 24-266 of this subchapter, the respondent may request the board *or an authorized tribunal of the office of administrative trials and hearings* to grant a stay of such order of the board *or an authorized tribunal of the office of administrative trials and hearings* and schedule a hearing. If the respondent has shown good cause and a meritorious defense, the board *or an authorized tribunal of the office of administrative trials and hearings* may grant such a request and hold a hearing pursuant to section 24-263 of this code. At the conclusion of the hearing, the board *or an authorized tribunal of the office of administrative trials and hearings* may adopt, amend or rescind its decision and order.

§ 136. Section 24-265 of the administrative code of the city of New York is amended to read as follows:

§ 24-265 Hearing officer's decision. (a) At the conclusion of the hearing, the hearing officer or member of the board *or an authorized tribunal of the office of administrative trials and hearings* conducting the hearing shall prepare a decision stating findings of fact and conclusions, as well as reasons for his or her determination on all material issues, and making recommendations as to action which should be taken in the matter.

(b) The hearing officer or member of the board *or an authorized tribunal of the office of administrative trials and hearings* conducting the hearing shall file his or her decision with the board *or tribunal* and send copies by mail to the parties. Any party may file exceptions with the board *or tribunal* within twenty days after service of such decision. If no exceptions have been filed within the described time, the recommendations of the hearing officer or member of the board *or an authorized tribunal of the office of administrative trials and hearings* conducting the hearing shall automatically become the decision of the board *or tribunal* and shall constitute its findings, conclusions and order.

(c) At the conclusion of a hearing conducted by the board *or an authorized tribunal of the office of administrative trials and hearings*, the board *or tribunal* shall issue its decision and order. The decision of the board *or tribunal* shall conform to the requirements of subdivisions (b) and (c) of section 24-266 of this code.

§137. Section 24-266 of the administrative code of the city of New York is amended to read as follows:

§ 24-266 Board *or tribunal* decision and order. (a) If any party files exceptions to the decision of the hearing officer or member of the board *or an authorized tribunal of the office of administrative trials and hearings* conducting a hearing within the prescribed time the board *or an authorized tribunal of the office of administrative trials and hearings* shall review the record and issue its decision and order in which it may adopt, modify or reject the findings, conclusions and recommendations of the hearing officer or member of the board *or an authorized tribunal of the office of administrative trials and hearings* who conducted the hearing.

(b) The decision of the board *or an authorized tribunal of the office of administrative trials and hearings* shall contain findings of fact, conclusions of law and reasons for the decision on all material issues raised, and an order either dismissing the allegations of the notice of violation or sustaining them in whole or in part.

(c) The board *or an authorized tribunal of the office of administrative trials and hearings* may exercise one or more of its powers pursuant to section 24-257 of this code, as it deems appropriate if:

(1) The allegations in the notice of violation are sustained in whole or in part;

(2) The respondent is in default under section 24-264 of this code.

(d) The decision and order of the board *or an authorized tribunal of the office of administrative trials and hearings* shall be its final determination. A judicial proceeding must be commenced within two months after the service of such decision and order.

§ 138. Section 24-267 of the administrative code of the city of New York is amended to read as follows:

§ 24-267 Compliance with board *or tribunal* decisions; orders and civil penalties. (a) If the respondent fails or refuses to comply with the board's order *or order of an authorized tribunal of the office of administrative trials and hearings*, or the board *or an authorized tribunal of the office of administrative trials and hearings* otherwise deems it necessary, the corporation counsel for the city of New York, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any order of the board *or an authorized tribunal of the office of administrative trials and hearings*.

(b) A civil penalty imposed by the board *or an authorized tribunal of the office of administrative trials and hearings* pursuant to section 24-257 of this code may be collected in an action brought in the name of the city of New York.

§ 139. Section 24-268 of the administrative code of the city of New York is amended to read as follows:

§ 24-268 Procedural rules. [The board] *An authorized tribunal of the office of administrative trials and hearings* shall have authority from time to time to make, amend and rescind such procedural rules as may be necessary to carry out the provisions of this subchapter.

§ 140. Subdivisions (a), (b), (c) and (e) of section 24-269 of the administrative code of the city of New York are amended to read as follows:

(a) Any person who shall knowingly make a false statement or who shall knowingly falsify or allow to be falsified any certification, registration, form, signed statement, application or report required under the provisions of this code or regulation promulgated by the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings* shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment not to exceed five months, or both.

(b) Any person, other than a corporation, who violates any order of the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings* or any provision of section 24-245 of this code or who illegally breaks a seal on equipment, upon conviction shall be punished for each offense by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not more than thirty days or by both. Any corporation which violates any order of the commissioner or the board *or an authorized tribunal of the office of administrative trials and hearings* or any provision of section 24-245 of this code, or which illegally causes a seal to be broken, upon conviction shall be punished for each offense by a fine of not less than one hundred dollars nor more than two thousand dollars. Every day during which such violation occurs constitutes a separate offense.

(c) Any person, other than a corporation, convicted of willful failure to pay a civil penalty imposed by the board *or an authorized tribunal of the office of administrative trials and hearings* pursuant to section 24-257 of this code shall be punished by a fine of double the amount of the civil penalty imposed by the board *or tribunal*, or by imprisonment for not more than sixty days, or by both. Any corporation convicted of a [willful]

willful failure to pay a civil penalty imposed by the board *or tribunal* pursuant to section 24-257 of this code shall be punished by a fine of double the amount of the civil penalty imposed by the board *or tribunal*, but not more than two thousand dollars.

(e) Any person convicted of violating any of the provisions of this code or any regulation of the board *or an authorized tribunal of the office of administrative trials and hearings* not otherwise provided for by this section shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for the first offense, or by imprisonment for twenty days, or both; and by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for not more than thirty days, or both, for a second offense; and by a fine of not less than four hundred dollars nor more than five thousand dollars, or by imprisonment for not more than four months or both for a third or subsequent offense.

§ 141. Subdivisions a-f of section 24-346 of the administrative code of the city of New York are amended to read as follows:

a. Notwithstanding any other provision of law, the commissioner of environmental protection and the environmental control board or an authorized tribunal of the office of administrative trials and hearings shall enforce the provisions of this chapter and chapter four of this title and the regulations promulgated pursuant thereto or pursuant to section fourteen hundred three of the New York city charter as hereinafter provided. Such commissioner and board *or tribunal* shall have the power to issue such orders as may be provided for herein and such additional orders as may be necessary for the enforcement of such provisions.

b. Any person who violates or fails to comply with any of the provisions of this chapter and chapter four of this title or any order, rule or regulation issued by the board *or an authorized tribunal of the office of administrative trials and hearings* or commissioner or with the conditions of any permit issued by the commissioner within the city of New York shall be liable for a civil penalty of not less than fifty nor more than one thousand dollars for each violation, except that the civil penalty for the removal of a manhole cover in violation of section 24-304 shall be not less than two thousand five hundred dollars nor more [then] *than* ten thousand dollars. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such board *or tribunal*. Such board *or tribunal*, after a hearing as provided by the rules and regulations of [the board] *an authorized tribunal of the office of administrative trials and hearings*, shall have the power to enforce its final decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section one thousand forty-nine-a of the New York city charter. A civil penalty imposed by the board *or tribunal* may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The board *or tribunal*, in its discretion, may, within the limits set forth in this subdivision, establish a schedule of civil penalties indicating the minimum and maximum penalty for each separate offense.

c. In addition to the civil penalties set forth in subdivision b of this section and except as otherwise specifically provided, any person who knowingly violates or fails to comply with any provision of this chapter and chapter four of this title or any order, rule or regulation issued by the commissioner or board *or an authorized tribunal of the office of administrative trials and hearings* or with the conditions of any permit issued by the commissioner shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty nor more than one thousand dollars, or by imprisonment not exceeding thirty days, or both for each violation, except that the punishment for the removal of a manhole cover in violation of section 24-304 shall be a fine of not less than five hundred dollars nor more than ten thousand dollars, or imprisonment not exceeding thirty days, or both for each violation. In the case of a continuing violation each day's continuance shall be a separate and distinct offense.

d. 1. In the case of any continued or knowing violation of any of the provisions of this chapter and chapter four of this title or any order, rule or regulation issued by the board *or an authorized tribunal of the office of administrative trials and hearings* or commissioner or of the conditions of any permit issued by the commissioner within the city of New York or where the board *or tribunal* finds that the violation of any of such provisions or of the conditions of any such permit presents or may present a danger to the water supply or the water supply system, the board *or tribunal* after notice and the opportunity for a hearing in accordance with the rules and regulations of [the board] *an authorized tribunal of the office of administrative trials and hearings*, may issue a cease and desist order requiring any person who owns, leases, operates, controls or

supervises any building, structure, facility, device, equipment, installation or operation to cease and desist from any activity or process which causes or is conducted so as to cause such violation within the time specified in such order.

2. Such order may provide that if the order is not complied with or so far complied with as the commissioner of environmental protection may regard as reasonable within the time specified therein, the commissioner may take such action as shall be specified therein, including but not limited to:

- (a) sealing, blocking or inactivating any equipment, facility or device; or
- (b) terminating the water supply.

For such purpose the commissioner or his or her deputies or such other officers or employees as are designated by the commissioner may enter on any public or private property.

e. 1. Whenever the commissioner has reasonable cause to believe that a violation of the provisions of this chapter and chapter four of this title or any order, rule or regulation issued by the board *or an authorized tribunal of the office of administrative trials and hearings* or commissioner or in violation of the conditions of any permit issued by the commissioner within the city of New York creates or may create an imminent danger to the water supply or to the water supply system or to the public health or to the life or safety of persons, the commissioner may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any building, structure, facility, device, equipment, installation or operation to take such action as may be necessary to halt or prevent such violation.

2. If service of the order cannot be made personally because such person cannot be located at such time then service may be made by delivering a copy to a person of suitable age and discretion at the residence or place of business of the person sought to be served. If service cannot be made personally or by such delivery to a person of suitable age and discretion because of inability to locate or to obtain the name or address of such person at such time, service may be made by conspicuously posting a copy of such order upon the property to which it relates. The posting of such order shall be sufficient notice of such order to all persons having a duty in relation thereto under the provisions of this subdivision.

3. If the order is not complied with or so far complied with as the commissioner may regard as reasonable, within the time specified therein the commissioner may act to halt or prevent such violation by:

- (a) sealing, blocking or otherwise inactivating any equipment, facility or device;
- (b) terminating the water supply; or

(c) any other means or method that is reasonable under the circumstances. For such purpose the commissioner or his or her deputies or such other officers or employees as are designated by the commissioner may enter on any public or private property.

4. Any person affected by such an order may make written application to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* for a hearing. Such hearing shall be provided, pursuant to the rules and regulations of [the board] *such authorized tribunal of the office of administrative trials and hearings*, and shall be held within forty-eight hours after the receipt of such application. The board *or tribunal* may suspend, modify or terminate such order.

f. If the respondent fails to comply with any order issued by the board *or an authorized tribunal of the office of administrative trials and hearings* or commissioner or with the conditions of any permit, or the board *or an authorized tribunal of the office of administrative trials and hearings* or commissioner otherwise deems it necessary, the corporation counsel, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any order or permit issued by the board *or an authorized tribunal of the office of administrative trials and hearings* or commissioner.

§ 142. Section 24-509 of the administrative code of the city of New York, as amended by local law 65 for the year 1996, is amended to read as follows:

d. Any person who violates subdivision c of this section, or any order issued by or rule promulgated by the commissioner pursuant thereto, shall be liable for a civil penalty in an amount not greater than five thousand dollars for each violation, which may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. A proceeding to recover any civil penalty authorized pursuant to this section shall be commenced by the service of a notice of violation returnable before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, which shall have the power to impose the civil penalties prescribed herein.

§ 143. Section 24-524 of the administrative code of the city of New York, as amended by local law 55 for the year 2013, is amended and relettered as follows:

§ 24-524 Enforcement and penalties. a. Notwithstanding any other provision of law, the commissioner of environmental protection and the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall enforce the provisions of sections 24-504 through 24-522 and 24-523 of this chapter and the regulations promulgated pursuant thereto. Such commissioner, [and] board *or tribunal* shall have the power to issue such orders as may be provided for therein and such additional orders as may be necessary for the enforcement of such provisions.

b. 1. Whenever the commissioner of environmental protection has reasonable cause to believe that a discharge in violation of the provisions of sections 24-504 through 24-522 and 24-523 of this chapter or any order, rule or regulation issued by the board *or an authorized tribunal of the office of administrative trials and hearings* or commissioner or in violation of the conditions of any permit issued pursuant to such provisions creates or may create an imminent danger to the sewer system or to the public health or to the life or safety of persons, he or she may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any building, structure, facility or installation from which the unlawful discharge is emitted to take such action as may be necessary to halt or prevent such discharge.

2. If service of the order cannot be made personally because such person cannot be located at such time then service may be made by delivering a copy to a person of suitable age and discretion at the residence or place of business of the person sought to be served. If service cannot be made personally or by such delivery to a person of suitable age and discretion because of inability to locate or to obtain the name or address of such person at such time, service may be made by conspicuously posting a copy of such order upon the property to which it relates. The posting of such order shall be sufficient notice of such order to all persons having a duty in relation thereto under the provisions of this subdivision.

3. If the order is not complied with or so far complied with as such commissioner may regard as reasonable, within the time specified therein such commissioner may act to halt or prevent such discharge by:

- i. sealing, blocking or otherwise inactivating any equipment, facility, or device;
- ii. terminating the water supply to the premises;
- iii. sealing, blocking or otherwise inactivating any private sewer or drain emptying directly or indirectly into the sewer system;
- iv. any other means or method that is reasonable under the circumstances. For such purpose the commissioner of environmental protection or his or her deputies or such other officers or employees as are designated by the commissioner may enter on any public or private property.

4. Any person affected by such an order may make written application to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* for a hearing. Such hearing shall be provided, pursuant to the rules and regulations of [the board] *such tribunal*, and shall be held within forty-eight hours after the receipt of such application. The board *or tribunal* may suspend, modify or terminate such order.

c.[d.] 1. In the case of any continued or knowing violation of any of the provisions of sections 24-504 through 24-522 and 24-523 of this chapter or any order, rule or regulation issued by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or commissioner of environmental protection pursuant thereto or of the conditions of any permit issued pursuant to such provisions or where the board *or tribunal* finds that the violation of any of such provisions or of the conditions of any such permit presents or may present a danger to the environment or threatens to interfere with the operation of the sewer system, the board *or tribunal* after notice and the opportunity for a hearing in accordance with the rules and regulations of [the board] *such tribunal*, may issue a cease and desist order requiring any person who owns, leases, operates, controls or supervises any building, structure, facility or installation to cease and desist from any activity or process which causes or is conducted so as to cause such violation within the time specified in such order.

2. Such order may provide that if the order is not complied with or so far complied with as the commissioner of environmental protection may regard as reasonable within the time specified therein, such commissioner may take such action as shall be specified therein, including but not limited to:

- i. sealing, blocking or inactivating any equipment, facility or device;
- ii. terminating the water supply to the premises;



iii. sealing, blocking or inactivating any private sewer or drain emptying directly or indirectly into the sewer system.

For such purpose the commissioner of environmental protection or his or her deputies or such other officers or employees as are designated by such commissioner may enter on any public or private property.

*d.[e.]* If the respondent fails to comply with any order issued by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or commissioner of environmental protection or with the conditions of any permit, or such board, *tribunal* or commissioner otherwise deems it necessary, the corporation counsel, acting in the name of the city, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any order or permit issued by such board, *tribunal* or commissioner.

*e.[f.]* Any person who violates or fails to comply with any of the provisions of section 24-504 through 24-522 and 24-523 of this chapter or any order, rule or regulation issued by the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or commission of environmental protection pursuant thereto or with the conditions of any permit issued pursuant thereto shall be liable for a civil penalty not exceeding ten thousand dollars for each violation, provided that this subdivision shall not apply to subdivision c of section 24-509 or subdivisions a and b of section 24-521, and provided that the penalty for the removal of a manhole cover in violation of section 24-517 shall be not less than two thousand five hundred dollars. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. The environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such board *or tribunal*. Such board *or tribunal*, after a hearing as provided by the rules and regulations of *such tribunal*[the board], shall have the power to enforce its final decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section one thousand forty-nine-a of the New York city charter. A civil penalty imposed by the board *or tribunal* may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The board *or tribunal*, in its discretion, may, within the limits set forth in this subdivision, establish a schedule of civil penalties indicating the minimum and maximum penalty for each separate offense.

*f.[g.]* In addition to the civil penalties set forth in subdivision f of this section, any person who knowingly violates or fails to comply with any provision of sections 24-504 through 24-522 or section 24-523 of this chapter or any order, rule or regulation issued by the commissioner of environmental protection or environmental control board *or an authorized tribunal of the office of administrative trials and hearings* pursuant thereto or with the conditions of any permit issued pursuant thereto shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than two hundred fifty nor more than ten thousand dollars, or by imprisonment not exceeding thirty days, or both for each offense, provided that this subdivision shall not apply to subdivision c of section 24-509 or subdivisions a and b of section 24-521, and provided that the punishment for the removal of a manhole cover in violation of section 24-517 shall be a fine of not less than five hundred dollars nor more than ten thousand dollars, or imprisonment not exceeding thirty days, or both for each offense. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. In addition to its application to any other person, the fine provided for in this paragraph shall be deemed a special fine for a corporation within the meaning of section 80.10 of the penal law of the state of New York.

*g.[h.]* Any person who violates or fails to comply with any of the provisions of sections 24-504 through 24-522 and 24-523 of this chapter or any order, rule or regulation issued pursuant thereto or with the conditions of any permit issued pursuant thereto shall be liable to the city for any expense, loss or damage suffered by the city by reason of such violation.

*h.[i.]* Unless otherwise provided in this section, service of any notice or order required by this section may be made either personally or by mail addressed to the last known address of the person to be served.

§ 144. Subdivision b of section 24-609 of the administrative code of the city of New York, as amended by local law 41 for the year 2001, is amended to read as follows:

b. The commissioner may promulgate regulations requiring any responsible person who knows or has reason to know of any release of a listed hazardous substance to immediately notify the commissioner. Such regulations shall establish the minimum quantity of any listed hazardous substance the release of which shall

be reported to the commissioner and shall set forth the form and manner of any notification required. A knowing failure to comply with such notification requirement shall be punishable by a fine of not more than twenty-five thousand dollars, to be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 145. Subdivision c of section 24-610 of the administrative code of the city of New York, as amended by local law 41 for the year 2001, is amended to read as follows:

c. Any responsible person who without sufficient cause, willfully violates, or fails or refuses to comply with, any order of the commissioner issued pursuant to section 24-608 may be liable: (1) for a civil penalty of not more than ten thousand dollars for each day in which such violation occurs or such failure or refusal to comply continues; and (2) for an additional civil penalty in an amount at least equal to, and not more than three times, the amount of any costs incurred by the city as a result of such person's willful violation, or failure or refusal to comply. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*.

§ 146. Subdivisions (b), (c) and (d) of section 24-713 of the administrative code of the city of New York, as amended by local law 82 for the year 2003, are amended to read as follows:

(b) Any person who violates the requirements of sections 24-706, 24-711 or 24-718 of this chapter shall be liable for a civil penalty, as follows: (1) for a first violation, in an amount of not less than five hundred nor more than five thousand dollars; (2) for a second violation, in an amount of not less than three thousand five hundred nor more than ten thousand dollars; and (3) for each subsequent violation, in an amount of not less than seven thousand five hundred nor more than twenty thousand dollars. For purposes of this section, the second and any subsequent violation shall only occur after notice of the first violation has been properly served and an opportunity to cure said violation has been provided to the violator, provided that such opportunity to cure shall not exceed thirty days. For purposes of this section, a second or subsequent violation shall occur where a person violates section 24-706, 24-711 or 24-718 of this chapter within five years of having been found to have violated this chapter. Such penalties may be recovered in a civil action brought in the name of the commissioner or in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. In determining the civil penalty, the hearing officer or judge shall consider any evidence presented by the defendant showing a good faith effort to comply with relevant requirements of this chapter, the nature and seriousness of the defendant's violation of the chapter, whether the violation was voluntarily disclosed, previous violations, if any, of this chapter and any other evidence found to be relevant.

(c) Any person who without justification refuses to allow an inspection of a facility pursuant to section 24-712 of this chapter shall be subject to a civil penalty, returnable before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or in civil court in the name of the commissioner, in an amount not to exceed twenty thousand dollars.

(d) Any person who violates any rule promulgated pursuant to subdivision b of section 24-716 of this chapter shall be subject to a civil penalty, returnable before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*, in an amount not to exceed ten thousand dollars. Each notice of violation shall contain an order of the commissioner directing such person, within thirty days from the date of the order, to correct the condition constituting the violation and to file with the department electronically, or in such other manner as the department shall authorize, a certification that the condition has been corrected. In any proceeding before the board *or an authorized tribunal of the office of administrative trials and hearings*, no civil penalty shall be imposed for a violation pursuant to this subdivision if such person complies with the commissioner's order to correct and to certify correction of the violation within thirty days.

§ 147. Section 24-907 of the administrative code of the city of New York, as added by local law 27 for the year 2009, is amended to read as follows:

§ 24-907 Civil Penalties. Any applicant, enrollee, or recipient of a certificate of completion who misrepresents any material fact related to the investigation, remediation or site management of a local brownfield site shall be liable for a civil penalty of not more than twenty-five thousand dollars. Such civil penalty may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings*. Such proceeding shall be commenced by the service of a notice

of violation returnable before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings.*

§ 148. Section 24-1003 of the administrative code of the city of New York, as added by local law 3 for the year 2014, is amended to read as follows:

§ 24-1003. Enforcement. Any person or other entity that violates any provision of this chapter or any regulation or order of the commissioner issued pursuant thereto shall be subject to a civil fine of not less than one thousand dollars per violation returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings.*

§ 149. Subdivision d of section 25-322 of the administrative code of the city of New York, as added by local law 92 for the year 1996, is amended to read as follows:

d. Any person who violates subdivision b of this section, or the regulations promulgated hereunder, shall be subject to a civil penalty of not more than five hundred dollars per violation which shall be returnable to the environmental control board *or an authorized tribunal of the office of administrative trials and hearings.*

§ 150. Section 28-204.1 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-204.1 General. Any person who shall violate or fail to comply with any of the provisions of this code, the 1968 building code, the zoning resolution or other laws or rules enforced by the department or with any order issued pursuant thereto shall be liable for a civil penalty that may be recovered in a proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings.* Such proceeding shall be commenced by the service of a notice of violation returnable before the board *or tribunal.* Such notice of violation may be issued by employees of the department or of other city agencies designated by the commissioner and may be served by such employees or by a licensed process server.

§ 151. Section 28-204.2 of the administrative code of the city of New York, as amended by local law 34 for the year 2008, is amended to read as follows:

§ 28-204.2 Order to certify correction. Each such notice of violation shall contain an order of the commissioner directing the respondent to correct the condition constituting the violation and to file with the department electronically or in such other manner as the department may authorize by rule a certification that the condition has been corrected. Unless otherwise provided by rule, such order shall require that violations classified as major or lesser be corrected within 30 days from the date of the order, that violations classified as immediately hazardous be corrected forthwith. Such order shall also require that certification of the correction of the violation shall be filed with the department in a manner and form and within such period of time as shall be established by the department. In any proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings,* no civil penalty shall be imposed for a lesser violation if the respondent complies with the commissioner's order to correct and to certify correction of the violation within the applicable time period. However, such violation may serve as a predicate for purposes of assessing aggravating factors attributable to multiple offenses.

§ 152. Section 28-204.3 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-204.3 Failure of proof. In any proceeding before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings,* if the board *or tribunal* finds that the commissioner has failed to prove the violation charged, the order requiring the respondent to correct the condition constituting the violation and to file a certification of correction shall be deemed dismissed.

§ 153. Section 28-204.5 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-204.5 False statements in certification of correction. For the purposes of this section 28-204.5, if the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* finds that a certification of correction filed pursuant to section 28-204.2 contained material false statements relating to the correction of a violation, such certification of correction shall be null and void and the penalties set forth in this code for the violation may be imposed as if such false certification had not been filed with and accepted by the department. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

§ 154. Section 28-204.6 of the administrative code of the city of New York is amended to read as follows:

§ 28-204.6 Tax lien. Enforcement of environmental control board judgments *or judgment of an authorized tribunal of the office of administrative trials and hearings* against owners for certain building code violations. Notwithstanding any provision of law to the contrary, an environmental control board judgment *or judgment of an authorized tribunal of the office of administrative trials and hearings* against an owner for a building code violation with respect to a private dwelling, a wooden-framed single room occupancy multiple dwelling, or a dwelling with a legal occupancy of three or fewer dwelling units shall constitute a tax lien on the property named in the violation with respect to which such judgment was rendered, as hereinafter provided. Such liens shall be entered and enforced as provided in this section 28-204.6.

§ 155. Section 28-204.6.10 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-204.6.10 Non-exclusive remedy. The procedures provided in this section 28-204.6 for the enforcement of environmental control board judgments *or judgments of an authorized tribunal of the office of administrative trials and hearings* against owners shall be in addition to any other methods provided under any other provision of law for the enforcement of such judgments.

§156. Section 28-210.1 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-210.1 Illegal residential conversions. It shall be unlawful, except in accordance with all requirements of this code, to convert any dwelling for occupancy by more than the legally authorized number of families or to assist, take part in, maintain or permit the maintenance of such conversion. Upon the finding of such violation and the imposition of punishment for such violation as set forth in this code the department or if applicable the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall forward to the internal revenue service, the New York state department of taxation and finance and the New York city department of finance the name and address of the respondent or defendant, the address of the building or structure with respect to which the violation occurred and the time period during which the violation was found to have existed.

§ 157. Section 28-210.2 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-210.2 Illegal industrial or manufacturing conversions. Except as otherwise provided by section 42-03 of the zoning resolution and the multiple dwelling law, it shall be unlawful, except in accordance with all requirements of this code, to convert to residential use any space legally authorized for occupancy for industrial or manufacturing use or to assist, take part in, maintain or permit the maintenance of such conversion. Upon the finding of such violation and the imposition of punishment for such violation as set forth in this code the department, or, if applicable, the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* shall forward to the internal revenue service, the New York state department of taxation and finance and the New York city department of finance the name and address of the respondent or defendant, the address of the building or structure with respect to which the violation occurred and the time period during which the violation was found to have existed.

§ 158. Section 28-401.19.4.1 of the administrative code of the city of New York, as amended by local law 46 for the year 2008, is amended to read as follows:

§ 28-401.19.4.1 Rigger license. Any licensed rigger who has been found guilty after proceedings before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or other adjudicative proceedings of violating section 28-404.1 or 28-401.9 of the administrative code or sections 3314.1.1 and 3314.4.3.1 of the New York city building code, or of failing to insure that workers have certificates of fitness required pursuant to this code or applicable rule three times within any six-month period, shall be subject to immediate suspension of his or her license pending a hearing and determination in accordance with the provisions of this code.

§ 159. Section 28-401.19.4.2 of the administrative code of the city of New York, as amended by local law 141 for the year 2013, is amended to read as follows:

§ 28-401.19.4.2 General contractor registration. Any registered general contractor who has defaulted at or been found liable after proceedings before the environmental control board *or an authorized tribunal of the office of administrative trials and hearings* or in an adjudication in criminal court of violations of any provisions of this code relating to a stop work order, public health or safety, structural integrity, building in compliance with approved construction documents or fire safety three times within any twenty-four-month

period shall be subject to immediate suspension of his or her registration, pending a hearing and determination at office of administrative trials and hearings (OATH) or its successor agency, as applicable.

§ 160. Section 28-501.4 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-501.4 Civil penalties. Any person who places or maintains a sign on a building or premises without an appropriate permit in violation of this article shall be liable for a civil penalty of, for a first violation, not more than fifteen thousand dollars and, for a second or subsequent violation, not more than twenty-five thousand dollars. Each day's continuance shall be a separate and distinct violation. Such civil penalties may be recovered in an action in any court of appropriate jurisdiction or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such board or tribunal shall have the power to impose the civil penalties provided for in this article. Notwithstanding the provisions of section six hundred sixty-six of the charter, a notice of violation issued by the department pursuant to this section 28-501.4 shall not be subject to review by the board of standards and appeals.

§ 161. Section 28-502.6.7 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-502.6.7 Venue. Civil penalties may be recovered in an action in any court of appropriate jurisdiction or in a proceeding before the environmental control board or an authorized tribunal of the office of administrative trials and hearings. Such board or tribunal shall have the power to impose the civil penalties provided for in this article. Notwithstanding the provisions of section six hundred sixty-six of the charter, a notice of violation issued by the department pursuant to this article shall not be subject to review by the board of standards and appeals.

§ 162. Section 28-503.9 of the administrative code of the city of New York, as added by local law 33 for the year 2007, is amended to read as follows:

§ 28-503.9 Storage and disposal. The commissioner shall adopt rules to provide for the storage and disposal of any sign or sign structure removed pursuant to this article. If the identity and address of the owner of such property is reasonably ascertainable, notice of the removal shall be sent to the owner within a reasonable period of time after the removal. If such property is not claimed within thirty days after its removal, it shall be deemed to be abandoned and may be sold at a public auction after having been advertised in the City Record and the proceeds paid into the general fund or if the commissioner determines that the property is not saleable, he or she may turn over such property to the department of sanitation for disposal. Property removed pursuant to this article shall be released to the owner or other person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the department and any fines or civil penalties imposed for the violation or, if an action or proceeding for the violation is pending in court or before the environmental control board or an authorized tribunal of the office of administrative trials and hearings, upon the posting of a bond or other form of security acceptable to the department in an amount which will secure the payment of such costs and any fines or civil penalties which may be imposed for the violation.

§ 163. Section 109.2.4 of the administrative code of the city of New York, as amended by local law 148 for the year 2013, is amended to read as follows:

§ 109.2.4 Civil penalty for use of fireworks without a permit. Notwithstanding any other provision of law, and in addition to any criminal penalties that may apply, any person who violates FC105.6 by discharging or otherwise using fireworks without a permit shall be liable for a civil penalty of seven hundred fifty dollars, which may be recoverable in a proceeding before the New York City Environmental Control Board or an authorized tribunal of the office of administrative trials and hearings. For the purposes of subdivision e of Section 15-230 of the Administrative Code, such violation shall be deemed to be hazardous.

§ 164. This local law takes effect 120 days after it becomes law, provided that the office of administrative trials and hearings may, before such effective date, take such measures as are necessary, including the promulgation of rules, to implement this local law. Notwithstanding the foregoing, amendments made to sections 16-120.2(d), 20-910(d), 24-128(c), 24-132(a), 24-136(h), 24-137, 24-163(h)(1), 24-163.11(d)(1), 24-163.11(d)(2), 24-163.11(d)(3), 24-165(g), 24-166(c), 24-178(a)(1), 24-178(a)(2), 24-178(b), 24-178(c), 24-178(d), 24-178(e), 24-182, 24-183, 24-190(a), 24-190(b), and 24-190(f), as amended by local law 38 for the year 2015, take effect May 7, 2016.

Referred to the Committee on Governmental Operations.

## Int. No. 1092

By Council Members Lancman, Menchaca, Constantinides and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to the retirement of black cars.**

*Be it enacted by the Council as follows:*

Section 1. Chapter five of title 19 of the administrative code of the city of New York is amended by adding a new section 19-544 to read as follows:

*§ 19-544 Vehicle retirement. No black car shall be subject to retirement from service so long as such vehicle passes all inspections required pursuant to the vehicle and traffic law, this code, or any rules promulgated by the commission.*

§ 2. This local law shall take effect 120 days after its enactment into law.

Referred to the Committee on Transportation.

## Int. No. 1093

By Council Members Mendez, Crowley, Williams, Palma, Dickens, Richards, Gentile, Rodriguez and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring gas service providers and owners to notify the department of buildings within twenty-four hours when gas service is shut-off or not restored due to safety concerns.**

*Be it enacted by the Council as follows:*

Section 1. Article 119 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-119.4:

*§ 28-119.4 Notification of gas shut-off or non-restoration after inspection. Within 24 hours after gas service to a building is shut off by a utility company or utility corporation because of a class A or class B condition, as described in part 261 of title 16 of the New York codes, rules and regulations, and within 24 hours after gas service is, after an inspection by such a company or corporation, not restored because of such a condition, such company or corporation and the owner of such building shall each provide notice to the department in a form and manner prescribed by the department.*

§ 2. This local law takes effect 90 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, before such effective date.

Referred to the Committee on Housing and Buildings.

## Preconsidered Res. No. 996

**Resolution calling upon the State Legislature to introduce and pass, and the Governor to sign, legislation that would eliminate the exemption of private investment fund carried interest from the New York city unincorporated business tax.**

By Council Members Miller, Rosenthal, Kallos and Palma.

**Whereas**, The New York City unincorporated business tax (“UBT”) is a tax imposed on the net income of any individual or unincorporated entity engaged in any trade, business, profession, or occupation wholly or partly carried on within New York City; and

**Whereas**, Private investment firms, such as private equity or hedge funds, that are structured as partnerships are subject to the UBT; and

**Whereas**, Partners in private investment firms are generally compensated in two ways; and

**Whereas**, First, they receive payment of a management fee, typically two percent of the invested capital; and

**Whereas**, Second, they receive payment of carried interest, which refers to a set percentage of the funds’ profits, typically set at 20 percent of profits; and

**Whereas**, While the management fee paid to partners is considered ordinary business income that is taxed under the UBT, carried interest is exempt from taxation under the UBT; and

**Whereas**, The exemption that applies to carried interest earned by private investment funds is the “self-trading” exemption which operates on the principle that a person or entity is not conducting business in New York City merely because they are engaged in the purchase, holding, and sale of property for their own personal account; and

**Whereas**, Because the federal tax regulations treat carried interest as investment income, the carried interest earned by private investment partners is treated as non-taxable investment income for purposes of the UBT; and

**Whereas**, Accordingly, an unincorporated private investment fund in New York City that is primarily engaged in self-trading may exempt carried interest from the UBT as an incentive allocation instead of treating it as taxable compensation; and

**Whereas**, However, according to testimony submitted by the Director of the Congressional Budget Office to the U.S. Senate Committee in 2007, “most economists...view at least part and perhaps all of the carried interest as performance-based compensation for management services...rather than a return on financial capital...”; and

**Whereas**, As performance-based compensation, carried interest should be taxed in the same manner as other compensation under the UBT; and

**Whereas**, In December 2015, the New York City Independent Budget Office (“IBO”) estimated that if carried interest were taxed under the UBT, the City would recognize approximately an additional \$200 million each year; and

**Whereas**, If IBO’s estimates are accurate, the carried interest exemption from the UBT would rank one of the City’s costliest business income and excise tax expenditures as reported by the City’s Department of Finance its Fiscal 2015 Tax Expenditure Report; and

**Whereas**, The benefit of the carried interest exemption goes to some of the country’s wealthiest individuals; and

**Whereas**, Of the 33 richest hedge fund managers in the United States identified by Forbes Magazine in 2015, all of whom had net worths in the billions of dollars, 26 worked for hedge funds that are headquartered in New York City; and

**Whereas**, Other types of partnerships, such as pension and mutual funds or law firms are not provided with a similar tax preference and are required to pay the UBT on their earnings; and

**Whereas**, For purposes of equity and efficiency, private investment funds should be treated like all other partnerships and proprietors in New York City who are required to pay the UBT on their firms’ net earnings; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the State Legislature to introduce and pass, and the Governor to sign, legislation that would eliminate the exemption of private investment fund carried interest from the unincorporated business tax.

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

Res. No. 997

**Resolution in support of the passage of S.6030 and A.8368, ensuring policy body-worn camera footage is subject to the state Freedom of Information Law.**

By The Public Advocate (Ms. James) and Council Members Dickens and Rodriguez.

**Whereas**, There have been a number of high profile use of force incidents involving law -enforcement caught on video; and

**Whereas**, The New York Police Department is implementing a body-worn camera program; and

**Whereas**, Publicly disclosing body-camera footage holds the potential to enhance accountability and transparency between law enforcement and the community it serves; and

**Whereas**, According to a study by the federal Department of Justice, body-worn cameras have a civilizing effect, resulting in improved behavior among both police officers and citizens; and

**Whereas**, According to the same study, body-worn cameras have evidentiary benefits that expedite resolution of citizen complaints; and

**Whereas**, The state Freedom of Information Law (FOIL) is a regime governing the public's right to access agency records; and

**Whereas**, FOIL could provide a mechanism for the disclosure of body-worn camera footage as records under the law; and

**Whereas**, Civil Rights Law Section 50-a creates a blanket exception to FOIL disclosure for any records that may be used for police officer performance evaluation; and

**Whereas**, Civil Rights Law Section 50-a may therefore prevent body-worn camera footage from being disclosed under FOIL; and

**Whereas**, S.6030, introduced by State Senator Daniel Squadron and pending in committee in the New York State Senate, and companion bill A.8368, introduced by Assembly Member Dan Quart and pending in committee in the New York State Assembly, appropriately limit the applicability of Civil Rights Law Section 50-a to not include body-worn camera footage; and

**Whereas**, FOIL includes internal checks on disclosure, such as when disclosure of a record would interfere with law enforcement investigations or judicial proceedings; and

**Whereas**, S.6030 and A.8368 also would require the redaction of all identifying details of all persons in a publicly released recording, including but not limited to facial features and voices; now, therefore, be it

**Resolved**, That the Council of the City of New York supports the passage of S.6030 and A.8368, ensuring policy body-worn camera footage is subject to the state Freedom of Information Law .

Referred to the Committee on Civil Rights.

Int. No. 1094

By Council Members Richards, Williams, Palma, Dickens, Gentile, Rodriguez and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to identifying the factors indicating gas-related violations in residential and commercial buildings.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-424 to read as follows:

§ 24-424 *Identification of gas safety risk factors.* a. An agency or office designated by the mayor shall identify risk factors that correlate to or otherwise indicate a violation of any law or rule that (i) relates to the delivery by pipe, or usage of, gas in residential or commercial buildings and (ii) poses a hazard to health and



*safety or a risk of damage to property. Such risk factors may include, but are not limited to, unusual gas usage for a building based on its historic usage or usage for buildings of similar size, type or occupancy.*

*b. In developing such risk factors, such designated agency or office shall seek the cooperation of each gas corporation, as such term is defined in section 2 of the public service law, that owns, operates or manages a gas plant, as such term is defined in such section, located in whole or in part in the city.*

*c. By July first in each year, beginning in 2017, such designated office or agency shall submit to the mayor and the speaker of the council, and make publicly available online, a report on how the city has made use of such risk factors in targeting enforcement of laws and rules relating to the delivery by pipe or usage of gas in residential and commercial buildings and the efficacy of such targeted enforcement.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1095

By Council Members Rodriguez and Constantinides.

**A Local Law to amend the administrative code of the city of New York, in relation to a universal driver's license for taxicab and for-hire vehicle drivers.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-505 of the administrative code of the city of New York is amended to read as follows:

a. No person shall drive any motor vehicle for hire which is regulated by the provisions of this chapter without first obtaining from the commission:

- (i) a taxicab *or universal* driver's license, if the vehicle driven is a taxicab; or
- (ii) a coach driver's license, if the vehicle driven is a coach; or
- (iii) a for-hire vehicle *or universal* driver's license, if the vehicle driven is a for-hire vehicle; or
- (iv) a wheelchair accessible van driver's license, if the vehicle driven is a wheelchair accessible van; or
- (v) a commuter van driver's license, if the vehicle driven is a commuter van.

The issuance of a license to a person to drive any one of the aforementioned licensed vehicles shall not entitle such person to drive any other such licensed vehicle without first obtaining the additional appropriate driver's license, *except that a person who has obtained a universal license shall be entitled to drive a taxicab and for-hire vehicle without obtaining an additional driver's license. The commission shall not issue taxicab driver's licenses or for-hire vehicle driver's licenses.*

§ 2. Subdivision h of section 19-505 of the administrative code of the city of New York is amended to read as follows:

h. The commission may renew a driver's license provided the driver shall have made application on the prescribed form during the period which the commission shall designate, and the commission may require the same standards and tests as are applicable for original applications; *provided, however, that the commissioner shall not renew taxicab driver's licenses or for-hire vehicle driver's licenses. Drivers with a taxicab driver's license or a for-hire vehicle driver's license seeking renewal may be issued a universal license.*

§ 3. Section 19-505 of the administrative code of the city of New York is amended by adding a new subdivision r to read as follows:

*r. In addition to the requirements set forth in subdivision b of this section, each applicant for a universal license must be able to speak and understand English, provided, however that such an assessment shall not include a written examination.*

§ 4. Subdivision a of section 19-507.1 of the administrative code of the city of New York is amended to read as follows:

a. (1) Any taxicab or for-hire vehicle driver may attend a remedial or refresher course approved by the commission. Upon presentation to the commission of proof of satisfactory completion of a commission-

approved course by such driver, three points shall be deducted from the number of points assessed under the persistent violators program against his or her [taxicab or for-hire vehicle] driver's license, except as otherwise provided in this paragraph. A taxicab or for-hire vehicle driver shall be eligible for a point reduction pursuant to this subdivision only once within a five-year period. In the event no such approved course is available at the time such driver seeks to enroll, such driver may take a course provided for in paragraph one of subdivision c of section 19-507.2 of this chapter. In such instance, completion of a course taken pursuant to this paragraph or pursuant to paragraph one of subdivision c of section 19-507.2 shall result in the removal of three points from either the number of points accrued under the persistent violators program or from the number of points accrued under the critical drivers program, but not from both, upon the election of the driver who completes such course.

(2) Notwithstanding the provisions of paragraph one of this subdivision, no point reduction shall affect any suspension or revocation action which may be taken by the commission pursuant to this program prior to the completion of the course and no taxicab or for-hire vehicle driver shall receive a point reduction unless attendance at the course is voluntary on the part of the driver.

§ 5. Subdivision b of section 19-507.1 of the administrative code of the city of New York is amended to read as follows:

b. Any taxicab or for-hire vehicle driver who has been found guilty of violations of the commission's rules such that six or more points but fewer than ten points have been assessed against his or her [taxicab or for-hire vehicle] driver's license within any fifteen-month period and whose license has not been revoked shall have his or her [taxicab or for-hire vehicle] driver's license suspended for up to thirty days.

§ 6. Subdivision c of section 19-507.1 of the administrative code of the city of New York is amended to read as follows:

c. Any taxicab or for-hire vehicle driver who has been found guilty of violations of the commission's rules such that ten or more points have been assessed against his or her [taxicab or for-hire vehicle] driver's license within any fifteen-month period shall have his or her [taxicab or for-hire vehicle] driver's license revoked.

§ 7. Subdivision e of section 19-507.1 of the administrative code of the city of New York is amended to read as follows:

e. A taxicab or for-hire vehicle driver shall not be subject to an assessment of points against his or her [taxicab or for-hire vehicle] driver's license or the imposition of duplicate penalties where the same act is a violation under provisions of law other than commission rules and where such violations duplicate each other or are substantively the same and any such driver may be issued only one summons or notice of violation for such violation. Points assessed pursuant to section 19-507.2 of this chapter may, pursuant to subdivisions i and j of this section, be added to points assessed by the commission under this section for violations of commission rules.

§ 8. Subdivision h of section 19-507.1 of the administrative code of the city of New York is amended to read as follows:

h. For purposes of subdivision g of this section, examples of an owner's due diligence shall include, but are not limited to (1) giving to their drivers a clear warning that violations of the meter tampering rules will result in the immediate termination of any lease agreement, the reporting to the commission of driver tampering and the commission's probable revocation of the driver's [taxicab] *commission-issued* driver's license, (2) including in any written lease agreement provisions containing the warnings against violation of meter tampering rules, (3) stamping warnings about the illegality of meter tampering on the trip cards issued to all drivers of an owner's taxicabs, (4) having management personnel or mechanics periodically check for proper odometer and meter mileage comparisons in order to determine if there are inappropriate disparities between the two sets of figures, (5) conducting periodic random inspections of the taxicab meter and its wiring for all of its taxicabs to detect any evidence of violation of the meter tampering rules and (6) having all of such owner's taxicabs inspected by a licensed meter shop once every commission inspection cycle.

§ 9. Subdivision i of section 19-507.1 of the administrative code of the city of New York is amended to read as follows:

i. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that six or more points but fewer than ten points in total have been assessed within any fifteen-month period against his or her [taxicab or for-hire vehicle] *commission-issued* driver's license pursuant to this section and against the driver license issued to such taxicab or for-hire vehicle driver by the department of motor vehicles or an equivalent

licensing agency of the driver's state of residence pursuant to section 19-507.2 of this chapter and whose [taxicab or for-hire vehicle] *commission-issued* driver's license has not been revoked shall have his or her [taxicab or for-hire vehicle] *commission-issued* driver's license suspended for up to thirty days; provided, however, that only points assessed against a [taxicab or for-hire vehicle] *commission-issued* driver's license for violations that threaten the safety of passengers or any other persons, as specified by rule of the commission, may be applied for purposes of this subdivision.

§ 10. Subdivision j of section 19-507.1 of the administrative code of the city of New York is amended to read as follows:

j. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that ten or more points in total have been assessed within any fifteen-month period against his or her [taxicab or for-hire vehicle] *commission-issued* driver's license pursuant to this section and against the driver's license issued to such taxicab or for-hire vehicle driver by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence pursuant to section 19-507.2 of this chapter shall have his or her [taxicab or for-hire vehicle] *commission-issued* driver's license revoked; provided, however, that only points assessed against a [taxicab or for-hire vehicle] *commission-issued* driver's license for violations that threaten the safety of passengers or any other persons, as specified by rule of the commission, may be applied for purposes of this subdivision.

§ 11. Subdivision a of section 19-507.2 of the administrative code of the city of New York is amended to read as follows:

a. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that six or more points have been assessed by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence against the driver license issued to such taxicab or for-hire vehicle driver within any fifteen-month period and whose [taxicab or for-hire vehicle] *commission-issued* driver's license has not been revoked shall have his or her [taxicab or for-hire vehicle] *commission-issued* driver's license suspended for thirty days.

§ 12. Subdivision b of section 19-507.2 of the administrative code of the city of New York is amended to read as follows:

b. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that ten or more points have been assessed by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence against the driver license issued to such taxicab or for-hire vehicle driver within any fifteen-month period shall have his or her [taxicab or for-hire vehicle] *commission-issued* driver's license revoked.

§ 13. Subdivision b of section 19-515 of the administrative code of the city of New York is amended to read as follows:

b. For-hire vehicles shall have the name of the owner or operator displayed on the outside or inside of the vehicle in such form as shall be prescribed by the commission, except that the commission may prescribe an exemption from this requirement for classes of for-hire vehicles for which such display would be inappropriate. All for-hire vehicles must at all times carry in the glove compartment and produce upon demand of any police, peace, law enforcement officer, inspector or officer of the commission:

1. The for-hire vehicle license.
2. The driver's [for-hire vehicle-] *commission-issued* driver's license.
3. Evidence of current liability insurance or financial responsibility.

§ 14. This local law shall take effect 120 days after its enactment into law, except that the Taxi and Limousine Commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 1096

By Council Members Rodriguez, Constantinides and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for accepting a passenger by street hail from a location where street hails are not permitted.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph i of subdivision k of section 19-506 of the administrative code of the city of New York, as added by chapter 9 for the year 2012, is amended to read as follows:

(i) A violation of this subdivision shall be punishable by a fine of [five hundred dollars] \$2,000 for the first violation. A violation of this subdivision shall be punishable by a fine of [seven hundred fifty dollars] \$4,000 when a driver has been convicted of a violation of this subdivision within the immediately preceding [twenty-four] 24 months. A violation of this subdivision *shall be punishable by a fine of \$10,000 and shall result in revocation of the driver's license issued pursuant to paragraphs (i) and (iii) of subdivision a of section 19-505 [of this chapter ]*when such violation is committed by a driver who has previously been convicted of two *or more* violations of this section within the immediately preceding [one hundred twenty] 120 months.

§ 2. Paragraph l of subdivision b of section 19-507 of the administrative code of the city of New York, as amended by local law 35 for the year 2011, is amended to read as follows:

b. 1. (a) Any driver who has been found to have violated a provision of paragraph [one, two or three] 1, 2 or 3 of subdivision a of this section, or any combination thereof, shall be fined not less than [two hundred dollars] \$200 nor more than [five hundred dollars] \$500 for the first offense. Any driver who has been found in violation of any of the provisions of such paragraphs, or any combination thereof, for a second time within a [twenty-four] 24 month period shall be fined not less than [three hundred fifty dollars] \$350 nor more than [one thousand dollars] \$1,000, and the commission may suspend the driver's license of such driver for a period not to exceed [thirty] 30 days. Any driver who has been found to have violated any of the provisions of [paragraph one, two or three of such subdivision] *such paragraphs*, or any combination thereof, three or more times within a [thirty-six] 36 month period shall be fined not more than [one thousand dollars] \$1,000 for each such third or subsequent offense, and the commission shall revoke the driver's license of such driver.

(b) (1) Any driver who has been found to have violated any of the provisions of paragraph [four] 4 of subdivision a of this section shall be fined not less than [two hundred dollars] \$200 nor more than [three hundred fifty dollars] \$350 for the first offense. Any driver who has been found in violation of any of the provisions of such paragraph for a second time within a [twenty-four] 24 month period shall be fined not less than [three hundred fifty dollars] \$350 nor more than [five hundred dollars] \$500, and the commission may suspend the driver's license of such driver for a period not to exceed [thirty] 30 days. The commission shall revoke the driver's license of any driver who has been found to have violated any of the provisions of paragraph [four] 4 of such subdivision three or more times within a [thirty-six] 36 month period.

(2) *Notwithstanding clause 1 of this subparagraph, any driver who has been found to have violated any of the provisions of paragraph 4 of subdivision a of this section shall be fined not more than \$2,000 for the first offense, \$4,000 for a second offense within a 24 month period, and \$10,000 for a third or subsequent offense within a 120 month period, with these enhanced fines not affecting any otherwise applicable license revocation or penalty, if the violation occurred in any of the following areas: (i) airports in the city of New York which prohibit for-hire vehicles from picking up passengers by street hail; (ii) that area of Manhattan that is south of east ninety-sixth street and south of west one hundred tenth street in which a HAIL vehicle is prohibited from picking up passengers by street hail; (iii) that area of the Bronx that is east of Jerome avenue, south of east one hundred sixty-fifth street, north of east one hundred fifty-eighth street and west of Walton avenue; (iv) that area of Brooklyn that is north of Bergen street, south of Hanson place, east of fourth avenue and west of Carlton avenue; (v) that area of Queens west of one hundred twenty-seventh street and northwest of Willets Point boulevard, north of Roosevelt avenue and southeast of Shea road; and (vi) in such other areas as the commission shall identify by rule.*

§ 3. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Transportation.

## Int. No. 1097

By Council Members Rodriguez, Dromm, Menchaca, Dickens, Chin, Gentile and Ulrich.

**A Local Law to amend the New York city charter, in relation to requiring simultaneous translation of certain city public meetings.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 47 of the New York city charter is amended by adding a new section 1063-a as follows:

§ 1063-a. *Simultaneous language services for certain public meetings. a. Definitions. As used in this section:*

*City entity. The phrase “city entity” means any community board, task force, and any entity subject to paragraph d of section 1063.*

*Simultaneous language services. The term “simultaneous language services” means (i) the contemporaneous interpretation of everything that is spoken in a public meeting from English into another language, including sign language, whether in person or via a real-time feed and whether by means of another person or software and (ii) if practicable, prior or simultaneous translation of written text central to the meeting at issue, including documents covered by subdivision e of section 103 of the public officers law.*

*b. Except as otherwise provided by law, each city entity, for every meeting thereof (i) that is required to be public pursuant to article 7 of the public officers law and which 65 or more members of the public are expected to attend, or (ii) that is open to the public pursuant to section 42, 43, 85 or 2800 of the charter, shall ensure that simultaneous language services for such meeting are available in each of the top three non-English languages spoken, as determined by the department of city planning, in the city or in the relevant borough or community district, as applicable.*

*c. Except as otherwise provided by law, each city entity, for every meeting thereof required by law to be public shall provide a mechanism by which members of the public may request simultaneous language services for any meeting or language not required by subdivision b of this section. Such city entity shall, upon receiving such a request, provide the requested simultaneous language services if possible. Providing such services is presumed to be possible if the request is received at least 72 hours in advance of the meeting at issue.*

*d. This section does not create any cause of action or constitute a defense in any legal, administrative, or other proceeding, and does not authorize any violation of any other federal, state, or local law.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Governmental Operations.

## Int. No. 1098

By Council Members Rodriguez, Williams, Richards, Palma, Dickens and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring annual reports on the state of gas infrastructure in the city.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-424 to read as follows:

§ 24-424 *Annual report concerning gas infrastructure. Each gas corporation, as such term is defined in section 2 of the public service law, that owns, operates or manages a gas plant, as such term is defined in such section, located in whole or in part in the city shall by July first in each year, beginning in 2017, submit to the commissioner of transportation a report that includes, at a minimum, the following information:*

*a. A map of the portion of such plant that is located in the city, including each pipe, as such term is defined*

*in section 255.3 of title 16 of the New York codes, rules and regulations, that is located in the city and under the control of such corporation;*

*b. For each component of such plant and each such pipe:*

*1. The location of such component or pipe;*

*2. The age of such component or pipe, the manufacturer's useful life of such component or pipe;*

*3. The material such pipe is made of;*

*4. The condition of such component or pipe;*

*5. A description of any work performed on such component or pipe during the reporting year;*

*6. A description of any planned work to repair, improve or replace such component and the anticipated timeline for such work; and*

*7. Such other information as such commissioner may require by rule.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1099

By Council Members Treyger, Palma, Dickens, Gentile, Rodriguez and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information on Career and Technical Education programs in New York city schools.**

*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 8 to read as follows:

*Chapter 8. Career and Technical Education Reporting*

*§21-961 Reporting on career and technical education.*

*a. For the purposes of this section, the following terms have the following meanings:*

*Career and technical education. The term "career and technical education" (CTE) means a curriculum designed to provide students with certain skills that will enable them to pursue a career in certain disciplines, including but not limited to, agricultural education, business and marketing, family and consumer sciences, health occupations, technology and trade, technical and industrial education.*

*Certified instructor. The term "certified instructor" means a teacher who has earned a career and technical education certificate and is authorized to teach a specific subject in a career and technical education program.*

*Co-located school. The term "co-located school" means any public school serving students in the elementary, middle or high school grades, or any combination thereof, including any charter school, which shares space with another public school or organization in a building within the city school district of the city of New York.*

*b. Not later than March 31, 2016, and annually thereafter on or before March 31, the department shall submit to the council and post conspicuously on the department's website, a report for the preceding academic year which shall include, but not be limited to the following:*

*1. The total number of CTE high schools, including information regarding the nature of the CTE programs offered in each such school;*

*2. The total number of CTE programs available to students in each grade level in each high school;*

*3. The number and percentage of students who listed a CTE school or program as their first choice in the high school application process during the previous application year;*

4. *The number and percentage of students who listed a CTE school or program as their second choice in the high school application process during the previous application year;*
5. *The number and percentage of students who enrolled in a CTE school or program;*
6. *The 4 year graduation rate for students in a CTE school or program;*
7. *The 6 year graduation rate for students in a CTE school or program;*
8. *For each grade level in each CTE school or program, (i) the number and percentage of students who have an individualized education program. This data shall be disaggregated by (i) race and ethnicity; (ii) gender; (iii) special education status; and (iv) English language learner status;*
9. *The number of designated full-time and part-time certified instructors providing instruction at each high school; and the ratio of full time certified instructors to students at such school; and;*
10. *A list of schools, including co-located schools that share certified instructors with at least one other school.*

*c. 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 and 5 students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol.*

§2. This local law shall take effect immediately.

Referred to the Committee on Education.

Int. No. 1100

By Council Members Vacca, Williams, Palma, Richards, Gentile and Rodriguez.

**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 natural gas alarms in dwelling units.**

*Be it enacted by the Council as follows:*

Section 1. Sections 27-2045, 27-2046, 27-2046.1 and 27-2046.2 of the administrative code of the city of New York are REPEALED and a new section 27-2045 is added to read as follows:

*§ 27-2045 Duties of owner and occupant with respect to installation and maintenance of smoke detecting devices, carbon monoxide detecting devices and natural gas detecting devices.*

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

*CLASS A MULTIPLE DWELLING. A “class A multiple dwelling” as defined in paragraph eight of subdivision a of section 27-2004 of this code except that such term shall include garden-type maisonette dwellings constructed before April eighteenth, nineteen hundred fifty-four.*

*GARDEN-TYPE MAISONETTE DWELLING. A dwelling project consisting of a series of dwelling units which together and in their aggregate are arranged or designed to provide three or more apartments, and are provided as a group collectively with all essential services such as, but not limited to, house sewers and heat, and which are operated as a unit under single ownership, notwithstanding that certificates of occupancy were issued for portions thereof as private dwellings, as such term is defined by paragraph six of subdivision a of section 27-2004 of this code.*

*PRIVATE DWELLING. A dwelling unit in a one-family or two-family home which is occupied by a person or persons other than the owner of such unit or the owner’s family.*

*b. The owner of a class A multiple dwelling or private dwelling shall:*

*(1) provide and install one or more approved and operational (i) smoke detecting devices as required by section 907.2 of the New York city building code or sections 27-978, 27-979, 27-980 and 27-981 of the 1968*

*building code, as applicable; (ii) carbon monoxide detecting devices, as required by section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code, as applicable; and (iii) natural gas detecting devices, as required by section 908.10 of the New York city building code or section 28-315.2.3 of the administrative code of the city of New York, as applicable;*

*(2) replace such devices in accordance with article 312 of title 28 of the administrative code of the city of New York;*

*(3) replace any such device that has been stolen, removed, found missing or rendered inoperable except where the occupant is required to replace such device in accordance with subdivision c of this section;*

*(4) where any such device becomes inoperable within one year after installation due to a defect in the manufacture of such device and through no fault of the occupant of the dwelling unit in which such device is installed, the owner shall replace such device within thirty calendar days after receiving written notice that such device is inoperable;*

*(5) post in a common area or, for private dwellings, provide to the occupants thereof a notice indicating that (i) the owner is required by law to install one or more approved and operational smoke detecting devices, carbon monoxide detecting devices and natural gas detecting devices in each dwelling unit and to periodically replace such devices upon the expiration of their useful life; and (ii) each occupant is responsible for the maintenance and repair of such devices that are battery-operated and within his or her dwelling unit and for replacing, in accordance with article 312 of title 28 of the administrative code of the city of New York, any or all such devices which are stolen, removed, missing or rendered inoperable during his or her occupancy of such dwelling unit;*

*(6) provide to at least one adult occupant of each dwelling unit in such dwelling information relating to (i) the risks posed by carbon monoxide poisoning and natural gas leaks; (ii) the testing and maintenance of smoke detecting devices, carbon monoxide detecting devices and natural gas detecting devices; (iii) what to do if such devices alert; (iv) the useful life of such devices; (v) the owner's duty to replace such devices pursuant to article 312 of title 28 of the administrative code of the city of New York; and (vi) the occupant's duty to maintain and repair such devices that are battery-operated and within his or her dwelling unit and replace any or all such devices within his or her dwelling unit that are stolen, removed, missing or rendered inoperable during his or her occupancy of the dwelling unit; provided further that the information provided in accordance with this paragraph may include material that is distributed by the manufacturer or material prepared or approved by the department of buildings; and*

*(7) keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices, carbon monoxide detecting devices and natural gas detecting devices in the dwelling, including the manufacturer's suggested useful life of such devices, and make such records available to the commissioner upon request.*

*c. Notwithstanding the provisions of subdivision a of section 27-2005 and subdivision c of section 27-2006 of this chapter, the occupant of each dwelling unit in a class A multiple dwelling or private dwelling in which a battery-operated smoke detecting device, carbon monoxide detecting device or natural gas detecting device has been provided and installed shall:*

*(1) keep and maintain such device in good repair; and*

*(2) replace such device if it is stolen, removed, missing or rendered inoperable during the occupant's occupancy of such dwelling unit.*

*d. The owner of a class B multiple dwelling shall:*

*(1) provide and install (i) one or more approved and operational smoke detecting devices as required by section 907.2 of the New York city building code or sections 27-978, 27-979, 27-980 and 27-981 of the 1968 building code, as applicable, or, in the alternative, a line-operated zoned smoke detecting system with central annunciation and central office tie-in for all public corridors and public spaces, in accordance with rules and regulations promulgated by the commissioner of buildings; (ii) one or more approved and operational carbon monoxide detecting devices, as required by section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code, as applicable, or, in the alternative, a line-operated zoned carbon monoxide detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner in consultation with the department of buildings and the fire department; and (iii) one or more approved and operational natural gas*



*detecting devices, as required by section 908.10 of the New York city building code or section 28-315.2.3 of the administrative code of the city of New York, as applicable;*

*(2) keep and maintain such devices in good repair and replace such devices in accordance with article 312 of title 28 of the administrative code;*

*(3) replace any such device that has been stolen, removed, found missing or rendered inoperable;*

*(4) keep such records as the commissioner shall prescribe relating to the installation and maintenance of such devices in the dwelling, including the manufacturer's suggested useful life of such devices, and make such records available to the commissioner upon request.*

*e. It shall be unlawful for any person to tamper with or render inoperable a required smoke detecting device, carbon monoxide detecting device or natural gas detecting device except to replace the batteries of such device or for other maintenance purposes.*

*f. The occupant of a dwelling unit within a class A multiple dwelling or private dwelling in which a battery-operated smoke detecting device, carbon monoxide detecting device or natural gas detecting device is newly installed or installed to replace a device that has exceeded the manufacturer's useful life or as a result of such occupant's failure to maintain such device or where such device has been lost or damaged by such occupant, shall reimburse the owner for the cost of such work up to a maximum of (i) twenty-five dollars for each smoke detecting device, carbon monoxide detecting device or natural gas detecting device; (ii) fifty dollars for each combined smoke and carbon monoxide detecting device, combined smoke and natural gas detecting device and combined carbon monoxide and natural gas detecting device and (iii) seventy-five dollars for each combined smoke, carbon monoxide and natural gas detecting device.*

*g. The provisions of this section may be enforced by the department, the department of buildings, the fire department and the department of health and mental hygiene.*

§2. Article 312 of title 28 of the administrative code of the city of New York, as amended by local law number 112 for the year 2013, is amended to read as follows:

**ARTICLE 312**  
**CARBON MONOXIDE, [AND] SMOKE AND NATURAL GAS ALARMS**

**§ 28-312.1 General.** Required carbon monoxide, [and] smoke and natural gas alarms shall comply with the provisions of this article.

**§ 28-312.2[.] Periodic replacement of carbon monoxide alarms.** Carbon monoxide alarms required pursuant to section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturer's suggested useful life of the alarm.

**Exception:** A carbon monoxide alarm installed prior to the effective date of this article shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturer's suggested useful life of the alarm or within 6 months after the effective date of this article, whichever is later.

**§ 28-312.3[.] Audible notification of expiration of useful life of carbon monoxide alarms.** All carbon monoxide alarms installed after the effective date of this article shall comply with UL 2034 and be of a type that emits an audible notification at the expiration of the useful life of such alarm.

**§ 28-312.4 Periodic replacement of smoke alarms.** Smoke alarms required pursuant to section 907.2 of the New York [City] city building code or sections 27-978, 27-979, 27-980 and 27-981 of the 1968 building code shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturer's suggested useful life of the alarm.

**Exception:** A smoke alarm installed prior to the effective date of this section and whose end of useful life is not known shall be replaced with an alarm that complies with section 28-312.5 within 7 years after the effective date of this section.

**§ 28-312.5 Audible notification of expiration of useful life of smoke alarms.** All smoke alarms installed after the effective date of this section shall comply with UL 217, shall employ a non-removable, non-replaceable battery that powers the alarm for a minimum of 10 years, and shall be of the type that emits an audible notification at the expiration of the useful life of the alarm.

**§ 28-312.6 Periodic replacement of natural gas alarms.** *Natural gas alarms required pursuant to section 908.10 of the New York city building code shall be replaced when the time elapsed since the installation of such detector exceeds the manufacturer's suggested useful life of the alarm.*

**§ 28-312.7 Audible notification of expiration of useful life of natural gas alarms.** *All natural gas alarms installed after the effective date of this section shall comply with UL 1484 and shall be of the type that emits an audible notification at the expiration of the useful life of the alarm.*

§3. Section 28-315.2 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 28-315.2.3 to read as follows:

**§ 28-315.2.3 Natural gas alarms.** *Natural gas alarms shall be provided and installed in all dwelling units in accordance with section 908.10 of the New York city building code by May 1, 2017.*

**Exception:** *In existing buildings, natural gas alarms shall not be required to comply with the power source and interconnection requirements as required for smoke alarms in accordance with Sections 907.2.11.2 through 907.2.11.3.*

§4. Section 202 of the New York city building code, as amended by local law number 141 for the year 2013, is amended by adding a new definition for "NATURAL GAS ALARM," in appropriate alphabetical order, to read as follows:

**NATURAL GAS ALARM.** *See Section 902.1.*

§5. Section 902.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended by adding a new definition for "NATURAL GAS ALARM," in appropriate alphabetical order, to read as follows:

**NATURAL GAS ALARM.** *A single- or multiple- station alarm responsive to natural gas.*

§6. Section 908.7.1.1.2 of the New York city building, as amended by local law number 141 for the year 2013, is amended to read as follows:

**908.7.1.1.2 Installation requirements.** Carbon monoxide alarms or detectors shall comply with the power source, interconnection[,] and acceptance testing requirements as required for smoke alarms in accordance with Sections 907.2.11.2 through 907.2.11.3 and Section 907.7.1.

§7. Section 908 of the New York city building code is amended by adding a new section 908.10 to read as follows:

**908.10 Natural gas alarms.** *Natural gas alarms shall be provided and installed in accordance with Sections 908.10.1 and 908.10.2.*

**908.10.1 Dwelling units.** *Natural gas alarms listed in accordance with UL 1484 shall be provided and installed in all dwelling units. The department shall adopt rules and/or reference standards governing the installation and location of required natural gas alarms.*

**908.10.2 Additional installation requirements.** *Natural gas alarms shall comply with the power source, interconnection and acceptance testing requirements as required for natural gas alarms in accordance with Sections 907.2.11.2 through 907.2.11.3 and Section 907.7.1.*

§8. Chapter 35 of the New York city building, as amended by local law number 141 for the year 2013, is amended by adding a new standard reference number UL 1484 of Underwriters Laboratories (UL), in appropriate order, to read as follows:

**UL** Underwriters Laboratories  
333 Pfingsten Road  
Northbrook, IL 60062-2096

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Standard Reference Number	Title	Referenced in code section number
<i>1484-2000</i>	<i>Standard for Residential Gas Detectors . . . . .</i>	<i>908.10</i>

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§9. This local law shall take effect on January 1, 2017, except that this local law shall not apply to work related to applications for construction document approval filed prior to such effective date, and 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.

Referred to the Committee on Housing and Buildings.

Int. No. 1101

By Council Members Williams, Palma, Richards, Gentile, Rodriguez and Ulrich.

**A Local Law in relation to a temporary waiver of penalties for violations relating to fuel gas piping systems and appliances that are promptly repaired.**

*Be it enacted by the Council as follows:*

Section 1. a. The commissioner of buildings shall establish a temporary fuel gas violation resolution program. Such program shall allow owners of buildings with fuel gas piping systems or appliances that were designed, installed, modified or maintained in violation of any provision of the New York city construction codes, or rules promulgated pursuant thereto, to bring such systems or appliances into compliance with such codes and rules without the imposition of civil or criminal penalties.

b. Eligibility to participate in such program shall be restricted to building owners who (i) own one or more buildings in the city in which fuel gas piping systems or appliances have been, on or before the effective date of this local law, designed, installed, modified or maintained in violation of the New York city construction codes, or rules promulgated thereto, and (ii) before the end of the sixth month that commences after the effective date of this local law, commence work to bring all fuel gas piping systems and appliances under the control of such owner into compliance with the New York city construction codes and rules promulgated pursuant thereto; provided that such work is diligently carried out and completed to the satisfaction of such commissioner.

c. Notwithstanding any other local law or rule, no civil or criminal penalty shall be imposed for a violation of the New York city construction codes, or rules promulgated pursuant thereto, issued on or after the effective date of this local law and relating to fuel gas piping systems or appliances for a building under the control of a building owner participating in such program.

d. The commissioner of buildings shall conduct outreach to building owners concerning such program and shall post information regarding such program on the website of the department of buildings.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

Referred to the Committee on Housing and Buildings.

## Int. No. 1102

By Council Members Williams, Richards, Levine, Cabrera, Palma, Gentile and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to designating violations of existing law regarding gas piping systems as “immediately hazardous”**

*Be it enacted by the Council as follows:*

Section 1. Section 28-201.2.1 of chapter 2 of title 28 of the administrative code of the city of New York is amended by adding new items 17, 18, and 19 to read as follows:

*17. A violation of sections 28-119.1 or 28-119.1.1.*

*18. A violation of section 105.2 of the New York city fuel gas code relating to work on a gas piping system.*

*19. A violation of sections 406.6.2, 406.6.2.1, 406.6.2.2 or 406.6.3 of the New York city fuel gas code.*

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

Referred to the Committee on Housing and Buildings.

## Preconsidered L.U. No. 333

By Council Member Ferreras-Copeland:

**Academy Gardens, Block 3519, Lots 1, 5, 12, 20, 30, 34, 42, and 49; 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. 334

By Council Member Greenfield:

**Application No. N 160051 ZRY 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, to create the Mandatory Inclusionary Housing program that would require, through zoning actions, a share of new housing to be permanently affordable.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 335

By Council Member Greenfield:

**Application No. N 160049 ZRY 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, to modify various sections to change definitions and regulations for bulk and parking.**

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

## L.U. No. 336

By Council Member Greenfield:

**Application No. 20165266 HKK (N 160134 HKK), pursuant to §3020 of the New York City Charter, concerning the designation by the Landmarks Preservation Commission of the Bedford Historic District (Designation List 485, LP-2514), Borough of Brooklyn, Community Board 3, Council District 36, as an historic district.**

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

## L.U. No. 337

By Council Member Greenfield:

**Application No. 20165373 HAK submitted by New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law for an amendment to a previously approved real property tax exemption for property located at 332 Bergen Street (Block 389, Lot 22), Borough of Brooklyn, Community Board 2, Council District 33.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

## L.U. No. 338

By Council Member Greenfield:

**Application No. 20165374 HAK submitted by New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for an amendment to a previously approved urban development action area project for property located at 163 Columbia Street (Block 319, Lot 12), Borough of Brooklyn, Community Board 6, Council District 39.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 339

By Council Member Greenfield:

**Application No. 20165375 HAX submitted by New York City Department of Housing Preservation and Development pursuant to Section 422 of the Real Property Tax Law and Section 577 of the Private Housing Finance Law for an amendment to a previously approved real property tax exemption for property located at Block 2283, Lot 33, Borough of the Bronx, Community Board 1, Council District 8.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 340

By Council Member Greenfield:

**Application No. 20165376 HAX submitted by New York City Department of Housing Preservation and Development pursuant to Section 422 of the Real Property Tax Law and Section 577 of the Private Housing Finance Law for an amendment to a previously approved real property tax exemption for property located at 723 Elton Avenue (Block 2377, Lot 20), Borough of the Bronx, Community Board 1, Council District 17.**

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

<http://legistar.council.nyc.gov/Calendar.aspx>

**A N N O U N C E M E N T S**  
**Thursday, February 25, 2016**

[Subcommittee on Zoning & Franchises](#) .....9:30 a.m.

**[See Land Use Calendar](#)**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Donovan Richards, Chairperson

[Committee on Cultural Affairs, Libraries & International Intergroup Relations](#) .....10:00 a.m.

**Oversight** - NYC Department of Cultural Affairs Diversity Survey Results

Council Chambers - City Hall

James Van Bramer, Chairperson

[Committee on Health](#) .. 10:00 a.m.

**Proposed Int 139-A** - By Council Members Gentile, Koo, Vacca, Cabrera, Johnson, Torres, Rodriguez, King, Dromm, Palma, Richards, Treyger, Greenfield and Mendez - **A Local Law** to amend the administrative code of the city of New York, in relation to non-tobacco smoking products.

**Int 617** - By Council Members Rodriguez, Wills, Mendez, Vacca and Gentile - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting the sale of shisha.

**Int 1068** - By Council Members Johnson, Palma, Rodriguez and Gentile - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting the use of smokeless tobacco at ticketed sports arenas and recreation areas.

**Int 1075** - By Council Members Rodriguez and Vacca - **A Local Law** to amend the administrative code of the city of New York, in relation to restricting the use of non-tobacco shisha in restaurants.

**Int 1076** - By Council Members Rodriguez, Vacca and Gentile - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting the sale of non-tobacco shisha, pipes and rolling papers to minors and young adults.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

Corey Johnson, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#) 11:00 a.m.

**[See Land Use Calendar](#)**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Peter Koo, Chairperson

**★Deferred**

[Committee on Governmental Operations](#) .....1:00 p.m.

Agenda to be announced

Committee Room – City Hall

Ben Kallos, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#) 1:00 p.m.

**[See Land Use Calendar](#)**

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Inez Dickens, Chairperson

[Committee on Youth Services](#) .....1:00 p.m.

**Oversight** - Summer Youth Employment Program (SYEP)

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

Mathieu Eugene, Chairperson

**Friday, February 26, 2016**

[Committee on Aging](#) jointly with the

[Committee on Immigration](#) .....10:00 a.m.

**Oversight** - Serving Immigrant Seniors Through NORCs

Council Chambers – City Hall

Margaret Chin, Chairperson

Carlos Menchaca, Chairperson

★ Note Deferred Topics

Committee on Civil Service and Labor

Committee on Finance.....10:00 a.m.

~~★Oversight – Examining the Civil Service System~~

~~★Res 937 – By Council Members, Miller, Chin, Gentile, Koo, Lander, Mendez, Richards and Rose –~~

~~Resolution calling upon the New York City Department of Citywide Administrative Services to develop an online portal for civil service applicants.~~

**Oversight** - Update on Health Care Savings Under the City’s Collective Bargaining Agreements.

Committee Room – City Hall

I. Daneek Miller, Chairperson  
Julissa Ferreras-Copeland, Chairperson

Committee on Higher Education.....1:00 p.m.

**Oversight** - Status of the Black Male Initiative and Black Academic Offerings at CUNY Colleges.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor

Inez Barron, Chairperson

**Monday, February 29, 2016**

★ Deferred

Committee on Public Safety.....10:00 a.m.

~~Oversight – Exploring NYPD’s Role in the Raza and Handshu settlement agreement.~~

~~Council Chambers – City Hall~~

~~Vanessa L. Gibson, Chairperson~~

**Monday, February 29, 2016**

★ Note Location Change

★★ Note Topic Addition

Committee on Governmental Operations.....10:00 a.m.

**Prop. Int 62-A** - By Council Members Garodnick, Dickens, King, Koo, Mendez, Palma, Rose, Rosenthal, Reynoso and Cornegy - **A Local Law** to amend the New York city charter, in relation to requiring notice on former poll sites.

**Int 255** - By Council Members Eugene, Chin, Deutsch, Levine, Mendez, Reynoso, Rose, Williams, Rodriguez, King, Kallos, Treyger, Constantinides, Cumbo and Lancman - **A Local Law** to amend the New York city charter, in relation to the translation and publication of the New York city voters guide in additional languages.

**Prop. Int 463-A** - By Council Members Vacca, Dickens, Barron, Johnson, Koo, Mealy, Mendez, Koslowitz and Rodriguez - **A Local Law** to amend the New York city charter, in relation to providing e-mail and text message notifications to New York city voters.

**Int. 504** - By Council Members Eugene, Chin, Koo, Lancman, Treyger, Constantinides, Reynoso, Williams, Cumbo and Rodriguez - **A Local Law** to amend the New York city charter, in relation to including information about candidates for federal, state, and county offices in the New York City voters guide.

**Int 848** - By Council Members Torres, Rodriguez and Rosenthal - **A Local Law** to amend the New York city charter, in relation to requiring the board of elections to send voting histories to voters.

**Prop. Res 232-A** - By Council Members Kallos, Constantinides, Dickens, Johnson, Levine, Mendez, Rosenthal, Vallone and Ulrich - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign into law, A.9108 and S.6452-A, which would amend the election law to consolidate New York’s federal, state, and local primaries into one primary which would take place on the fourth Tuesday of June.

★★**Proposed Res 281-A** - By Council Members Rosenthal, Levine, Kallos, Constantinides, Cumbo, Ferreras-Copeland, Gentile, Mendez, Reynoso, Rodriguez, Torres, Richards and Miller - **Resolution** calling upon the Mayor of the City of New York to create an annual Student Voter Registration Day.

**Res 384** - By Council Members Levine, Kallos, Barron, Constantinides, Johnson, Levin and Rodriguez - **Resolution** calling upon the New York City Board of Elections to allow poll workers to work half-day shifts.



**Prop. Res 390-A** - By Council Members Treyger, Deutsch, Johnson, Mendez, Richards, Koslowitz, Cohen and Rodriguez - **Resolution** in support of A.4749/S.1703, an act to amend the election law in relation to requiring the New York City Board of Elections to provide Russian interpreters at certain polling locations.

**Res 553** - By Council Members Cabrera, Chin, Constantinides, Johnson, Kallos, Koo, Richards, Rose, Williams, Rodriguez and Rosenthal - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, A.689 and S.1461 of 2014, which would allow early voting in New York State.

**Res 870** - By Council Members Rodriguez, Wills, Kallos, Chin, Cumbo and Rose - **Resolution** calling on the New York State Legislature to pass and the Governor to sign A.7634, which would amend both the New York State Election Law and the Correction Law, in relation to voting by convicted felons.

★ Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Ben Kallos, Chairperson

Committee on Housing and Buildings ..... 10:00 a.m.

**Off-site Hearing - Oversight** – The Mitchell-Lama Program

**Location:** Brooklyn Borough Hall  
209 Joralemon Street  
Brooklyn, NY 11209

Details attached.....Jumaane D. Williams, Chairperson

**★ Note Location Change**

Committee on Transportation ..... 10:00 a.m.

**Int 658** - By Council Members Garodnick, Rodriguez, Chin, Constantinides, Rose, Espinal, Williams, Cabrera, Mendez and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring information security and use of personal information policies for base stations, black car bases, and luxury limousine bases.

**Int 1080** - By The Speaker (Council Member Mark-Viverito) and Council Members Garodnick, Rodriguez and Torres - **A Local Law** to amend the administrative code of the city of New York, in relation to fare quotes for black car and luxury limousine service.

**Int 1092** - By Council Member Lancman - **A Local Law** to amend the administrative code of the city of New York, in relation to the retirement of black cars.

**Int 1095** - By Council Member Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to a universal driver’s license for taxicab and for-hire vehicle drivers.

**Int 1096** - By Council Member Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing penalties for accepting a passenger by street hail from a location where street hails are not permitted.

★ Council Chambers – City Hall

Ydanis Rodriguez, Chairperson

Committee on Land Use 11:00 a.m.

**All items reported out of the Subcommittees**

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall

David G. Greenfield, Chairperson

Committee on Consumer Affairs ..... 1:00 p.m.

**Proposed Int 1017-A** - By Council Members Lander, Levin, Johnson, Cumbo, Espinal, Chin, Mendez, Ferreras-Copeland, Constantinides, Richards, Rose, Torres, Kallos, Reynoso, Rodriguez, Lancman, Levine, Treyger, Van Bramer, Gentile, Cabrera, Menchaca, Dickens, Rosenthal, Koslowitz, Miller and Palma - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing protections for freelance workers.

Council Chambers – City Hall

Rafael L. Espinal, Chairperson

[Committee on Women’s Issues](#) jointly with the .....1:00 p.m.  
[Committee on Civil Rights](#)

**Int 921** - By Council Members Cumbo, Crowley, Rosenthal, Chin, Cornegy, Ferreras-Copeland, Johnson, King, Koo, Levin, Mendez, Williams, Barron and Palma - **A Local Law** to amend the New York city charter, in relation to ensuring fairness in physical testing.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor

Laurie Cumbo, Chairperson  
 Darlene Mealy, Chairperson

**★Note Revised Topic**

[Committee on Courts and Legal Services](#) .....2:00 p.m.

**★Oversight** - Examining Speedy Trial in New York City Criminal Courts

Committee Room – City Hall

Rory Lancman, Chairperson

**New York City Council Fiscal Year 2017 Preliminary Budget,  
 Mayor’s FY ’16 Preliminary Management Report and  
 Agency Oversight Hearings**

**Tuesday, March 1, 2016**

**10:00 a.m. Finance Committee – Council Chambers – City Hall**  
 10:00 a.m. Office of Management and Budget

- ◆ Capital Budget
- ◆ Expense Budget
- ◆ Revenue Budget

12:00 p.m. Department of Finance  
 1:30 p.m. Department of Design and Construction  
 2:00 p.m. Comptroller  
 2:30 p.m. Independent Budget Office  
 2:45 p.m. Public

**Wednesday, March 2, 2016**

**10:00 a.m. Transportation Committee – Council Chambers – City Hall**  
 10:00 a.m. Department of Transportation  
 11:30 a.m. MTA/NYC Transit  
 12:30 p.m. Taxi and Limousine Commission  
 1:15 p.m. Public

**2:00 p.m. Higher Education Committee – Council Chambers – City Hall**  
 2:00 p.m. City University of New York  
 3:30 p.m. Public

**Thursday, March 3, 2016**

**10:00 a.m. Parks & Recreation Committee – Committee Room – City Hall**  
 10:00 a.m. Department of Parks & Recreation  
 1:00 p.m. Public

**10:00 a.m. Housing and Buildings Committee – Council Chambers – City Hall**  
 10:00 a.m. Department of Housing Preservation and Development  
 12:00 p.m. Department of Buildings  
 12:45 p.m. Public

**Friday, March 4, 2016**

**10:00 a.m. Aging Committee – Council Chambers – City Hall**  
 10:00 a.m. Department for the Aging (joint with the Subcommittee on Senior Centers)  
 11:30 a.m. Public

**Monday, March 7, 2016****★ Note Location Change**

10:00 a.m. **Civil Rights Committee – ★ Committee Room – 250 Broadway, 16<sup>th</sup> Floor**  
 10:00 a.m. Human Rights Commission  
 10:30 a.m. Equal Employment Practices Commission  
 11:00 a.m. Public

**1:00 p.m. Oversight & Investigations ★ Committee – Committee Room – 250 Broadway, 16<sup>th</sup> Floor**  
 1:00 p.m. Department of Investigation  
 2:00 p.m. Public

**Tuesday, March 8, 2016**

**10:00 a.m. Public Safety Committee – Council Chambers – City Hall**  
 10:00 a.m. Police Department  
 12:00 p.m. District Attorneys/Special Narcotics Prosecutor  
 2:00 p.m. Civilian Complaint Review Board  
 3:00 p.m. Criminal Justice Coordinator  
 3:45 p.m. Public

**10:00 a.m. Standards and Ethics Committee – Committee Room – City Hall**  
 10:00 a.m. Conflicts of Interest Board  
 10:45 a.m. Public

**1:00 p.m. Education Committee – Committee Room – City Hall**  
 1:00 p.m. School Construction Authority and Department of Education (Capital)  
 3:00 p.m. Public

**Wednesday, March 9, 2016**

[Stated Council Meeting](#).....*Ceremonial Tributes – 1:00 p.m.*  
.....*Agenda –1:30 p.m.*



<http://legistar.council.nyc.gov/Calendar.aspx>

**New York City Council Fiscal Year 2017 Preliminary Budget,  
Mayor's FY '16 Preliminary Management Report and  
Agency Oversight Hearings**

**Tuesday, March 1, 2016**

**10:00 a.m.**      **Finance Committee – Council Chambers – City Hall**  
10:00 a.m.      Office of Management and Budget

- ◆ Capital Budget
- ◆ Expense Budget
- ◆ Revenue Budget

12:00 p.m.      Department of Finance  
1:30 p.m.      Department of Design and Construction  
2:00 p.m.      Comptroller  
2:30 p.m.      Independent Budget Office  
2:45 p.m.      Public

**Wednesday, March 2, 2016**

**10:00 a.m.**      **Transportation Committee – Council Chambers – City Hall**  
10:00 a.m.      Department of Transportation  
11:30 a.m.      MTA/NYC Transit  
12:30 p.m.      Taxi and Limousine Commission  
1:15 p.m.      Public

**2:00 p.m.**      **Higher Education Committee – Council Chambers – City Hall**  
2:00 p.m.      City University of New York  
3:30 p.m.      Public

**Thursday, March 3, 2016**

**10:00 a.m.**      **Parks & Recreation Committee – Committee Room – City Hall**  
10:00 a.m.      Department of Parks & Recreation  
1:00 p.m.      Public

**10:00 a.m.**      **Housing and Buildings Committee – Council Chambers – City Hall**  
10:00 a.m.      Department of Housing Preservation and Development  
12:00 p.m.      Department of Buildings  
12:45 p.m.      Public

**Friday, March 4, 2016**

**10:00 a.m.      Aging Committee – Council Chambers – City Hall**  
 10:00 a.m.      Department for the Aging (joint with the Subcommittee on Senior Centers)  
 11:30 a.m.      Public

**Monday, March 7, 2016****★ Note Location Change**

10:00 a.m.      **Civil Rights Committee – ★ Committee Room – 250 Broadway, 16<sup>th</sup> Floor**  
 10:00 a.m.      Human Rights Commission  
 10:30 a.m.      Equal Employment Practices Commission  
 11:00 a.m.      Public

**1:00 p.m.      Oversight & Investigations ★ Committee – Committee Room – 250 Broadway, 16<sup>th</sup> Floor**  
 1:00 p.m.      Department of Investigation  
 2:00 p.m.      Public

**Tuesday, March 8, 2016**

**10:00 a.m.      Public Safety Committee – Council Chambers – City Hall**  
 10:00 a.m.      Police Department  
 12:00 p.m.      District Attorneys/Special Narcotics Prosecutor  
 2:00 p.m.      Civilian Complaint Review Board  
 3:00 p.m.      Criminal Justice Coordinator  
 3:45 p.m.      Public

**10:00 a.m.      Standards and Ethics Committee – Committee Room – City Hall**  
 10:00 a.m.      Conflicts of Interest Board  
 10:45 a.m.      Public

**1:00 p.m.      Education Committee – Committee Room – City Hall**  
 1:00 p.m.      School Construction Authority and Department of Education (Capital)  
 3:00 p.m.      Public

**Thursday, March 10, 2016**

**10:00 a.m.      Fire & Criminal Justice Services Committee – Council Chambers – City Hall**  
 10:00 a.m.      Fire/Emergency Medical Service  
 11:00 a.m.      Department of Probation  
 11:30 a.m.      Department of Correction  
 12:30 p.m.      Office of Emergency Management  
 1:15 p.m.      Public

**Friday, March 11, 2016**

- 10:00 a.m. Mental Health, Developmental Disabilities, Alcoholism, Drug Abuse & Disability Services Committee – Council Chambers – City Hall**  
 10:00 a.m. Department of Health & Mental Hygiene  
 11:30 a.m. Public
- 1:00 p.m. Environmental Protection Committee – Committee Room – City Hall**  
 1:00 p.m. Department of Environmental Protection  
 3:30 p.m. Public

**Monday, March 14, 2016****★ Addition****★★ Note Time Change**

- 10:00 a.m. Governmental Operations Committee – Committee Room – City Hall**  
 10:00 a.m. Department of Citywide Administrative Services  
 11:00 a.m. Law Department  
 12:00 p.m. Board of Elections  
 1:00 p.m. Office of Administrative Trials and Hearings  
 1:45 p.m. Financial Information Services Agency/ Office of Payroll Administration  
 2:30 p.m. Tax Commission  
 3:00 p.m. Department of Records and Information Services  
 ★3:30 p.m. Board of Standards and Appeals  
 ★★4:00 p.m. Community Boards  
 4:30 p.m. Public
- 11:00 a.m. Immigration Committee – Council Chambers – City Hall**  
 11:00 a.m. Mayor's Office of Immigrant Affairs/Human Resources Administration/Department of Youth and Community Development  
 1:00 p.m. Public

**Tuesday, March 15, 2016****★ Note Time Change**

- 9:30 a.m. General Welfare Committee – Council Chambers – City Hall**  
 ★9:30 a.m. Human Resources Administration / Department of Social Services  
 ★11:00 a.m. Department of Homeless Services  
 1:00 p.m. Administration for Children's Services joint with Women's Issues and Juvenile Justice Committees  
 2:30 p.m. Public
- 10:00 a.m. Courts and Legal Services Committee – Committee Room – City Hall**  
 10:00 a.m. Legal Aid / Indigent Defense Services / Human Resources Administration  
 11:00 a.m. Public

**Wednesday, March 16, 2016**

- 10:00 a.m. Education Committee – Council Chambers – City Hall**  
 10:00 a.m. Department of Education (Expense)  
 1:00 p.m. Public
- 10:00 a.m. Economic Development Committee – Committee Room – City Hall**  
 10:00 a.m. Department of Small Business Services and Economic Development Corporation (Capital) (joint with Small Business Committee)  
 12:00 p.m. Public
- 1:30 p.m. Sanitation & Solid Waste Management Committee – Committee Room – City Hall**  
 1:30 p.m. Department of Sanitation  
 3:30 p.m. Business Integrity Commission  
 4:00 p.m. Public

**Thursday, March 17, 2016****★ Deferred**

- ~~**10:00 a.m. Public Housing Committee – Council Chambers – City Hall**~~  
~~10:00 a.m. NYC Housing Authority~~  
~~12:00 p.m. Public~~

**★ Addition**

- 10:00 a.m. Health Committee – Council Chambers – City Hall**  
 10:00 a.m. Medical Examiner  
 11:00 a.m. Department of Health & Mental Hygiene  
 1:00 p.m. Public
- 12:00 p.m. Land Use Committee – Committee Room – City Hall**  
 12:00 p.m. Department of Information, Technology & Telecommunications (joint with the Technology Committee)  
 1:00 p.m. Landmarks Preservation Commission  
 2:00 p.m. Department of City Planning  
 3:00 p.m. Public

**Friday, March 18, 2016**

- 10:00 a.m. Youth Services Committee – Council Chambers – City Hall**  
 10:00 a.m. Department of Youth and Community Development (Joint with Community Development Committee)  
 11:30 a.m. Public

**Monday, March 21, 2016****★ Addition**

- 10:00 a.m. Health Committee – Council Chambers – City Hall**  
 10:00 a.m. Health & Hospitals Corporation  
 11:30 a.m. Public



- 10:00 a.m. Veterans Committee – Committee Room – City Hall**  
 10:00 a.m. Department of Veterans Affairs  
 11:00 a.m. Public
- 12:00 p.m. Consumer Affairs Committee – Committee Room – City Hall**  
 12:00 p.m. Department of Consumer Affairs  
 1:00 p.m. Public

**Wednesday, March 23, 2016**

- 10:00 a.m. Cultural Affairs, Libraries & International Intergroup Relations Committee – Council Chambers – City Hall**  
 10:00 a.m. Libraries (joint with Subcommittee on Libraries)  
 11:30 a.m. Department of Cultural Affairs  
 1:00 p.m. Public
- 11:00 a.m. Contracts Committee – Committee Room – City Hall**  
 11:00 a.m. Mayor’s Office of Contracts  
 12:00 p.m. Public

**Monday, March 28, 2016**

**★ Deferred**

- ~~**10:00 a.m. Health Committee – Council Chambers – City Hall**~~  
 10:00 a.m. ~~Medical Examiner~~  
 11:00 a.m. ~~Department of Health & Mental Hygiene~~  
 1:00 p.m. ~~Health & Hospitals Corporation~~  
 2:30 p.m. ~~Public~~

**★ Addition**

- 10:00 a.m. Public Housing Committee – Council Chambers – City Hall**  
 10:00 a.m. NYC Housing Authority  
 12:00 p.m. Public

2/23/16 @ 11:09 a.m.

**MEMORANDUM**

Monday, February 8, 2016

**TO:** ALL COUNCIL MEMBERS

**RE:** OFF-SITE HEARING BY THE COMMITTEE ON HOUSING AND BUILDINGS

**Oversight – The Mitchell-Lama Program**

**Brooklyn Borough Hall  
209 Joralemon Street  
Brooklyn, NY 11201**

The off-site hearing will be held on **Monday, February 29, 2016 beginning at 10:00 a.m.** A van will be leaving City Hall at **9:00 a.m.**

**Hon. Jumaane D. Williams, Chairperson**  
Committee on Housing and Buildings

**Hon. Melissa Mark-Viverito**  
Speaker of the Council

During the Meeting, the Public Advocate, on behalf of Council Member Reynoso, recognized the presence of the Grand Street Campus Wolves Football Team that won the PSAL City Championship with a winning record of 13-0-0.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) noted the impending retirement of two long-time Council staffers: Ed O'Malley and Constance Tinneney. Mr. O'Malley has been the Council Director of Administrative Services since 2006. He had honorably served the Council and the City Clerk's Office for a combined total of thirty-four years. Ms. Tinneney had honorably served the Council Minority Leader's Office for over twenty years. The Speaker (Council Member Mark-Viverito) thanked Mr. O'Malley and Ms. Tinneney for their service and wished them both the best in their retirement. At this point, the floor was yielded to the Minority Leader (Council Member Matteo) who praised Ms. Tinneney and her work. Those assembled in the Chambers broke out in applause and cheers.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, March 9, 2016.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int Nos. 49-A, 632-B, 771-A, 798-B, 952-A, 957-A, 1007, and 1030-A, all adopted by the Council at the January 19, 2016 Stated Meeting, were signed by the Mayor on February 8, 2016 as, respectively, Local Laws No. 10 to 17 of 2016.*

*Int No. 856-A, and Preconsidered Int Nos. 1055, 1069, 1077, and 1078, all adopted by the Council at the February 5, 2016 Charter Meeting, were signed into law by the Mayor on February 19, 2016 as, respectively, Local Laws No. 18 to 22 of 2016.*

