

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, June 13, 2019, 2:00 p.m.

The Public Advocate (Mr. Williams)

Acting President Pro Tempore and Presiding Officer

Council Members

Corey D. Johnson, *Speaker*

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

Absent from this Stated Meeting held on June 13, 2019: Council Members Espinal, King, and Lancman (*but see Editor's Note: re: Attendance below****).

Paternity Leave: Council Member Levin.

* Paternity Leave note: Although on Paternity Leave, Council Member Levin chose to attend this Meeting and cast his vote for the items before the Council.

** Farah N. Louis was ceremonially sworn in as the new Council Member representing the 45th District in Brooklyn during the Communication from City, County and Borough Offices segment of this Meeting. Although she was not included in the original Roll Call for Attendance, she was later marked as present and eligible to vote on matters before the Council following her swearing-in ceremony.

The Public Advocate (Mr. Williams) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

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

*There were 48 Council Members marked present at this Stated Meeting held on June 13, 2019 in the Council Chambers of City Hall, New York, N.Y. (but see Editor's Note: re: Attendance below***).*

****Editor's Note re: Attendance for the Stated Meeting held on June 13, 2019, the Recessed Meeting held on June 18, 2019, and the brief Recessed Meeting held on June 19, 2019: The Recessed Meetings held subsequently on June 18, 2019 and June 19, 2019, are considered to be the continuation and conclusion of this Stated Meeting which opened on June 13, 2019. For attendance purposes, therefore, any Council Member who was present at any one of these three Meetings will be considered present for all of the proceedings known collectively as the Stated Meeting of June 13, 2019. Although Council Members Espinal and King were absent at this Stated Meeting held on June 13, 2019, these two Council Members were subsequently considered Present but Not Voting for these June 13th proceedings due to their later presence at the Recessed Meeting held on June 18, 2019.*

INVOCATION

The Invocation was delivered by Rev. Mark E. Erson, Pastor, of St. John's Lutheran Church, located at 81 Christopher Street, New York, New York 10014.

Speaker Johnson, I thank you for this privilege to be with you today.

Public Advocate Williams and Council Members,
I bring you greetings from the people of St. John's in the West Village of Manhattan serving in the shadow of this stone hall national monument.

It is especially a privilege to be here in this month as we celebrate 50 years of progress for LGBTQ plus people and those who love us.

A journey from uprising to fuller inclusion,
from hidden behind stonewalls and closet doors,
to greater participation in the wider community,
but the work is not done.

Nor is the work done for other marginalized and oppressed community so that all might live in peace and dignity.

And so, we pray.

We pray to a power that is greater than us.

We pray to a wisdom that is deeper than ours.

Let us pray.

Creator in divine presence we call you by different names,

yet we share your call to live as your image in the wonder of all that you made.
 And we are united by your challenge to build communities of justice and peace.
 We give you thanks for the privilege to serve.
 We give you thanks for those who lead with courage, mercy and wisdom.
 Be present in this place, open our hearts to those who are vulnerable,
 open our minds to creatively address the needs of every member of our community.
 Open our ears to hear the stories of those who live a different life from our own.
 Open our eyes to see those who the world judges invisible and insignificant.
 Open our hands to reach out in love and welcome.
 Kindle and feed the fire that burns in each one of us,
 so that your light might fill every corner, warm every chill and guide every step.
 In the name of love, for the sake of your peace and your justice.
 Amen.

The Speaker (Council Member Johnson) moved to spread the Invocation in full upon the record.

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

The Speaker (Council Member Johnson) acknowledged that seven more first responders died recently from 9/11 related illnesses: retired NYPD members James B. Boyle and Thomas W. Waterman; Dept. of Sanitation recovery workers Michael Sullivan and Maria Elaina Diaz Contrero; St. Vincent's Hospital paramedic John Balaam; Hyannis Fire Department Captain and thirty six year veteran Thomas F. Kenney; and Port Authority Police Officer and twenty-seven year veteran William James Leahy.

The Speaker (Council Member Johnson) also acknowledged that two highly respected members of the New York Police Department took their own lives: Detective and thirty-seven year veteran Joseph Calabrese, 58, and Deputy Chief Steven J. Silks, 62, who served the residents of Queens on the NYPD for thirty-nine years.

Former Council staffer and District Leader Kevin Peter Carroll passed away at age of 33 on June 3, 2019. He worked with Council Member Levin for seven years and was a member of Community Board 10 in Brooklyn. The Speaker (Council Member Johnson) noted Mr. Carroll's dedication to his community and his passion for politics.

The Speaker (Council Member Johnson) also acknowledged the death of pilot Timothy McCormick, 58, who lost his life after his helicopter crash-landed onto a building in mid-town Manhattan on June 10, 2019.

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

* * *

ADOPTION OF MINUTES

Council Member Richards moved that the Minutes of the Stated Meeting of April 18, 2019 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-169

Communication from the Board of Elections - Submitting the Certification of Election of Farah N. Louis, as the new Council Member of the 45th Councilmanic District, Brooklyn.

(For text of the New York City Board of Elections Certification for the Special Election held on May 14, 2019 for the 45th Council District in Brooklyn, please refer to the New York City Council at <https://council.nyc.gov> for the attachment section of the M-169 of the 2019 file)

Received, Ordered, Printed & Filed.

Ceremonial Swearing-in of Farah N. Louis

At this point, the newly elected **Farah N. Louis** was escorted into the Chambers and met by the Speaker (Council Member Johnson) at the front dais. She was ceremonially sworn-in as Council Member by the City Clerk and Clerk of the Council (Mr. McSweeney). Council Member Louis took her Oath of Office as the new representative for the residents of the 45th District in Brooklyn. Those assembled in the Chambers applauded and cheered the newly sworn-in Council Member as she stood before her colleagues. The Speaker (Council Member Johnson) and the Public Advocate (Mr. Williams) welcomed Council Member Louis and extended their congratulations to her.

LAND USE CALL-UPS

M-170

By The Speaker (Council Member Johnson):

Pursuant to Sections 11.20(b) and 11.20(c) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Application No. C 190213 ZSM (515 West 18th Street Garage) shall be subject to Council review.

Coupled on Call-up vote.

The Public Advocate (Mr. Williams) put the question whether the Council would agree with and adopt such motion which was decided in the **affirmative** by the following vote:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

Subsequently considered Present but Not Voting (PNV) due to their later presence at the Recessed Meeting of June 13, 2019 held on June 18, 2019 – Council Members Espinal and King.

At this point, the Public Advocate (Mr. Williams) declared the aforementioned item **adopted** and referred this item to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil and Human Rights

Report for Int. No. 799

Report of the Committee on Civil and Human Rights in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting retaliation against individuals who request a reasonable accommodation under the city's human rights law.

The Committee on Civil and Human Rights, to which the annexed proposed local law was referred on April 11, 2018 (Minutes, page 1505), respectfully

REPORTS:

I. INTRODUCTION

On June 18, 2018, the Committee on Civil and Human Rights, chaired by Council Member Mathieu Eugene, will hold a vote on Introductory Bill No. 799 (Int. 799), in relation to prohibiting retaliation against individuals who request a reasonable accommodation under the city's human rights law. The Committee previously heard testimony on this bill from the New York City Commission on Human Rights and various advocates, stakeholders, and members of the public on June 18, 2018.

II. BACKGROUND

The NYCHRL explicitly prohibits employers, landlords and other covered entities from retaliating against their individuals who engage in a 'protected activity,' such as filing a discrimination complaint, assisting in discrimination proceedings and investigations, or opposing behavior that could be deemed as discriminatory under NYCHRL.¹ Federal² and state³ law have similar provisions.

However, some recent rulings by the Appellate Division of the New York Supreme Court have adopted a highly restrictive view of the NYCHRL, excluding requests for reasonable accommodations from the list of protected activities.⁴ In response to this trend, the Equal Employment Opportunity Commission (EEOC) released a guidance on retaliatory actions, classifying a request for reasonable accommodation as a protected activity for the purposes of retaliation. The guidance reasoned that, even though the person making the request is not literally rejecting discriminatory actions or participating in a complaint process, "[i]t would seem anomalous...to think Congress intended no retaliation protection for employees who request a reasonable accommodation unless they also file a formal charge. This would leave employees unprotected if an employer granted the accommodation and shortly thereafter terminated the employee in retaliation."⁵

Int. 799 would affirm and clarify that, rather than the protections being limited to opposing an unlawful discriminatory act, individuals are indeed protected from retaliation when they request a reasonable accommodation.

¹ N.Y.C. Administrative Code § 8-107(7).

² For example, see Title VII of the Civil Rights Act of 1964, § 704(a); Age Discrimination in Employment Act of 1967, § 4(d); and Americans with Disabilities Act of 1990, § 503.

³ NY Executive Law, Article 15 § 296(7).

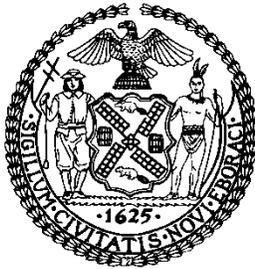
⁴ *McKenzie v. Meridian Capital Group, LLC*, 35 A.D.3d 676 (2006); *Witchard v. Montefiore Medical Center*, 960 N.Y.S.2d 402 (2013).

⁵ Equal Employment Opportunity Commission "EEOC Enforcement Guidance on Retaliation and Related Issues" August 25, 2016 available at <https://www.eeoc.gov/laws/guidance/retaliation-guidance.cfm>.

III. BILL ANALYSIS

Section one of the bill confirms that requests for a reasonable accommodation are a protected activity under § 8-107(7) of the NYCHRL. This amendment would protect individuals from retaliation if they require a reasonable accommodation. The bill, if passed, would take effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 799:)



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

FISCAL IMPACT STATEMENT

PROPOSED INT. NO. 799

COMMITTEE: Civil and Human Rights

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting retaliation against individuals who request a reasonable accommodation under the city’s human rights law.

Sponsors: By the Public Advocate (Mr. Williams) and Council Members Yeger, Kallos, and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Int. No. 799 would prohibit retaliation against individuals who request reasonable accommodations. For example, it would prohibit any retaliatory action by an employer if an employee requested a reasonable accommodation on the basis of a religious observance, disability, pregnancy, childbirth, medical condition, or their status as a victim of domestic violence, a sex offense or stalking, among other possible reasons.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Commission on Civil and Human Rights

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

ESTIMATE REVIEWED BY: Eisha Wright, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced by the Council on April 11, 2018 as Int. No. 799, and referred to the Committee on Civil and Human Rights. A hearing was held on June 18, 2018 and the bill was laid over. The legislation will be considered by the Committee on Civil and Human Rights on June 12, 2019. Upon a successful vote by the Committee on Civil and Human Rights, Proposed Int. No. 799 will be submitted to the full Council for a vote on June 13, 2019.

DATE PREPARED: June 10, 2019.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 799:)

Int. No. 799

By the Public Advocate (Mr. Williams) and Council Members Yeger, Kallos, Rosenthal, Chin, Cumbo, Ayala and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting retaliation against individuals who request a reasonable accommodation under the city's human rights law

Be it enacted by the Council as follows:

Section 1. Subdivision 7 of section 8-107 of the administrative code of the city of New York, as amended by local law number 85 for the year 2005, is amended to read as follows:

7. Retaliation. It shall be an unlawful discriminatory practice for any person engaged in any activity to which this chapter applies to retaliate or discriminate in any manner against any person because such person has (i) opposed any practice forbidden under this chapter, (ii) filed a complaint, testified or assisted in any proceeding under this chapter, (iii) commenced a civil action alleging the commission of an act which would be an unlawful discriminatory practice under this chapter, (iv) assisted the commission or the corporation counsel in an investigation commenced pursuant to this title, (v) *requested a reasonable accommodation under this chapter*, or ([v]vi) provided any information to the commission pursuant to the terms of a conciliation agreement made pursuant to section 8-115 of this chapter. The retaliation or discrimination complained of under this subdivision need not result in an ultimate action with respect to employment, housing or a public accommodation or in a materially adverse change in the terms and conditions of employment, housing, or a public accommodation, provided, however, that the retaliatory or discriminatory act or acts complained of must be reasonably likely to deter a person from engaging in protected activity.

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

MATHIEU EUGENE, *Chairperson*; YDANIS A. RODRIGUEZ, DANIEL DROMM; Committee on Civil and Human Rights, June 12, 2019.

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

Report of the Committee on Criminal Justice

Report for Int. No. 1236-A

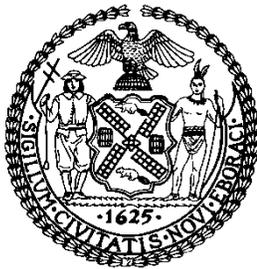
Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on information regarding sick call and clinic production and share such information with correctional health services, and to repeal section 9-108 of the administrative code of the city of New York, relating to health services for incarcerated individuals.

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on November 14, 2018 (Minutes, page 4393), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 1340-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1236-A:



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1236-A

COMMITTEE: Criminal Justice

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on information regarding sick call and clinic production and share such information with correctional health services, and to repeal section 9-108 of the administrative code of the city of New York, relating to health services for incarcerated individuals.

SPONSORS: By Council Members Powers, Rivera, Kallos, Cumbo and Levin.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1236-A would require the Department of Correction to report on information regarding sick call and clinic production and repeal section 9-108 of the administrative code, relative to health services for incarcerated individuals and replace it with a new section defining relevant terms for reporting purposes.

EFFECTIVE DATE: This local law would take effect 365 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is 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 the Department of Correction could use existing resources to implement the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Department of Correction

ESTIMATE PREPARED BY: Peter Butler, Financial Analyst

ESTIMATE REVIEWED BY: Eisha Wright, Unit Head, Finance Division
 Regina Poreda Ryan, Deputy Director, Finance Division
 Noah Brick, Assistant Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced by the City Council as Intro. 1236 on November 14, 2018 and was referred to the Committee on Criminal Justice. A joint hearing was held by the Committee on Criminal Justice, the Committee on Mental Health, Disabilities and Addiction, and the Committee on Hospitals on November 15, 2018, and the bill was laid over. The legislation was amended, and the amended versions, Proposed Intro. 1236-A, will be voted on by the Committee on Criminal Justice at a hearing on June 13, 2019. Upon a successful vote by the Committee on Criminal Justice, Proposed Intro. 1236-A will be submitted to the Council for a vote on June 13, 2019.

DATE PREPARED: June 10, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1236-A:)

Int. No. 1236-A

By Council Members Powers, Rivera, Ayala, Ampry-Samuel, Salamanca, Lander, Rosenthal, Kallos, Cumbo and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on information regarding sick call and clinic production and share such information with correctional health services, and to repeal section 9-108 of the administrative code of the city of New York, relating to health services for incarcerated individuals

Be it enacted by the Council as follows:

Section 1. Section 9-108 of the administrative code of the city of New York is REPEALED and a new section 9-108 is added to read as follows:

§ 9-108 Sick call and clinic production. a. Definitions. For purposes of this section, the following terms have the following meanings:

Clinic production. The term “clinic production” means the department’s process by which an incarcerated individual is escorted for a medical appointment.

Correctional health services. The term “correctional health services” means any health care entity designated by the city of New York as the agency or agencies responsible for health services for incarcerated individuals in the care and custody of the department. When the responsibility is contractually shared with an outside provider this term shall also apply.

Health care professional. The term “health care professional” means a person who meets qualifications stipulated by their profession and who possesses all credentials and licenses required by New York state law.

Medical appointment. The term “medical appointment” means any patient encounter requested by correctional health services.

Non-production. The term “non-production” means an instance where an incarcerated individual is not escorted for a medical appointment requested by correctional health services.

Production refusal. The term “production refusal” means a refusal by an incarcerated individual to allow the department to produce such incarcerated individual to clinic for a medical appointment. Nothing in this definition, or in this section, is intended to contradict rules governing treatment set forth in chapter 3 of title 40 of the rules of the city of New York.

Sick call. The term “sick call” means the department’s process by which an incarcerated individual requests to be seen by a health care professional for the purpose of assessing or treating such incarcerated individual’s non-emergency medical complaint.

Walk-out. The term “walk-out” means an instance when an incarcerated individual leaves clinic without being seen by a health care professional for a medical appointment.

b. The department shall retain all documents containing data relating to sick call and clinical production, including handwritten sign-up sheets, for at least three years from the time an incarcerated individual is released from custody of the department, and provide such documents to the board of correction upon request.

c. The department shall provide all housing units with access to sick call on weekdays, excluding holidays, and subject to the exclusions set forth in chapter 3 of title 40 of the rules of the city of New York, or exclusions obtained through a variance pursuant to section 3-13 of such rules.

d. Where individuals are not produced for medical appointments, department personnel shall record the facility, along with the reason for non-production, including but not limited to: “court”, “visits”, “production refusal”, “walkout”, “programming”, “barbershop,” “recreation,” and “other”. For the category, “other,” department personnel shall provide a brief narrative. If the reason for non-production is a refusal or walkout, the department will also record the reason for refusal or walkout, if given. The department shall make such records legible and available to the board of correction at any time. On a monthly basis, the department shall publish an aggregate report on non-production on its website and submit such a report to correctional health services and the city council. This report shall also contain an aggregate count of reasons for production refusal or walkout, if given, and the facility.

e. Where individuals are not produced to a health care professional for a medical appointment, correctional health services will provide to the department the names of such individuals and a specified time-frame of when they should be produced as deemed clinically appropriate. When individuals are not produced within the specified time-frame, correctional health services shall notify the facility’s commanding officer, along with a production recommendation based on correctional health’s clinical expertise.

§3. This local law takes effect 365 days after it becomes law.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; MARK D. LEVINE, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, CARLINA RIVERA; Committee on Criminal Justice, June 13, 2019.

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

Report for Int. No. 1334-A

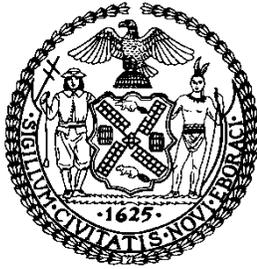
Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to requiring the board of correction to report on the department of correction’s grievance process.

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on January 24, 2019 (Minutes, page 253), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 1340-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1334-A:



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

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1334-A

COMMITTEE: Criminal Justice

TITLE: A Local Law to amend the New York city charter, in relation to requiring the board of correction to report on the department of correction’s grievance process. **SPONSORS:** By Council Members Ampry-Samuel, Rosenthal, Rivera, Dromm, Kallos, Cumbo and Levin.

SUMMARY OF LEGISLATION: Proposed Int. No. 1334-A would require the Board of Correction to issue a report on the Department of Correction’s grievance and complaint process and provide recommendations for improving the procedures.

EFFECTIVE DATE: This local law would take effect on the same date that a local law amending the administrative code of the city of New York, relating to requiring the department of correction to make the grievance process more efficient, as proposed in introduction number 1340 for the year 2019, takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2021

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council
New York City Board of Correction

ESTIMATE PREPARED BY: Peter Butler, Financial Analyst

ESTIMATE REVIEWED BY: Eisha Wright, Unit Head, Finance Division
Regina Poreda Ryan, Deputy Director, Finance Division
Stephanie Ruiz, Assistant Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced by the Council as Int. No. 1334 on January 24, 2019 and was referred to the Committee on Criminal Justice (“Committee”). A hearing was held by the Committee on January 29, 2019, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Int. No. 1334-A, will be considered by the Committee at a hearing on June 13, 2019. Upon successful vote by the Committee, Proposed Int. No. 1334-A will be submitted to the Council for a vote on June 13, 2019.

DATE PREPARED: JUNE 10, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1334-A:)

Int. No. 1334-A

By Council Members Ampry-Samuel, Rosenthal, Rivera, Dromm, Kallos, Cumbo, Levin and Ayala.

A Local Law to amend the New York city charter, in relation to requiring the board of correction to report on the department of correction’s grievance process

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 626 of the New York city charter, as amended by local law number 102 for the year 1977, is amended to read as follows:

f. The board shall establish procedures for the hearing of grievances, complaints or requests for assistance (1) by or on behalf of any person held or confined under the jurisdiction of the department or (2) by any employee of the department. [The board, or by written designation, a member of the board or the executive director, may conduct hearings, or study or investigate any matter within the jurisdiction of the department, and the board may make recommendations and submit reports of its findings to the appropriate authorities.] *Starting July 1, 2021, the board shall issue a report, at least every three years, on issues related to the department’s grievance process. Such report shall incorporate direct feedback from incarcerated individuals and proposed recommendations for relevant improvements, and shall include a section of recommendations on how to improve the grievance process for vulnerable populations, including incarcerated individuals who are lesbian, gay, bisexual, transgender, intersex, and gender nonconforming. Such report shall be submitted to the council and posted on the board’s website.*

§ 2. Section 626 of the New York city charter is amended by adding a new subdivision h to read as follows:

h. The board, or by written designation, a member of the board or the executive director, may conduct hearings, or study or investigate any matter within the jurisdiction of the department, and the board may make recommendations and submit reports of its findings to the appropriate authorities.

§ 3. This local law takes effect on the same date that a local law amending the administrative code of the city of New York, relating to requiring the department of correction to make the grievance process more efficient, as proposed in introduction number 1340 for the year 2019, takes effect.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; MARK D. LEVINE, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, CARLINA RIVERA; Committee on Criminal Justice, June 13, 2019.

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

Report for Int. No. 1340-A

Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the grievance process for incarcerated individuals.

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on January 24, 2019 (Minutes, page 257), respectfully

REPORTS:

I. INTRODUCTION:

On June 13, 2019 the Committee on Criminal Justice, chaired by Council Member Keith Powers, will vote on Proposed Int. No. 1340-A, Proposed Int. No 1370-A, Proposed Int. 1334-A, and Proposed Int. 1236-A. The Committee previously held hearings on Int.'s 1340, 1370 and 1334 on November 15, 2019 and on Int. 1236 on November 15, 2019 at which it received testimony from representatives of the Department of Correction (DOC) and Correctional Health Services (CHS), as well as advocates and other interested members of the public.

II. BACKGROUND

In a report released in June 2018, the Board of Correction (BOC) analyzed a wide range of data and identified a number of issues with the Department of Correction's (DOC) grievance process used for incarcerated individuals to file complaints about the conditions of their incarceration. Based in part on that report, advocates and elected officials, including the Legal Aid Society (LAS) and the New York City Council's Progressive Caucus, expressed concerns with various aspects of the grievance process. These concerns include ability to access and understand the grievance process, poor timeliness of responses to complaints, and inefficiency of appeals. Access to and quality of medical care in city jails has long been a concern of the Council, the BOC and advocates. In June 2015, Mayor Bill de Blasio announced that the management and administration of CHS would be transferred from Corizon, Inc. and Damian Family Care

Centers, Inc. – private contractors – to H+H – a City public benefit corporation.⁶ However, concerns have continued in recent years. At a BOC meeting in March 2016, advocates from the Prisoner’s Rights Project and the Urban Justice Center noted that medical services were often not delivered in a timely fashion, if at all.⁷ Both the DOC and H+H reported a lack of knowledge as to the high number of no-shows for medical appointments; for example, it is unclear whether the no-shows resulted from lack of escorts, lock-downs, refusals, or understaffing.⁸

III. PROPOSED INT. NO. 1340-A

This law aims to make the grievance process more efficient by requiring the DOC to create a central system where it can track all complaints and give regular access to the Board. Section 1 of the bill amends section 9-136 of the administrative code to require the department to create an integrated electronic grievance tracking system, expands reporting requirements, and requires at least one grievance box to be placed in each jail facility. It requires the department to set caseload guidelines for grievance coordinators and to install electronic complaint kiosks in each jail facility by 2026. Section 2 makes the bill effective 6 months after it becomes law.

IV. AMENDMENTS TO INT. NO. 1340

Since introduction, the bill has been amended to align terminology more closely with DOC procedures as laid out in its updated grievance directive. Additionally, the bill has been amended to create electronic kiosks in the year 2026 to align with the anticipated closure of Rikers Island.

V. PROPOSED INT. NO. 1370-A

This bill is designed to centralize the grievance process. Section 1 of the bill amends section 9-136 of the administrative code to require that all complaints made through 311 be addressed by a central Office of Constituent and Grievance Services. Section 2 amends section 9-139 to require that the department inform every incarcerated individual in writing about the grievance process and about protections against retaliation. Section 3 makes the law effective 6 months after becoming law.

VI. AMENDMENTS TO INT. NO 1370-A

Since introduction, this bill has been amended to align terminology more closely with DOC procedures as laid out in its updated grievance directive. In addition, it excludes a previous provision that mandates correctional health services to provide each person who has filed a complaint with an acknowledgment of receipt.

V. PROPOSED INT. NO 1334-A

Introduction 1334-A will require the BOC to issue a report on issues related to the department’s grievance process. Section 1 of the legislation amends section 626 of the charter to require the Board to issue such a report every three years. This report will incorporate direct feedback from incarcerated individuals and proposed recommendations for relevant improvements. The bill requires the report to include a section of recommendations on how to improve the grievance process for vulnerable populations, including incarcerated

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⁷ <https://www.youtube.com/watch?v=XSM53rNG928&feature=youtu.be&t=4262>

⁸ New York City Board of Correction, Public Meeting Minutes, March 8, 2016.

individuals who are lesbian, gay, bisexual, transgender, intersex, and gender nonconforming. Section 2 allows the Board to conduct hearings, make recommendations, and submit reports of its findings to the appropriate authorities. Section 3 provides the bill will take effect 6 months after becoming law.

VI. AMENDMENTS TO 1334-A

The bill has been amended to eliminate the requirement that the BOC conduct a survey of incarcerated individuals regarding the correctional system’s grievance process.

VII. PROPOSED INT. 1236-A

Introduction 1236-A will improve transparency regarding sick call and medical appointments. Section 1 of the bill will replace the current section 9-108 of the administrative code and create a new section requiring the DOC to track data pertaining to clinical production in greater detail, and to share such information with the BOC and CHS. Additionally, the bill requires CHS to provide recommendations to the DOC regarding appointment-scheduling. It will also require the DOC to retain all records having to do with sick call for the BOC’s review, and would codify BOC requirements to make sick call available 5 days per week, excluding holidays. Section 2 mandates the bill take effect 365 days after becoming law.

VIII. AMENDMENTS TO INT. 1236

Introduction 1236-A has been amended to exclude provisions that required CHS to publicly report individual-level data regarding sick call. It also includes additional reporting requirements for scheduled medical appointments.

(The following is the text of the Fiscal Impact Statement for Int. No. 1340-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1340-A

COMMITTEE: Criminal Justice

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the grievance process for incarcerated individuals.

SPONSORS: By Council Members Ayala, Powers, Rivera, Richards, Rosenthal, Dromm, and Kallos.

SUMMARY OF LEGISLATION: Proposed Int. No. 1340-A would require the Department of Corrections (“DOC”) to make the grievance process more efficient by requiring an electronic tracking system to record all grievable and non-grievable complaints handled by the Office of Constituent and Grievance Services and provide the Board of Corrections regular access to such system. The bill would also require DOC to evaluate

the need for grievance boxes and place a number of boxes in locations where individuals in custody frequently congregate, and install at least one box in each facility. Lastly, the bill would require DOC to install grievance kiosks in each facility by January 2026.

EFFECTIVE DATE: This local law takes effect six months after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2021

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Department of Correction
New York City Council, Finance Division

ESTIMATE PREPARED BY: Peter Butler, Financial Analyst, Finance Division

ESTIMATE REVIEWED BY: Eisha Wright, Unit Head, Finance Division
Regina Poreda Ryan, Deputy Director, Finance Division
Stephanie Ruiz, Assistant Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced by the Council as Int. No. 1340 on January 24, 2019, and was referred to the Committee on Criminal Justice (“Committee”). A hearing was held by the Committee on January 29, 2019, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Int. No. 1340-A, will be considered by the Committee on June 13, 2019. Upon successful vote by the Committee, Proposed Int. No. 1340-A will be submitted to the full Council for a vote on June 13, 2019.

DATE PREPARED: JUNE 10, 2019.

(For text of Int. Nos. 1236-A, 1334-A, and 1370-A and their Fiscal Impact Statements, please see the Report of the Committee on Criminal Justice for Int. Nos. 1236-A, 1334-A, and 1370-A, respectively, printed in these Minutes; for text of Int. No. 1340-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1236-A, 1334-A, 1340-A, and 1370-A.

(The following is the text of Int. No. 1340-A:)

Int. No. 1340-A

By Council Members Ayala, Powers, Rivera, Richards, Rosenthal, Dromm, Kallos, Cumbo and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to the grievance process for incarcerated individuals

Be it enacted by the Council as follows:

Section 1. Section 9-136 of the administrative code of the city of New York, as added by local law number 87 for the year 2015, is amended to read as follows:

§ 9-136 Grievance [statistics] *process*

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Appeal. The term “*appeal*” means the action taken when an incarcerated individual’s grievance is escalated to a higher level within the grievance process to review decisions regarding resolutions of grievances by incarcerated individuals.

[*Grievance.* The term “*grievance*” means a written complaint submitted by an inmate in the custody of the department about an issue, condition, practice or action relating to the inmate’s confinement that is subject to the inmate grievance and request program or any successor program.]

Grievable complaint. The term “*grievable complaint*” means a complaint handled by the office of constituent and grievance services. The term includes but is not limited to a complaint regarding classification, clothing, commissary, correspondence, employment, environmental, food, inmate account, housing, length of sentence, laundry, law library, medical, mental health, personal hygiene, phone, programs, property, recreation, religion, rules and regulations, school, search, social service, transportation, and visits.

Non-grievable complaint. The term “*non-grievable complaint*” means any complaint which is not handled by the office of constituent and grievance services, including but not limited to a complaint regarding an allegation of assault, sexual assault/abuse, and verbal misconduct from a staff member; an allegation of assault, sexual assault/abuse, and non-sexual harassment from another incarcerated individual; individual security status; medical and mental health staff; request for accommodation due to a disability or claim of discrimination based on disability or perceived disability; request for protective custody; freedom of information laws, housing, and the grievance process.

Office of constituent and grievance services. The “*office of constituent and grievance services*” means the unit within the department that facilitates a formal process established by the department that provides incarcerated individuals with the opportunity to resolve grievable complaints regarding their confinement.

b. Forty-five days after the quarter beginning January 1, 2016, and no later than the forty-fifth day after the end of each subsequent quarter, the commissioner shall post on the department website a report containing the following information for the preceding quarter, *in addition to all information in paragraphs 1 through 5 of section d in the aggregate*

1. The number of [grievances] *grievable and non-grievable complaints* submitted in all departmental facilities, in total and disaggregated by the facility and housing area type in which such grievance was submitted.

2. The number of [grievances] *grievable and non-grievable complaints* submitted in all departmental facilities, disaggregated by grievance category, by the facility and housing area type in which such grievance was submitted, and by the method by which such grievance was submitted.

3. The number of [grievances,] *grievable complaints*, the stages of the grievance process, the stage in the grievance process at which they were resolved, and the categories for which any grievances were dismissed.

4. For non-grievable complaints, where such complaints were referred;

5. The number of [inmates] *incarcerated individuals* that submitted grievances.

d. The department shall utilize an electronic tracking system to record all grievable and non-grievable complaints handled by the office of constituent and grievance services and shall provide the board of correction access to such system. Such system shall track the following:

1. *Whether a complaint is subject to the process established by the office of constituent and grievance services, and if not, if and where the incarcerated individual was directed;*

2. *Whether the incarcerated individual pursued an appeal;*
 3. *How and when the complaint was resolved, and at what stage the complaint was resolved;*
 4. *Whether the complaint was made by the affected incarcerated person, an attorney or other advocate, a public official, or another third party;*
 5. *The housing facility and housing area type where the complaint was made;*
 - f. *The department shall ensure equal access to the office of constituent and grievance services, including the following procedures:*
 1. *Evaluating the need for grievance boxes and strategically placing a number of boxes in locations where individuals in department custody frequently congregate, and at least one box in each facility.*
 2. *Placing a number of dedicated personnel in each housing unit to conduct outreach.*
 3. *Developing caseload guidelines for grievance coordinators and officers.*
 - g. *The department shall install grievance kiosks in each facility where incarcerated individuals may file grievances electronically by January 2026. Such kiosks shall be accessible in multiple languages and shall provide incarcerated individuals physical receipts confirming filing. If a request made through the kiosk is not subject to the inmate grievance and review process, the kiosks shall provide incarcerated individuals with information regarding where the grievance should be redirected.*
 - h. *Incarcerated individuals unable to read, access, or understand the grievance process shall be provided with assistance necessary to meaningfully engage in such process.*
- § 3. This local law takes effect 6 months after it becomes law.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; MARK D. LEVINE, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, CARLINA RIVERA; Committee on Criminal Justice, June 13, 2019.

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

Report for Int. No. 1370-A

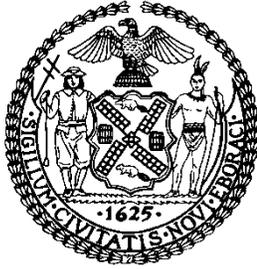
Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to 311 complaints made by incarcerated individuals and informing incarcerated individuals of the protections against retaliation for filing a grievance.

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on January 24, 2019 (Minutes, page 290), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 1340-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1370-A:



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1370-A

COMMITTEE: Criminal Justice

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to 311 complaints made by incarcerated individuals and informing incarcerated individuals of the protections against retaliation for filing a grievance.

SPONSORS: By Council Members Powers, Lander, The Public Advocate (Mr. Williams), Rosenthal, Rivera, Dromm, Chin, and Kallos.

SUMMARY OF LEGISLATION: Proposed Int. No. 1370-A would require the Department of Correction (“DOC”) to process 311 complaints in the same manner as formal grievances and to inform incarcerated individuals of the protections against retaliation for filing a grievance.

EFFECTIVE DATE: This local law would take effect on the same date that a local law for the year 2019 amending the administrative code of the city of New York, relating to the grievance process for incarcerated individuals, takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2021

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Department of Correction
New York City Council, Finance Division

ESTIMATE PREPARED BY: Peter Butler, Financial Analyst, Finance Division

ESTIMATE REVIEWED BY: Eisha Wright, Unit Head, Finance Division

Regina Poreda Ryan, Deputy Director, Finance Division
Stephanie Ruiz, Assistant Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced by the Council as Int. No. 1370 on January 24, 2019, and was referred to the Committee on Criminal Justice (“Committee”). A hearing was held by the Committee on January 29, 2019, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Int. No. 1370-A, will be considered by the Committee on June 13, 2019. Upon successful vote by the Committee, Proposed Int. No. 1370-A will be submitted to the Council for a vote on June 13, 2019.

DATE PREPARED: JUNE 10, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1370-A:)

Int. No. 1370-A

By Council Members Powers, Lander, the Public Advocate (Mr. Williams), Rosenthal, Rivera, Dromm, Chin, Kallos, Levin and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to 311 complaints made by incarcerated individuals and informing incarcerated individuals of the protections against retaliation for filing a grievance

Be it enacted by the Council as follows:

Section 1. Section 9-136 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Complaints and requests made by or on behalf of an incarcerated individual to 311 and forwarded to the department shall be addressed by the office of constituent and grievance services.

§ 2. Section 9-139 of the administrative code of the city of New York is amended by adding new subdivisions g and h to read as follows:

g. The department shall inform all incarcerated individuals in writing, using plain and simple language, of the protections against retaliation for filing a grievance, complaint, or request. The department shall also inform all incarcerated individuals in writing and in plain and simple language upon the filing of a grievance, complaint, or request, about which complaints are not subject to the grievance process; the process for resolving such complaints; and the protections against retaliation for filing such grievance, complaint, or request. Grievable complaints made through 311, to the board of correction, by email, by attorneys or other advocates, public officials, or other third parties on behalf of an incarcerated individual and over the phone shall be addressed by the office of constituent and grievance services.

h. The department shall include on all grievance forms instructions on how to appeal resolutions and post such forms on the department’s website.

§ 3. This local law takes effect on the same date that a local law for the year 2019 amending the administrative code of the city of New York, relating to the grievance process for incarcerated individuals, takes effect.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; MARK D. LEVINE, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, CARLINA RIVERA; Committee on Criminal Justice, June 13, 2019.

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

Report of the Committee on Cultural Affairs

Report for Int. No. 1114-A

Report of the Committee on Cultural Affairs in favor of approving and adopting, as amended, a Local Law in relation to creating a task force to examine the monuments, statues, public art and historical markers on city-owned property.

The Committee on Cultural Affairs, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 487), respectfully

REPORTS:

I. Introduction

On Thursday, June 13, 2019, the Committee on Cultural Affairs, Libraries, and International Intergroup Relations (“Committee”), chaired by Council Member Jimmy Van Bramer, will hold a hearing to consider Proposed Int. No. 1114-A, sponsored by Council Member Inez D. Barron, a proposed local law in relation to creating a task force to examine the monuments, statues, public art and historical markers on city-owned property, and Proposed Int. No. 1439-A, sponsored by Council Member Rafael Salamanca, Jr., a proposed local law to amend the New York city charter, in relation to increasing the percentage of women depicted in works of art belonging to the city and requiring the art commission to foster diversity among the subjects and themes depicted in works of art belonging to the city. This will be the second hearing on these bills.

The first hearing on the bills was held on Monday, February 25, 2019, as part of a joint oversight hearing with the Committee on Parks and Recreation, chaired by Council Member Barry Grodenchik, and the Committee on Women and Gender Equity, chaired by Council Member Helen K. Rosenthal, entitled, “Improving the Gender and Cultural Diversity of Monuments Located in City Parks.” At that hearing, representatives from the New York City (NYC or “the City”) Department of Parks and Recreation (DPR), the Department of Cultural Affairs (DCLA), the NYC Commission on Gender Equity (CGE), as well as advocates, community members, and concerned community organizations testified.

II. Background

NYC has a rich history and is one of the most diverse and dynamic cities in the world, where approximately 200 languages are spoken and 40 percent of the population was born outside of the United States (U.S.).¹ To commemorate the contributions to this rich history and cultural diversity made by various individuals, the City has historically dedicated statues or monuments in public areas. In fact, the monuments and permanent art collection in NYC’s parks alone constitutes the greatest outdoor public art museum in the U.S.² Approximately 1,000 monuments, including commemorative tablets, historic markers, decorative fountains, memorial flagstaffs, statues and architectural ornaments adorn the City.³ They range in size from commemorative tablets to triumphal arches, honoring people and events that helped shape our city, nation, and the international community.⁴

However, despite the prevalence of public art and monuments in NYC, diversity in the representation

¹ Paul McGinniss, *Cultural Diversity in New York City*, GREAT AMERICAN COUNTRY (last visited Feb. 20, 2019), available at <https://www.greatamericancountry.com/places/local-life/cultural-diversity-in-new-york-city>.

² See DPR Website, *Permanent Art and Monuments* (last visited Feb. 20, 2019), available at <https://www.nycgovparks.org/art-and-antiquities/permanent-art-and-monuments>.

³ See, DPR Website, *Guidelines for Donating Works of Art to Parks* (last visited Feb. 20, 2019), available at <https://www.nycgovparks.org/art-and-antiquities/donation-guidelines>.

⁴ *Id.*

among nonfictional, historical figures depicted by such monuments remains an issue, including with regard to the representation of women and other diverse groups that make up the tapestry of the city's legacy. For example, there are presently only five public statues that honor historic women in the City and statues dedicated to historical men outnumber those of women 145 to five.⁵ These included in the list of statues of women include: (1) Joan of Arc, located at Riverside Park at West 93rd Street in Manhattan, (2) Golda Meir, located at Broadway and 39th Street in Manhattan, (3) Gertrude Stein, located in Bryant Park in Manhattan, (4) Eleanor Roosevelt, located at Riverside Park at West 72nd Street in Manhattan, and (5) Harriet Tubman, located at St. Nicholas Avenue and West 122nd Street in Manhattan.⁶ As a result of increased awareness of the dearth of representation in recent years, additional efforts have been taken to address it, including the creation of the September 2017 Mayoral Advisory Commission on City Art, Monuments, and Markers, which culminated in a January 2018 report to the City of New York,⁷ and plans have recently been announced to erect additional statues of women in NYC in the near future,⁸ including one statue depicting Marsha P. Johnson and Sylvia Rivera, a piece which is also being heralded as the first statue of any lesbian, gay, bisexual, transgender, and queer (LGBTQ+) individual in the United States.⁹

III. Proposed Int. 1114-A

Proposed Int. No. 1114-A would require the establishment a task force to study and issue recommendations regarding monuments, statues, public art, and historical markers on city-owned property, placing special emphasis on those that have been subject to sustained negative attention or may be viewed as inconsistent with the values of diversity, equity, and inclusion. Pursuant to the legislation, the task force would be chaired by the Commissioner Cultural Affairs or the Executive Director of the Public Design Commission. The legislation would also require that the Commissioners of City Planning, Parks and Recreation, and Transportation have seats on the task force, as well as the Executive Director of the Landmarks Preservation Commission. Pursuant to the legislation, the remaining five members of the task force would be made up of representatives from each of the five boroughs respectively and possess expertise in one or more of the following areas: history, art and antiquities, public art and public space, preservation, cultural heritage, diversity and inclusion, or education. Finally, the legislation would require the task force to meet no less than quarterly and submit to the mayor and the speaker a report on its findings and conclusions no later than one year from the legislation's effective date.

Section two of Proposed Int. No. 1114-A would provide that the local law take effect immediately after it becomes law.

Since introduction, Proposed Int. 1114-A was amended to clarify who should serve as Chair of the task force and include that the task force's meeting minutes be posted online.

IV. Proposed Int. 1439-A

Proposed Int. No. 1439-A would require the Public Design Commission to establish a goal that at least 50 percent of all new works of art, including sculptures, paintings, mural decorations, mosaics, stained glass, statues, carvings, castings, inscriptions, monuments, and fountains, installed or erected upon or over land belonging to the city, that depict a nonfictional person depict women. The legislation would also require the Public Design Commission to: (1) advise city agencies on submitting diverse pieces of work depicting a

⁵ Sarah Cascone, *To Market a New Season of 'The Handmaid's Tale,' Hulu Is Temporarily Mounting 140 Statues of Female Figures in New York City*, ArtNet (June 7, 2019), available at <https://news.artnet.com/exhibitions/handmaids-tale-public-art-installation-1567876>.

⁶ Allison Meier, *The Only Five Public Statues of Historic Women in Nyc*, HYPERALLERGIC (Jul. 31, 2015), available at <https://hyperallergic.com/226186/the-only-five-public-statues-of-historic-women-in-nyc/>.

⁷ NYC Mayoral Advisory Commission on City Art, Monuments, and Markers, *Report to the City of New York* (January 2018), available at <https://www1.nyc.gov/assets/monuments/downloads/pdf/mac-monuments-report.pdf>.

⁸ Leslie Geary, *She Built NYC Announces Statues Honoring Four More Trailblazing Women*, Women.NYC (last visited June 11, 2019), available at <https://women.nyc/news/feed/she-built-nyc-announces-statues-honoring-four-more-trailblazing-women/>.

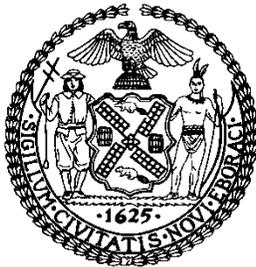
⁹ Lauren M. Johnson, *These Transgender Icons Will be the First to Get Statues in the US*, CNN (May 31, 2019), available at <https://www.cnn.com/2019/05/30/us/first-statues-honoring-transgender-people-in-us-trnd/index.html>.

diverse range of subjects and themes, including by providing strategies to increase the representation of women in city works of art, (2) to post its annual report online, and (3) to include in its annual report information about: (a) each submission it receives for works of art that depict a nonfictional person and (b) a summary of its guidance to agencies about inclusive representation.

Section two of Proposed Int. No. 1439-A would provide that the local law take effect 120 days after it becomes law.

Since introduction, Proposed Int. 1439-A was amended to require that the Public Design Commission report annually on the submissions they receive from agencies, work with agencies to increase diversity in submissions, and post their annual report online. The legislation was also amended to clarify that the 50 percent figure is a goal to ensure that all works of art that depict a nonfictional person, depict women, rather than a quota, and to clarify that the legislation would apply to new works of art as of the effective date. The effective date was also amended to 120 days.

(The following is the text of the Fiscal Impact Statement for Int. No. 1114-A:)



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

PROPOSED INT. NO. 1114-A

COMMITTEE: Cultural Affairs, Libraries and International Intergroup Relations

TITLE: A Local Law in relation to creating a task force to examine the monuments, statues, public art and historical markers on city-owned property.

Sponsors: By Council Members Barron, Van Bramer, the Public Advocate (Mr. Williams), and Council Members Rosenthal and Kallos.

SUMMARY OF LEGISLATION: Proposed Int. 1114-A would create a task force to study and issue recommendations regarding monuments, statues, public art, and historical markers on city-owned property, placing special emphasis on those that have been subject to sustained negative attention or may be viewed as inconsistent with the values of diversity, equity and inclusion. The task force would be chaired by the Commissioner of Cultural Affairs or the Executive Director of the Art Commission (known as the “Public Design Commission”). The Commissioners of City Planning, Parks and Recreation, and Transportation would have seats on the task force, as well as the Executive Director of the Landmarks Preservation Commission. The remaining five members of the task force would be representatives from each of the five boroughs respectively and have expertise in one or more of the following areas: history, art and antiquities, public art and public space, preservation, cultural heritage, diversity and inclusion, or education.

EFFECTIVE DATE: This local law would take effect January 1, 2020.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021.

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the task force would be able to rely on existing resources in the various agencies whose leadership sit by designation thereon.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Department of Cultural Affairs
New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Principal Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Crielhien Francisco, Unit Head
Noah Brick, Associate Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 26, 2018 as Intro. No. 1114, and was referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations. A joint hearing was held by the Committees on Cultural Affairs, Libraries and International Intergroup Relations, Parks and Recreation, and Women and Gender Equity on February 25, 2019, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1114-A, will be voted on by the Committee on Cultural Affairs, Libraries and International Intergroup Relations at a hearing on June 13, 2019. Upon successful vote by the Committee, Proposed Intro. No. 1114-A will be submitted to the full Council for a vote on June 13, 2019.

DATE PREPARED: May 14, 2019.

(For text of Int. Nos. 1439-A and its Fiscal Impact Statement, please see the Report of the Committee on Cultural Affairs for Int. 1439-A printed in these Minutes; for text of Int. No. 1114-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1114-A and 1439-A.

(The following is the text of Int. No. 1114-A:)

Int. No. 1114-A

By Council Members Barron and Van Bramer, the Public Advocate (Mr. Williams) and Council Members Rosenthal, Kallos, Cumbo, Ayala and Rivera.

A Local Law in relation to creating a task force to examine the monuments, statues, public art and historical markers on city-owned property

Be it enacted by the Council as follows:

Section 1. Task force on monuments, statues, public art and historical markers. a. There shall be a task force to examine the monuments, statues, public art and historical markers on city-owned property.

b. The task force shall consist of the following members:

1. The commissioner of cultural affairs or such commissioner's designee, and the executive director of the art commission or such director's designee, 1 of whom shall serve as chair of the task force as designated by the mayor;

2. The commissioner of parks and recreation or such commissioner's designee, the executive director of the landmarks preservation commission or such director's designee, the commissioner of transportation or such commissioner's designee and the commissioner of city planning or such commissioner's designee; and

3. Five members representing each of the 5 boroughs, of which 3 such members shall be appointed by the speaker of the council and 2 such members shall be appointed by the mayor, provided that each member shall have relevant expertise in public art, as well as in one or more of the following disciplines: history, art and antiquities, preservation, cultural heritage, diversity and inclusion or education.

c. The task force shall conduct a comprehensive review of monuments, statues, public art and historical markers on city-owned property, which have been identified by the chair as inconsistent with the values of diversity, equity and inclusion, or for which the chair is aware of substantial public opposition or concerns. The task force shall also:

1. Explore ideas for new permanent monuments and temporary artwork about history;

2. Recommend mechanisms for encouraging and increasing community input with regard to the establishment of new monuments, statues, public art and historical markers; and

3. Recommend or host discussions, public programs and other educational initiatives related to the complex and nuanced histories of the city's monuments, statues, public art and historical markers.

d. The task force shall meet no less than 4 times per year.

e. No later than 1 year after the effective date of this local law, the task force shall submit to the mayor and the speaker of the council a report that contains its findings and conclusions and any recommendations for policy or legislation, and post online minutes of task force meetings.

f. The task force shall dissolve upon submission of the report required by subdivision e of this section.

§ 2. This local law takes effect January 1, 2020.

JAMES G. VAN BRAMER, *Chairperson*; KAREN KOSLOWITZ; LAURIE A. CIMBO. Committee on Cultural Affairs, June 13, 2019.

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

Report for Int. No. 1439-A

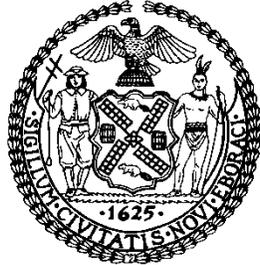
Report of the Committee on Cultural Affairs in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to increasing the percentage of women depicted in works of art belonging to the city and requiring the art commission to foster diversity among the subjects and themes depicted in works of art belonging to the city.

The Committee on Cultural Affairs, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 487), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Cultural Affairs for Int. No. 1114-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1439-A:



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

PROPOSED INT. NO. 1439-A

COMMITTEE: Cultural Affairs, Libraries and International Intergroup Relations

TITLE: A Local Law to amend the New York city charter, in relation to increasing the percentage of women depicted in works of art belonging to the city and requiring the art commission to foster diversity among the subjects and themes depicted in works of art belonging to the city.

Sponsors: By Council Members Salamanca, Rosenthal, Cumbo, Koslowitz, Chin, Adams, Rivera, Ayala, Gibson, Ampry-Samuel, Van Bramer, Levine and Kallos.

SUMMARY OF LEGISLATION: Proposed Int. 1439-A would require the Art Commission (known as the “Public Design Commission,” or “PDC”) to establish a goal that at least 50 percent of all new works of art that depict a nonfictional person depict women. It would also require the PDC to: (1) advise city agencies on submitting pieces of work depicting a diverse range of subjects and themes, (2) to post its annual report online, and (3) to include in its annual report information about: (a) each submission it receives for works of art that depict a nonfictional person and (b) a summary of its guidance to agencies about inclusive representation.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the Department of Cultural Affairs could use existing resources to support the guidance and reporting required by this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Department of Cultural Affairs
New York City Council Finance Division

ESTIMATE PREPARED BY: Aliya Ali, Principal Financial Analyst

ESTIMATE REVIEWED BY: Noah Brick, Associate Counsel
Nathan Toth, Deputy Director
Crielhien Francisco, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 13, 2019 as Intro. No. 1439, and was referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations. A joint hearing was held by the Committees on Cultural Affairs, Libraries and International Intergroup Relations, Parks and Recreation and Women and Gender Equity on February 25, 2019, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1439-A, will be voted on by the Committee on Cultural Affairs, Libraries and International Intergroup Relations at a hearing on June 13, 2019. Upon successful vote by the Committee on Cultural Affairs, Libraries and International Intergroup Relations, Proposed Intro. No. 1439-A will be submitted to the full Council for a vote on June 13, 2019.

DATE PREPARED: June 11, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1439-A:)

Int. No. 1439-A

By Council Members Salamanca, Rosenthal, Cumbo, Koslowitz, Chin, Adams, Rivera, Ayala, Gibson, Ampry-Samuel, Van Bramer, Levine and Kallos.

A Local Law to amend the New York city charter, in relation to increasing the percentage of women depicted in works of art belonging to the city and requiring the art commission to foster diversity among the subjects and themes depicted in works of art belonging to the city

Be it enacted by the Council as follows:

Section 1. Section 857 of the New York city charter is amended by adding new subdivisions c and d to read as follows:

c. The commission shall establish a goal that at least 50 percent of new works of art that depict a nonfictional person, historical or otherwise, depict women.

d. The commission shall provide agencies with guidance on submitting works of art depicting a diverse range of subjects and themes. Such guidance shall include strategies to increase the representation of women among works of art depicting nonfictional persons, historical or otherwise, to promote equitable representation.

§ 2. Subdivision 2 of section 859 of the New York city charter, as added by local law number 17 for the year 2017, is amended to read as follows:

2. Not later than August 1, 2018 and no later than August 1 every year thereafter, the commission shall submit to the mayor and the speaker of the council *and post online* a report with the following data for the previous calendar year.

- i. Total number of submissions received by the commission, including submissions for conceptual, preliminary and final review, and disaggregated by the following:
 - (a) Construction, renovation, or restoration of structures, including but not limited to buildings and bridges;
 - (b) Construction or reconstruction of parks, open spaces, and streetscapes;
 - (c) Distinctive sidewalks;
 - (d) Distinctive lighting;
 - (e) Newsstands;
 - (f) Signage;
 - (g) Installation of new works of art;
 - (h) Conservation of works of art;
 - (i) Removal or relocation of works of art;
 - (j) Private structures extending over or upon city-owned land;
 - ii. (a) Total number of submissions received by the commission where the review cycle extended into the following year;
 - (b) Total number of submissions received by the commission prior to the year being reported that were not acted upon by the commission in the year being reported;
 - iii. Number of submissions acted or commented upon, disaggregated by the following:
 - (a) Number of submissions approved;
 - (b) Number of submissions approved with conditions;
 - (c) Number of submissions rejected in whole;
 - (d) Number of submissions commented upon;
 - iv. (a) Percentage of submissions acted upon in one review cycle;
 - (b) Percentage of submissions acted upon in two review cycles;
 - (c) Percentage of submissions acted upon in three or more review cycles;
 - v. Number of submissions received, disaggregated by city agency and borough;
 - vi. Names of commission members during the year being reported;
 - vii. Summary of methods or procedure used to determine approval or rejection of submissions;
 - viii. *Number of new works of art that would depict a nonfictional person, historical or otherwise, including a description of each such work of art; the agency which submitted each such work of art; and whether each such submission was approved, approved with conditions, rejected, or commented upon;*
 - ix. *Summary of guidance provided to agencies pursuant to subdivision d of section 857; and*
 - x. Any other information the commission deems relevant.
- § 3. This local law takes effect 120 days after it becomes law.

JAMES G. VAN BRAMER, *Chairperson*; KAREN KOSLOWITZ; LAURIE A. CIMBO; JOSEPH C. BORELLI. Committee on Cultural Affairs, June 13, 2019.

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

Report of the Committee on Finance

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

Report for L.U. No. 439

Report of the Committee on Finance in favor of a Resolution approving Stagg 1 – Amanda’s Cove, Block 4595, Lots 4, 114, and 115; Block 4611, Lots 60, 156, 157, 158, 159, and 160; Block 4671, Lots 73 and 75; Block 4672, Lot 40; Block 4708, Lots 5, 8, 181, and 182; Block 4796, Lots 137, 138, 139, and 140; Block 4879, Lots 71 and 171; Block 4883, Lots 124, 125, 126, and 227; Block 4901, Lots 17, 18, and 20 Block 4903, Lots 20, 21, and 22 Block 5263, Lots 176, 177, 178, 179, 182, 183, 184, and 185; Bronx, Community District Nos. 12, Council District Nos. 12 and 15.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

June 13, 2019

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

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

RE: Finance Committee Agenda of June 13, 2019 – Resolution approving a tax exemption for 20 Land Use items (Council Districts 3, 8, 9, 11, 12, 13, 14, 15, 16, and 34)

Items 1 - 4: Stagg Portfolio

The Stagg 1, 2, 3 and 4 projects (“Stagg Portfolio”) is comprised of 96 properties containing 404 residential units that are separated into four clusters with individual LLCs as the beneficial owner: Amanda’s Cove, LLC (“Stagg 1,” 40 buildings, 157 units), Justin’s Corner, LLC (“Stagg 2,” 30 buildings, 114 units), Mickey’s Corner LLC (“Stagg 3,” 12 buildings, 43 units), and Tyler’s Bronx, LLC (“Stagg 4,” 14 buildings, 90 units). These buildings within the portfolio range from 2-unit to 10-unit multifamily buildings located throughout the Bronx.

Currently, certain properties within the Stagg Portfolio receive 421-a tax exemption benefits. Stagg 1 has 33 buildings with a 421-a tax exemption that expire for between 2021 and 2024. Stagg 2 has 21 buildings with a 421-a tax exemption that expire between 2019 and 2027. Stagg 3 has 6 buildings with a 421-a tax exemption that expire between 2022 and 2024. Stagg 4 has 8 buildings with a 421-a tax exemption that expire between 2024 and 2036.

The Department of Housing Preservation and Development (“HPD”) is requesting that the Council approve a partial, 40-year Article XI property tax exemption to each of the 96 properties. Each LLC would convey the

fee interest in the exemption areas to a Housing Development Fund Corporation (“HDFC”) and each LLC and HDFC would enter into a regulatory agreement with HPD that would require that apartments be rented only to households earning between 75% and 105% of the Area Median Income (“AMI”). Upon approval of the Article XI property tax exemption, the 421-a tax exemption benefits will expire and all units in each project will become rent stabilized for the term of their respective regulatory agreement.

Item 1: Stagg 1 – Amanda’s Cove:

- Borough – Bronx
- Block 4595, Lots 4, 114, and 115; Block 4611, Lots 60, 156, 157, 158, 159, and 160; Block 4671, Lots 73 and 75; Block 4672, Lot 40; Block 4708, Lots 5, 8, 181, and 182; Block 4796, Lots 137, 138, 139, and 140; Block 4879, Lots 71 and 171; Block 4883, Lots 124, 125, 126, and 227; Block 4901, Lots 17, 18, and 20; Block 4903, Lots 20, 21, and 22; Block 5263, Lots 176, 177, 178, 179, 182, 183, 184, and 185
- Council Districts – 12, 15
- Council Members – Torres, King
- Council Members approval – Yes
- Number of buildings – 40
- Number of units – 157
- Type of exemption – Article XI, partial 40-years
- Population – affordable rental housing
- Sponsor – Stagg Berkadia Holdings LLC, Amanda’s Cove LLC, HP Amanda’s Cove HDFC
- Purpose – preservation
- Cost to the City – \$11.6 million
- Housing Code Violations
 - Class A – 49
 - Class B – 81
 - Class C – 18
- AMI targets – 28 units at 75% of AMI, 51 units at 80% of AMI, 45 units at 85% of AMI and 33 units at 95% of AMI.

Item 2: Stagg 2 – Justin’s Corner:

- Borough – Bronx
- Block 4447, Lot 36; Block 4450, Lots 14, 112, and 113; Block 4544, Lots 140, 142, and 144; Block 4596, Lot 51; Block 4669, Lots 71 and 72; Block 4685, Lots 161 and 162; Block 4716, Lot 118; Block 4723, Lots 140, 141, 142, 143, and 144; Block 4762, Lots 160 and 161; Block 4870, Lots 40 and 41; Block 4958, Lot 12; Block 4982, Lots 89, 90, 91, and 92; Block 5099, Lots 19 and 108; Block 5107, Lot 58
- Council Districts – 11, 12, 13, 15
- Council Members – Torres, Gjonaj, Cohen, King
- Council Members approval – Yes
- Number of buildings – 30
- Number of units – 114
- Type of exemption – Article XI, partial 40-years
- Population – affordable rental housing
- Sponsor – Stagg Berkadia Holdings LLC, Justin’s Corner LLC, HP Justin’s Corner HDFC
- Purpose – preservation
- Cost to the City – \$7.9 million
- Housing Code Violations

- Class A – 31
- Class B – 69
- Class C – 33
- AMI targets – 19 units at 75% of AMI, 59 units at 85% of AMI, 31 units at 95% of AMI and 5 units at 105% of AMI.

Item 3: Stagg 3 – Mickey’s Corner:

- Borough – Bronx
- Block 4667, Lots 65 and 66; Block 4699, Lot 1; Block 4755, Lots 65 and 66; Block 4840, Lots 69 and 70; Block 4852, Lot 62; Block 4865, Lots 169 and 174; Block 5028, Lot 15; Block 5107, Lot 54
- Council Districts – 11, 12
- Council Members – Cohen, King
- Council Members approval – Yes
- Number of buildings – 12
- Number of units – 43
- Type of exemption – Article XI, partial 40-years
- Population – affordable rental housing
- Sponsor – Stagg Berkadia Holdings LLC, Mickey’s Corner LLC, HP Mickey’s Corner HFDC
- Purpose – preservation
- Cost to the City – \$2.3 million
- Housing Code Violations
 - Class A – 20
 - Class B – 14
 - Class C – 6
- AMI targets – 16 units at 80% of AMI, 13 units at 85% of AMI, 12 units at 90% of AMI and 2 units at 95% of AMI.

Item 4: Stagg 4 – Tyler’s Bronx:

- Borough – Bronx
- Block 4434, Lots 10 and 11; Block 4667, Lot 74 and 75; Block 4668, Lots 42 and 44; Block 4834, Lots 44 and 46; Block 4860, Lots 26, 27, 167, 168, 169, and 170
- Council Districts – 12, 15
- Council Members – Torres, King
- Council Members approval – Yes
- Number of buildings – 14
- Number of units – 90
- Type of exemption – Article XI, partial 40-years
- Population – affordable rental housing
- Sponsor – Stagg Berkadia Holdings LLC, Tyler’s Bronx LLC, HP Tyler’s Bronx HDFC
- Purpose – preservation
- Cost to the City – \$3 million
- Housing Code Violations
 - Class A – 72
 - Class B – 51
 - Class C – 11
- AMI targets – 12 units at 75% of AMI, 39 units at 80% of AMI, 26 units at 85% of AMI and 13 units at 95% of AMI.

Items 5-12: Taino Towers

Taino Towers is comprised of 656 units of low-income housing in four buildings located in East Harlem, Manhattan, including 112 studios, 130 one-bedrooms (inclusive of one superintendent unit), 184 two-bedrooms, 202 one-bedrooms and 28 six-bedrooms. There are also 146,000 square feet of community facilities and 116,000 square feet of commercial space.

Although legally each building is owned by a separate HDFC, they operate as one entity under a single Housing Assistance Payments (“HAP”) Section 8 contract, under which tenants pay only 30% of their income in rent and the U.S. Department of Housing and Urban Development (“HUD”) makes payments to the landlord. The HAP contract is due to expire in September 2019.

In 1971, the City conveyed the properties to four separate HDFCs and the Board of Estimate granted each a partial Article XI property tax exemption that required the HDFCs to pay five percent shelter rent tax from the date of their certificate of occupancy 1983 until expiration in 2012. However, the Department of Finance never charged the HDFCs any of the shelter rent tax that should have become due.

HPD is requesting that the Council approve a retroactive, full, Article XI property tax exemption for each HDFC for 1983 to 2012 to exempt the uncollected shelter rent taxes. HPD is also requesting that the Council approve a partial, ten-year Article XI property tax exemption for 2012 to 2022. HPD and the HDFCs would enter into a 30-year regulatory agreement, 2012 to 2042, under which all units would be kept at 50% of AMI. The HAP contract would also be renewed for the entirety of the regulatory period.

Items 5 & 6: Taino Building 1 (221 East 122nd Street)

- Borough – Manhattan
- Block 1787, Lot 60
- Council District – 8
- Council Member – Ayala
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 148
- Type of exemption – Article XI, full, 1983-2012; Article XI, partial, 2012-2022
- Population – affordable rental housing
- Sponsor – East Harlem Pilot Block-Building 1 HDFC
- Purpose – preservation
- Cost to the City – \$56.4 million for the Taino portfolio, collectively
- Housing Code Violations
 - Class A – 77
 - Class B – 215
 - Class C – 27
- AMI targets – 148 units at 50% AMI (HAP)

Items 7 & 8: Taino Building 2 (2253 3rd Avenue)

- Borough – Manhattan
- Block 1787, Lot 1
- Council District – 8

- Council Member – Ayala
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 208
- Type of exemption – Article XI, full, 1983-2012; Article XI, partial, 2012-2022
- Population – affordable rental housing
- Sponsor – East Harlem Pilot Block-Building 2 HDFC
- Purpose – preservation
- Cost to the City – \$56.4 million for the Taino portfolio, collectively
- Housing Code Violations
 - Class A – 23
 - Class B – 52
 - Class C – 6
- AMI targets – 208 units at 50% AMI (HAP)

Items 9 & 10: Taino Building 3 (230 East 123rd Street)

- Borough – Manhattan
- Block 1787, Lot 80
- Council District – 8
- Council Member – Ayala
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 92
- Type of exemption – Article XI, full, 1983-2012; Article XI, partial, 2012-2022
- Population – affordable rental housing
- Sponsor – East Harlem Pilot Block-Building 3 HDFC
- Purpose – preservation
- Cost to the City – \$56.4 million for the Taino portfolio, collectively
- Housing Code Violations
 - Class A – 13
 - Class B – 59
 - Class C – 4
- AMI targets – 92 units at 50% AMI (HAP)

Items 11 & 12: Taino Building 4 (231 East 122nd Street)

- Borough – Manhattan
- Block 1787, Lot 70
- Council District – 8
- Council Member – Ayala
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 208
- Type of exemption – Article XI, full, 1983-2012; Article XI, partial, 2012-2022
- Population – affordable rental housing

- Sponsor – East Harlem Pilot Block-Building 4 HDFC
- Purpose – preservation
- Cost to the City – \$56.4 million for the Taino portfolio, collectively
- Housing Code Violations
 - Class A – 106
 - Class B – 210
 - Class C – 31
- AMI targets – 208 units at 50% AMI (HAP)

Item 13: 2316-2322 Andrews Avenue North

2316-2322 Andrews Avenue North is comprised of 42 units across two buildings on a single tax lot in the University Heights section of the Bronx. The buildings include one one-bedroom, 21 two-bedrooms, 10 three-bedrooms (inclusive of one superintendent unit), and 10 four-bedrooms.

The buildings were built in 1913, obtained by the City through an in-rem tax foreclosure in 1984, held until 1989, and purchased by Conagul Equites LLC in 1997. No existing regulatory agreement exists for the property.

HPD is requesting that the Council approve a partial, 30-year Article XI property tax exemption. The LLC would convey the fee interest in the property to Conagul HDFC and the LLC and the HDFC would enter into a regulatory agreement with HPD that would require 12 units be made available only to households earning up to 55% of AMI, 16 units be made available only to households earning up to 80% of AMI, and 13 units be made available only to households earning up to 105% of AMI. The regulatory agreement would require that four units be reserved for formerly homeless residents.

Summary:

- Borough – Bronx
- Block 3218, Lot 24
- Council District – 14
- Council Member – Cabrera
- Council Member approval – Yes
- Number of buildings – 2
- Number of units – 41
- Type of exemption – Article XI, partial 30-year
- Population – affordable rental housing
- Sponsor – Conagul Equites LLC, Conagul Equities HDFC, Skyline Management, Decathlon Consultants, Inc.
- Purpose – preservation
- Cost to the City – \$1.8 million
- Housing Code Violations
 - Class A – 1
 - Class B – 7
 - Class C – 1
- AMI targets – 12 units at 55% AMI, 16 units at 80% AMI, and 13 units at 105% AMI

Items 14 & 15: CB WHCO

The CB West Harlem Community Organization (“WHCO”) project consists of 95 units across eight buildings in Harlem, Manhattan. The portfolio is comprised of 4 studios, 17 one-bedrooms (inclusive of one superintendent unit), 54 two-bedrooms, eight one-bedrooms, and 12 six-bedrooms. There are also ten commercial units and one leased cellular antenna.

The buildings were built between 1900 and 1920, obtained by the City through in-rem tax foreclosures, and between 1989 and 1992 transferred to affiliates of WHCO Inc. under the HPD Enterprise Program and the HPD Community Management Program.

WHCO, Inc. and its joint venture partner, CB-Emmanuel Realty, LLC, are seeking private financing to rehabilitate the entire portfolio. The properties are currently in varying physical states requiring moderate to gut level rehabilitation. The scope of work includes a re-sizing of units that will result in a net addition of seven residential units, bringing the total residential unit count to 102. Post construction, there will be three studios, 36 one-bedrooms, 55 two-bedrooms, and eight three-bedrooms.

Seven of the eight buildings received 420-c or Division of Alternative Management (“DAMP”) tax incentives that either expired earlier this year or will expire in the next two years. One building, 157 West 119th Street, has never received any tax exemption and has substantial tax arrears.

HPD is requesting that the Council approve a full, 40-year Article XI property tax exemption for the residential portion of the portfolio. WHCO and the LLC would transfer the properties to WHCO HDFC and the WHCO, the LLC, and the HDFC would enter into a 42-year regulatory agreement with HPD that would require four units be made available only to households earning up to 30% of AMI, 42 units be made available only to households earning up to 50% of AMI, nine units to be made available only to households earning up to 60% AMI, and 40 units be made available only to households earning up to 100% of AMI. HPD is requesting that the Council also approve a full 40-year Article XI property tax exemption for 157 West 119th Street for 2008 to present to address the tax arrears.

Item 14: CB WHCO

- Borough – Manhattan
- Block 1599, Lot 1; Block 1823, Lots 37 and 38; Block 1831, Lot 53; Block 1904, Lot 6; Block 1926, Lots 8 and 61
- Council District – 9
- Council Member – Perkins
- Council Member approval – Yes
- Number of buildings – 8
- Number of units – 96, becoming 103
- Type of exemption – Article XI, full, 40-year
- Population – affordable rental housing
- Sponsor – WHCO, Inc., WHCO 2017 LLC, WHCO CB Harlem LLC, Shamas Contracting Co. Inc., CB-Emmanuel Realty, LLC, Richard Christopher Bramwell, Jr., Benathan Upshaw, and GKC Industries Inc.
- Purpose – preservation
- Cost to the City – \$7.3 million
- Housing Code Violations
 - Class A – 239
 - Class B – 697

- Class C – 277
- AMI targets – 4 units at 30% AMI, 42 units at 50% AMI, 9 units at 60% AMI, and 40 units at 100% AMI

Item 15: 157 West 119th Street, Retroactive

- Borough – Manhattan
- Block 1904, Lot 6
- Council Member approval – Yes
- Number of buildings – 1
- Type of exemption – Article XI, full, 11-year (retroactive)
- Cost to the City – \$770,000

Item 16: 1520 Sedgwick Avenue

1520 Sedgwick Avenue is an 18-story building comprised of 102 units located in the Morris Heights neighborhood of the Bronx. There are 35 one-bedrooms, 33 two-bedrooms, and 34 three-bedrooms (inclusive of the one superintendent unit).

The project currently receives a partial, Article XI property tax exemption that will expire in 2052. HPD is requesting that the Council replace the existing exemption with a full, 40-year property tax exemption that will improve the HDFC's finances until 2059 and extend affordability until 2067. The affordability restrictions in the existing regulatory agreement between HPD and the HDFC will be extended, with 28 units available only to households earning up to 80% of AMI and 73 units available only to household earning up to 120% of AMI.

Summary:

- Borough – Bronx
- Block 2880, Lot 17
- Council District – 16
- Council Member – Gibson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 102
- Type of exemption – Article XI, full, 40-year
- Population – affordable rental housing
- Sponsor – 1520 Sedgwick HDFC, Workforce Housing Associates
- Purpose – preservation
- Cost to the City – \$7.3 million
- Housing Code Violations
 - Class A – 12
 - Class B – 60
 - Class C – 4
- AMI targets – 28 units at 80% AMI, 73 units at 120% AMI

Item 17: 293 & 301 Hooper Street

293 and 301 Hooper Street has 71 residential units and one commercial space across two buildings in Williamsburg, Brooklyn. Four of the units are one-bedrooms, 53 units are two bedrooms (inclusive of a superintendent unit), and 15 units are three-bedrooms. It was an inclusionary housing preservation project that closed in 2008, but following a 7A action the property was transferred from United Jewish Organization to NY Quality Housing LLC.

HPD is requesting that the Council approve a partial, 40-year property tax exemption. The LLC will transfer the exemption area to HP Hooper Street HDFC, and the LLC and HDFC will enter into an amended inclusionary housing regulatory agreement with HPD to continue certain permanent affordability controls under the inclusionary housing program. Units will remain available for households earning between 30% and 80% of AMI.

Summary:

- Borough – Brooklyn
- Block 2463, Lots 21 and 24
- Council District – 34
- Council Member – Reynoso
- Council Member approval – Yes
- Number of buildings – 2
- Number of units – 71
- Type of exemption – Article XI, partial, 40-year
- Population – affordable rental housing
- Sponsor – RiseBoro Community Partnership, NY Quality Housing LLC, HP Hooper Street HDFC
- Purpose – preservation
- Cost to the City – \$3.9 million
- Housing Code Violations
 - Class A – 1
 - Class B – 4
 - Class C – 1
- AMI targets – 70 units between 30% and 80% of AMI

Item 18: 311 Tenth Ave

311 Tenth Avenue is located in West Chelsea in Manhattan. In 2013 developer Related Company, operating through 311 10th Avenue Residential, LLC, purchased the site and in 2016 commenced demolition of the existing vacant buildings.

Under the proposed project, Related would build a four-story, mixed use building with commercial space on the ground floor and multi-family residential units on floors two through four. The commercial space would form its own condominium unit and be sold to another entity. The residential portion of the proposed development would include five units: four affordable one-bedrooms and one two-bedroom. The two-bedroom unit would also form its own condominium unit and be sold to another entity.

HPD is requesting that the Council approve a full, 40-year Article XI property tax exemption. The LLC will transfer the five residential units to 311 10th Avenue HDFC and the LLC and the HDFC would enter into a regulatory agreement with HPD under which the four one-bedrooms will be available for households earning up to 165% AMI.

Summary:

- Borough – Manhattan
- Block 699, Lot 37
- Council District – 3
- Council Member – Speaker Johnson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 5
- Type of exemption – Article XI, full, 40-year
- Population – affordable rental housing
- Sponsor – The Related Companies, 311 10th Avenue Residential, LLC, 311 10th Avenue HDFC
- Purpose – new construction
- Cost to the City – \$950,000
- Housing Code Violations – N/A
- AMI targets – 4 units at 165% AMI, 1 unit at market-rate

Item 19: Capitol Apartments

Capitol Apartments is comprised of one building with 278-unit residential units, inclusive of one superintendent unit. Currently, 249 units are under a HAP contract, which provides Section 8 tenant-based assistance for low income seniors. Of the remaining units in building, 25 units are made available at market-rate and three units are rent-stabilized. The existing HAP contract is due to expire in 2032, and the owner intends to extend for the duration of the new regulatory period.

HPD is requesting that the Council approve a partial, 30-year, Article XI property tax exemption. Capitol Apartments HDFC will acquire the properties, and Fifty First-Capitol Associates, L.P. will be the beneficial owner and will operate the properties. The HDFC and the partnership would enter into a regulatory agreement with HPD that would require that all HAP units be made available only to households earning up to 50% of AMI.

Summary:

- Borough – Manhattan
- Block 1022, Lot 61
- Council District – 3
- Council Member – Speaker Johnson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 278
- Type of exemption – Article XI, partial, 30-year
- Population – affordable rental housing
- Sponsor – Fifty First-Capitol Associates, L.P.; Capitol Apartments HDFC
- Purpose – preservation
- Cost to the City – \$15.4 million
- Housing Code Violations – N/A
- AMI targets – 50% AMI (HAP units)

Item 20: Highbridge House

Highbridge House is a 400-unit residential building located at 1131 Ogden Avenue in the Highbridge neighborhood of the Bronx. There are 26 studios, 125 one-bedrooms, 224 two-bedrooms, and 25 three-bedrooms (inclusive of one superintendent unit).

The building was built in 1967 as an Article II limited-profit housing company rental and was a City supervised Mitchell-Lama until it exited the program in 2006, at which time it became subject to rent stabilization. While the majority of its units remain rent-stabilized, 45 units have been decontrolled.

HPD is requesting that the Council approve a partial, 40-year, Article XI property tax exemption. The current owner, Highbridge House Ogden LLC, would sell the property to Camber Property Group, Camber would transfer the exemption area to Highbridge House HDFC, and then HPD, Camber, and the HDFC would enter into a regulatory agreement reasserting rent regulations on all units. Additionally, the regulatory agreement would provide for maximum rents by which 120 units would be available only to households earning up to 65% of AMI, 60 units would be available only to households earning up to 75% of AMI, 24 units would be available only to households earning up to 90% of AMI, 80 units would be available only to households earning up to 105% of AMI, and 105 units would be available only to households earning up to 130% of AMI.

Summary:

- Borough – Bronx
- Block 2526, Lot 90E
- Council District – 16
- Council Member – Gibson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 399
- Type of exemption – Article XI, partial, 40-year
- Population – affordable rental housing
- Sponsor – Highbridge House Ogden LLC, Camber Property Group, Highbridge House HDFC
- Purpose – preservation
- Cost to the City – \$19.9 million
- Housing Code Violations
 - Class A – 19
 - Class B – 37
 - Class C – 13
- AMI targets: 120 units at 65% AMI, 60 units at 75% AMI, 34 units at 90% AMI, 80 units at 105% AMI, and 105 units at 130% AMI

(For text of the coupled resolution for L.U. No. 439, please see below; for text of the remaining coupled resolutions, please see, respectively, the Report of the Committee on Finance for L.U. Nos. 440 through 458 printed in these Minutes)

Accordingly, this Committee recommends the adoption of LU Nos. 439 through 458.

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

Res. No. 926

Resolution approving an exemption from real property taxes for property located at (Block 4595, Lots 4, 114, and 115; Block 4611, Lots 60, 156, 157, 158, 159, and 160; Block 4671, Lots 73 and 75; Block 4672, Lot 40; Block 4708, Lots 5, 8, 181, and 182; Block 4796, Lots 137, 138, 139, and 140; Block 4879, Lots 71 and 171; Block 4883, Lots 124, 125, 126, and 227; Block 4901, Lots 17, 18, and 20; Block 4903, Lots 20, 21, and 22; Block 5263, Lots 176, 177, 178, 179, 182, 183, 184, and 185) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 439).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 4595, Lots 4, 114, and 115; Block 4611, Lots 60, 156, 157, 158, 159, and 160; Block 4671, Lots 73 and 75; Block 4672, Lot 40; Block 4708, Lots 5, 8, 181, and 182; Block 4796, Lots 137, 138, 139, and 140; Block 4879, Lots 71 and 171; Block 4883, Lots 124, 125, 126, and 227; Block 4901, Lots 17, 18, and 20; Block 4903, Lots 20, 21, and 22; Block 5263, Lots 176, 177, 178, 179, 182, 183, 184, and 185) 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 Amanda’s Cove, LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDPC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, on the Blocks and Lots on the Tax Map of the City of New York that are identified in Schedule A attached hereto.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.

- f. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - g. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to two percent (2.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - h. “HDFC” shall mean HP Amanda’s Cove Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - i. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - j. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - k. “Owner” shall mean, collectively, the HDFC and the Company.
 - l. “Prior Exemption” shall mean the existing tax exemption for a portion of the Exemption Area pursuant to Section 421-a (1-15) of the Real Property Tax Law.
 - m. “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 New Exemption, and providing, *inter alia*, for the termination of the Prior Exemption.
2. The total value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified

in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
- c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

**Stagg 1-Amanda’s Cove
Schedule A
Borough of the Bronx**

| Block | Lot(s) |
|--------------|--|
| 4595 | 4, 114, and 115 |
| 4611 | 60, 156, 157, 158, 159, and 160 |
| 4671 | 73 and 75 |
| 4672 | 40 |
| 4708 | 5, 8, 181, and 182 |
| 4796 | 137, 138, 139, and 140 |
| 4879 | 71 and 171 |
| 4883 | 124, 125, 126, and 227 |
| 4901 | 17, 18, and 20 |
| 4903 | 20, 21, and 22 |
| 5263 | 176, 177, 178, 179, 182, 183, 184, and 185 |

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 440

Report of the Committee on Finance in favor of a Resolution approving Stagg 2 - Justin’s Corner, Block 4447, Lot 36; Block 4450, Lots 14, 112, and 113; Block 4544, Lots 140, 142, and 144; Block 4596, Lot 51; Block 4669, Lots 71 and 72; Block 4685, Lots 161 and 162; Block 4716, Lot 118; Block 4723, Lots

140, 141, 142, 143, and 144; Block 4762, Lots 160 and 161; Block 4870, Lots 40 and 41; Block 4958, Lot 12; Block 4982, Lots 89, 90, 91, and 92; Block 5099, Lots 19 and 108; Block 5107, Lot 58; Bronx, Community District Nos. 11 and 12, Council District Nos. 11, 12, 13, and 15.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 927

Resolution approving an exemption from real property taxes for property located at (Block 4447, Lot 36; Block 4450, Lots 14, 112, and 113; Block 4544, Lots 140, 142, and 144; Block 4596, Lot 51; Block 4669, Lots 71 and 72; Block 4685, Lots 161 and 162; Block 4716, Lot 118; Block 4723, Lots 140, 141, 142, 143, and 144; Block 4762, Lots 160 and 161; Block 4870, Lots 40 and 41; Block 4958, Lot 12; Block 4982, Lots 89, 90, 91, and 92; Block 5099, Lots 19 and 108; Block 5107, Lot 58) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 440).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 4447, Lot 36; Block 4450, Lots 14, 112, and 113; Block 4544, Lots 140, 142, and 144; Block 4596, Lot 51; Block 4669, Lots 71 and 72; Block 4685, Lots 161 and 162; Block 4716, Lot 118; Block 4723, Lots 140, 141, 142, 143, and 144; Block 4762, Lots 160 and 161; Block 4870, Lots 40 and 41; Block 4958, Lot 12; Block 4982, Lots 89, 90, 91, and 92; Block 5099, Lots 19 and 108; Block 5107, Lot 58) 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 Justin's Corner, LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, on the Blocks and Lots on the Tax Map of the City of New York that are identified in Schedule A attached hereto.
 - d. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. "Gross Rent" shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - f. "Gross Rent Deadline" shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - g. "Gross Rent Tax" shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - h. "HDFC" shall mean HP Justin's Corner Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - i. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - j. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - k. "Owner" shall mean, collectively, the HDFC and the Company.
 - l. "Prior Exemption" shall mean the existing tax exemption for a portion of the Exemption Area pursuant to Section 421-a(1-15) of the Real Property Tax Law.
 - m. "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 New Exemption, and providing, *inter alia*, for the termination of the Prior Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

**Stagg 2-Justin's Corner
Schedule A
Borough of the Bronx**

| Block | Lot(s) |
|--------------|-----------------------------|
| 4447 | 36 |
| 4450 | 14, 112, and 113 |
| 4544 | 140, 142, and 144 |
| 4596 | 51 |
| 4669 | 71 and 72 |
| 4685 | 161 and 162 |
| 4716 | 118 |
| 4723 | 140, 141, 142, 143, and 144 |
| 4762 | 160 and 161 |
| 4870 | 40 and 41 |
| 4958 | 12 |

| | |
|------|--------------------|
| 4982 | 89, 90, 91, and 92 |
| 5099 | 19 and 108 |
| 5107 | 58 |

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 441

Report of the Committee on Finance in favor of a Resolution approving Stagg 3 – Mickey’s Corner, Block 4667, Lots 65 and 66; Block 4699, Lot 1; Block 4755, Lots 65 and 66; Block 4840, Lots 69 and 70; Block 4852, Lot 62; Block 4865, Lots 169 and 174; Block 5028, Lot 15; Block 5107, Lot 54; Bronx, Community District No. 12, Council District Nos. 11 and 12.

The Committee on Finance, to which the annexed Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 928

Resolution approving an exemption from real property taxes for property located at (Block 4667, Lots 65 and 66; Block 4699, Lot 1; Block 4755, Lots 65 and 66; Block 4840, Lots 69 and 70; Block 4852, Lot 62; Block 4865, Lots 169 and 174; Block 5028, Lot 15; Block 5107, Lot 54) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 441).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 4667, Lots 65 and 66; Block 4699, Lot 1; Block 4755, Lots 65 and 66; Block 4840, Lots 69 and 70; Block 4852, Lot 62; Block 4865, Lots 169 and 174; Block 5028, Lot 15; Block 5107, Lot 54) 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 Mickey’s Corner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 4667, Lots 65 and 66, Block 4699, Lot 1, Block 4755, Lots 65 and 66, Block 4840, Lots 69 and 70, Block 4852, Lot 62, Block 4865, Lots 169 and 174, Block 5028, Lot 15, and Block 5107, Lot 54 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - f. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - g. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to three and one-half percent (3.5%) of the Gross Rent in the tax year in which such real property tax payment is made for five (5) tax years commencing upon the Effective Date, and for each tax year thereafter until the Expiration Date, an amount equal to six percent (6%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - h. “HDFC” shall mean HP Mickey’s Corner Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

- i. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - j. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - k. "Owner" shall mean, collectively, the HDFC and the Company.
 - l. "Prior Exemption" shall mean the existing tax exemption for a portion of the Exemption Area pursuant to Section 421-a(1-15) of the Real Property Tax Law.
 - m. "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 New Exemption, and providing, *inter alia*, for the termination of the Prior Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall

prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 442

Report of the Committee on Finance in favor of a Resolution approving Stagg 4 – Tyler’s Bronx, Block 4434, Lots 10 and 11; Block 4667, Lot 74 and 75; Block 4668, Lots 42 and 44; Block 4834, Lots 44 and 46; Block 4860, Lots 26, 27, 167, 168, 169, and 170; Bronx, Community District No. 11 and 12, Council District Nos. 12 and 15.

The Committee on Finance, to which the annexed Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 929

Resolution approving an exemption from real property taxes for property located at (Block 4434, Lots 10 and 11, Block 4667, Lots 74 and 75, Block 4668, Lots 42 and 44, Block 4834, Lots 44 and 46, and Block 4860, Lots 26, 27, 167, 168, 169, and 170) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 442).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 4434, Lots 10 and 11, Block 4667, Lots 74 and 75, Block 4668, Lots 42 and 44, Block 4834, Lots 44 and 46, and Block 4860, Lots 26, 27, 167, 168, 169, and 170) 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 Tyler’s Bronx, LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 4434, Lots 10 and 11, Block 4667, Lots 74 and 75, Block 4668, Lots 42 and 44, Block 4834, Lots 44 and 46, and Block 4860, Lots 26, 27, 167, 168, 169, and 170 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - f. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - g. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to three percent (3%) of the Gross Rent in the tax year in which such real property tax payment is made for eight (8) tax years commencing upon the Effective Date, and for each tax year thereafter until the Expiration Date, an amount equal to eight and one-half percent (8.5%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - h. “HDFC” shall mean HP Tyler’s Bronx Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

- i. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - j. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - k. "Owner" shall mean, collectively, the HDFC and the Company.
 - l. "Prior Exemption" shall mean the existing tax exemption for a portion of the Exemption Area pursuant to Section 421-a(1-15) of the Real Property Tax Law.
 - m. "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 New Exemption, and providing, *inter alia*, for the termination of the Prior Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall

prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 443

Report of the Committee on Finance in favor of a Resolution approving Taino Towers – Building 1, Block 1787, Lot 60; Manhattan, Community District No. 8, Council District No. 11.

The Committee on Finance, to which the annexed Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 930

Resolution approving an exemption from real property taxes for property located at (Block 1787, Lot 60) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 443).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 1787, Lot 60) Manhattan, (“Exemption Area”):

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

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

WHEREAS, the Council 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. “Business Space” shall mean any business or commercial spaces that exist on the Exemption Area on or before the Regulatory Agreement Execution Date.
 - b. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - c. “Effective Date” shall mean October 19, 2012.
 - d. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - e. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1787, Lot 60 on the Tax Map of the City of New York.
 - f. “Expiration Date” shall mean the earlier to occur of (i) June 30, 2022, (ii) the date of repayment or refinancing of the HUD Mortgage, (iii) the date of the expiration or termination of the Regulatory Agreement, or (iv) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - g. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - h. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - i. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to ten percent (10%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - j. “HDFC” shall mean East Harlem Pilot Block-Building 1 Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - k. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - l. “HUD” shall mean the Department of Housing and Urban Development of the United States of America.

- m. “HUD Mortgage” shall mean the original loan made by HUD to the Owner, which loan was secured by a mortgage on the Exemption Area.
 - n. “Owner” shall mean the HDFC.
 - o. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area on or after the Regulatory Agreement Execution Date.
 - p. “Regulatory Agreement Execution Date” shall mean the date that the Regulatory Agreement is executed.
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 other than the Community Facility Space, and, from the Effective Date until the Regulatory Agreement Execution Date, the Business Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, the Owner shall make real property tax payments in the sum of \$250 for each year until June 30, 2020, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 444

Report of the Committee on Finance in favor of a Resolution approving Taino Towers – Building 1 (Retroactive), Block 1787, Lot 60; Manhattan, Community District No. 8, Council District No. 11.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 931

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at (Block 1787, Lot 60), Manhattan (Preconsidered L.U. No. 444).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council amend a previously approved tax exemption for real property located at (Block 1787, Lot 60), Manhattan (“Exemption Area”) pursuant to Section 577 of the Private Housing Finance Law;

WHEREAS, the HPD's request for amendments is related to a previously approved Board of Estimate Resolution adopted on November 11, 1971 (Cal. No. 7-A) (the "Prior Resolution"), attached hereto as Exhibit A, granting the Exemption Area a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

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

RESOLVED:

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

The introductory paragraph of section 7 of the Prior Resolution is deleted and replaced with the following:

7. That the Board of Estimate hereby approves the exemption from local and municipal taxes, other than assessments for local improvements, of all of the value of the property, including both the land and any improvements, for the period commencing with the closing of the mortgage and delivery of the deed, and terminating forty (40) years from the date upon which the benefits of the aforementioned tax exemption first become available and effective; provided:

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

ATTACHMENT: Exhibit A

Funds and a tax exemption per dwelling unit, subsidy of \$4,500, equally for a minimum period of forty years.

The project is to be financed by a mortgage financed under the provisions of Chapter 230 of the National Housing Act. Normally the financing rate of a mortgage insured under this Section is subsidized down to 1 per cent in the present situation. It is estimated that the East Harlem Pilot Block project will require a total of \$1,000,000. The Federal Government has made a loan subsidy of \$600,000 to 2 per cent. The maximum capital cost for the East Harlem Pilot Block is \$4,072,000, the maximum capital cost for purchase of a revolving loan, \$3,500,000, and the approximate annual tax forgiveness \$1,750,000. The total development subsidy is \$2,750,000. Additional costs can be anticipated by the City and the City of New York.

The required capital subsidy and City funds included in Capital Project 25-58 will be used to fund the balance of \$3,300,000 and the bond subsidy of \$600,000 for the first three approved years of financing. It should be noted that the purchase of a revolving loan will exceed the amount of the revolving loan. This price of the revolving loan in this project can be as high as \$5,000 per dwelling unit. It will also be the first time that a project will receive a revolving loan which will exceed the amount of the revolving loan. This price of the revolving loan in this project can be as high as \$5,000 per dwelling unit. It will also be the first time that a project will receive a revolving loan which will exceed the amount of the revolving loan.

A large amount of Section 229 subsidy funds are required to make this project feasible. Comparison of the present requirements of the Housing and Community Development Administration with the current allocation of \$9,000,000 made for the East Harlem Pilot Block project, it is estimated that the balance of the subsidy funds will be available for the purchase of a revolving loan. The balance of the subsidy funds will be available for the purchase of a revolving loan. The balance of the subsidy funds will be available for the purchase of a revolving loan.

The submission submitted by the Housing and Development Administration anticipates funding the City's purchase of a revolving loan for the East Harlem Pilot Block project. However, funds for this purpose are not available. The City's purchase of a revolving loan for the East Harlem Pilot Block project is not feasible. The City's purchase of a revolving loan for the East Harlem Pilot Block project is not feasible. The City's purchase of a revolving loan for the East Harlem Pilot Block project is not feasible.

Extension of the tax exemption for the above mentioned portion of the project should remain in effect only for the period of the project. The tax exemption should be modified to provide a minimum of 40 years. The tax exemption should be modified to provide a minimum of 40 years. The tax exemption should be modified to provide a minimum of 40 years.

Note—This resolution was adopted subject to a favorable report of the Corporation Council.

(See Cal. Nos. 8, 9 and 10.)

Cal. No. 8
Palis-Harlem 1st Phase of Approval of Land Disposition Agreement with East Harlem Housing Corporation
The Board of Estimate and City Council, on October 28, 1971, adopted a resolution authorizing the Secretary to execute a communication transmitting a revisionary interest agreement, a disposition agreement and two proposed resolutions.

The Secretary also presented the following report of the Director of the Division of Housing and Community Development:

To the Board of Estimate:
On October 28, 1971 (Calendar No. 115), the Board of Estimate referred to the Director of the Division of Housing and Community Development for the Palis-Harlem 1st Phase of Approval of Land Disposition Agreement with East Harlem Housing Corporation, Inc. (see Cal. No. 115).

The project is to be financed by a mortgage financed under the provisions of Chapter 230 of the National Housing Act. Normally the financing rate of a mortgage insured under this Section is subsidized down to 1 per cent in the present situation. It is estimated that the East Harlem Pilot Block project will require a total of \$1,000,000. The Federal Government has made a loan subsidy of \$600,000 to 2 per cent. The maximum capital cost for the East Harlem Pilot Block is \$4,072,000, the maximum capital cost for purchase of a revolving loan, \$3,500,000, and the approximate annual tax forgiveness \$1,750,000. The total development subsidy is \$2,750,000. Additional costs can be anticipated by the City and the City of New York.

Extension of the tax exemption for the above mentioned portion of the project should remain in effect only for the period of the project. The tax exemption should be modified to provide a minimum of 40 years. The tax exemption should be modified to provide a minimum of 40 years. The tax exemption should be modified to provide a minimum of 40 years.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 445

Report of the Committee on Finance in favor of a Resolution approving Taino Towers – Building 2 (Retroactive), Block 1787, Lot 1; Manhattan, Community District No. 8, Council District No. 11.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 932

Resolution approving an exemption from real property taxes for property located at (Block 1787, Lot 1) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 445).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 1787, Lot 1) Manhattan, (“Exemption Area”):

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

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

WHEREAS, the Council 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. “Business Space” shall mean any business or commercial spaces that exist on the Exemption Area on or before the Regulatory Agreement Execution Date.
 - b. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - c. “Effective Date” shall mean November 2, 2012.
 - d. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - e. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1787, Lot 1 on the Tax Map of the City of New York.
 - f. “Expiration Date” shall mean the earlier to occur of (i) June 30, 2022, (ii) the date of repayment or refinancing of the HUD Mortgage, (iii) the date of the expiration or termination of the Regulatory Agreement, or (iv) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - g. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - h. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - i. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to ten percent (10%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - j. “HDFC” shall mean East Harlem Pilot Block-Building 2 Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - k. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - l. “HUD” shall mean the Department of Housing and Urban Development of the United States of America.
 - m. “HUD Mortgage” shall mean the original loan made by HUD to the Owner, which loan was secured by a mortgage on the Exemption Area.
 - n. “Owner” shall mean the HDFC.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 446

Report of the Committee on Finance in favor of a Resolution approving Taino Towers – Building 2 (Retroactive), Block 1787, Lot 1; Manhattan, Community District No. 8, Council District No. 11.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 933

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at (Block 1787, Lot 1), Manhattan (Preconsidered L.U. No. 446).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council amend a previously approved tax exemption for real property located at (Block 1787, Lot 1), Manhattan (“Exemption Area”) pursuant to Section 577 of the Private Housing Finance Law;

WHEREAS, the HPD’s request for amendments is related to a previously approved Board of Estimate Resolution adopted on November 11, 1971 (Cal. No. 8-A) (the “Prior Resolution”), attached hereto as Exhibit A, granting the Exemption Area a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

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

RESOLVED:

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

The introductory paragraph of section 7 of the Prior Resolution is deleted and replaced with the following:

7. That the Board of Estimate hereby approves the exemption from local and municipal taxes, other than assessments for local improvements, of all of the value of the property, including both the land and any improvements, for the period commencing with the closing of the mortgage and delivery of the deed, and terminating forty (40) years from the date upon which the benefits of the aforementioned tax exemption first become available and effective; provided:

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

ATTACHMENT: Exhibit A

Tax exemption has been requested to the extent of all of the value of the completed project, including both land and improvements, which exemption will be approximately \$94,800 annually or a total of \$19,972,000 over the maximum period of placement which is forty years. The subsidy per dwelling unit for the first ten years of the project will be \$176,000 and for the next ten years it should be noted that the property to be developed under the present proposal includes not only the residential portion of the development but also the commercial facilities and the community facilities.

For the portion of the Pilot Block that is to be financed by the Housing Corporation, the City will provide per dwelling unit a subsidy of \$58,000 or \$5,800,000 annually for a maximum period of forty years.

The continuation of the project is to be financed by a mortgage floated under the provisions of Section 23 of the National Housing Act, to be secured by a first mortgage on the property. The Federal Government has made a flat subsidy of \$7,400 per dwelling unit which is estimated to be sufficient to subsidize the interest rate down to 2 per cent.

In the total Pilot Block, the total subsidy is \$58,000,000, the maximum annual tax liability for \$1,214,500. The total development subsidy per dwelling unit will therefore be \$12,075 and the annual tax subsidy per dwelling unit, \$2,675. Additional cost can be anticipated by the City in leasing and operating of the way over center.

Federal Government Moral Charge Supplemental to the National Housing Act, Section 23, will be granted a 70 per cent tax exemption with that exemption extending to all aspects of the project including commercial facilities.

It should be noted that approval of these requests will mark the first time approval has been granted of a project where the purchase of a reversionary interest will be \$2,300 per dwelling unit. The City will also be the first time that a project which comprises residential housing more than 50 per cent of its income from non-residential sources will be granted a 70 per cent tax exemption with that exemption extending to all aspects of the project including commercial facilities.

It should be noted that approval of these requests will mark the first time approval has been granted of a project where the purchase of a reversionary interest will be \$2,300 per dwelling unit. The City will also be the first time that a project which comprises residential housing more than 50 per cent of its income from non-residential sources will be granted a 70 per cent tax exemption with that exemption extending to all aspects of the project including commercial facilities.

feasible, the purchase of the present requirements of the Housing and Development Administration, Urban Development Corporation and the State Division of Housing and Community Renewal which total \$1,500,000 with the current allocation of \$500,000 to the City and 50 per cent of the balance to the State. Nothing in this submission indicates that any adequate plan for additional funding has been investigated should the Section 238 funds not be available or if the estimated costs should fall short of actual costs. It appears clear from the feasibility letter of the Department of Housing and Urban Development that the Federal Government authorized by the Housing and Development Administration anticipates funding the City's purchase of a reversionary interest from Capital Project 11-D-9. However, funds for this purchase have been provided in Capital Project 11-D-9. Use of these funds to effect the purchase of the Pilot Block project by the Bureau of the Budget and agreement with the Housing and Development Administration has resulted in the determination that the project would remain feasible if it were to pay more in an amount that exceeded 5 per cent of the annual value of the value of the completed project. Both land and improvements which exceed the value required to yield a net profit of 5 per cent of the original shelter cost would increase the average monthly per room residential rent by approximately \$30 for each 1 per cent of extra land.

Extension of the tax exemption to the commercial portions of the project should result in the tax exemption during which these portions are used for the purposes mentioned in the project plan. The disposition agreement should be modified to provide that each subsequent lease of the property shall be subject to approval of the Housing and Development Administration and that agency is charged with determining the propriety of continued tax exemption upon recommendation of the Director of the Budget and the Housing and Development Administration that the request for the disposition and authority to purchase a reversionary interest be approved as submitted and that the Board of Estimate grant tax exemption to the extent of all of the value of the land in excess of 5 per cent of the original shelter cost with the understanding that continuation of tax exemption for non-residential facilities will be subject to review by the Housing and Development Administration upon change in usage of the premises.

EDWARD R. HANDELTON, Director of the Budget.

2. That the City is authorizing to purchase an interest in the project of East Harlem Pilot Block Building 2 Housing Development Fund Company, Inc. pursuant to Section 23 of the Private Housing Finance Law, in accordance with the terms set forth in the loan agreement, and

3. That the City is authorizing to be bound by the terms of the loan agreement to make payment for said interest in the project of East Harlem Pilot Block Building 2 Housing Development Fund Company, Inc. in accordance with the terms set forth in the loan agreement.

Which was adopted by the following vote:

Mayor, the Acting Controller, the President of the Council, the Acting President of the Borough of Manhattan, the President of the Borough of Brooklyn, the Acting President of the Borough of The Bronx, the President of the Borough of Queens and the Acting President of the Borough of Richmond—22.

Consent—This resolution was adopted subject to a favorable report of the Corporation Council.

(See Cal. No. 7.)

Cal. No. 9

Public Housing, in Matter of Approval of Loan Disposition Agreement with East Harlem Pilot Block Building 2 Housing Development Fund Company, Inc. and the purchase of an interest in the project of East Harlem Pilot Block Building 2 Housing Development Fund Company, Inc. by the City of New York.

(Second Call)

(Note—Calendar Nos. 7 and 10, inclusive, were considered together.)

The Secretary presented an affidavit of publication showing that the matter has been duly advertised in accordance with a resolution adopted October 28, 1971 (Cal. No. 110).

The Secretary also presented a communication dated October 22, 1971, from the Housing and Development Administration, transmitting a reversionary interest agreement, a loan agreement and a deed.

The Secretary also presented the following report of the Director of the Budget:

November 6, 1971.

To the Board of Estimate:

Gentlemen—On October 28, 1971, (Calendar No. 110), the Board of Estimate referred to the Director of the Budget the matters of disposition of the East Harlem Pilot Block Building 2 Housing Development Fund Company, Inc. and the purchase of an interest in the project of East Harlem Pilot Block Building 2 Housing Development Fund Company, Inc. in accordance with the terms set forth in the loan agreement, and improvements included in the completed project, and purchase of a reversionary interest in the completed project.

The East Harlem Pilot Block is within the Harlem-East Harlem Urban Renewal Area and is located on the east side of East 125th Street and East 126th Street, between East 125th Street and East 126th Street, in the Borough of Manhattan. A portion of this block, an irregular shaped parcel having an 88-foot frontage on Second Avenue and 309-foot frontage on 125th Street, is to be sold for the development of building 2 and related community and commercial facilities and a completed structure.

In that section of the loan project to be developed by the Building 2 Housing Development Fund Company there will be one 28-story building containing 643 and one-half room four-bedroom apartments and 28 eight and one-half room six-bedroom apartments. Rental charges per unit will be \$23,800 and \$24,813 for the 4 and 6-bedroom units, respectively.

It is estimated that the mortgage commitment of this project will be \$12,274,000. The maximum mortgage commitment by the Federal Government allocated to a reversionary interest in the project, the result of additional equity now estimated at \$2,955,197. To provide for this contingency, the submission requests approval of authority to purchase the reversionary interest in an amount not to exceed \$3,000,000. At the time of the hearing on this matter, the City's subsidy will be at the rate of \$40,610 and \$32,600 per dwelling unit, respectively.

Disposition of the land is proposed at \$500 per dwelling unit or \$46,000. The City Planning Commission has reported that the land subsidy is \$2,072,000 for the entire pilot block or \$3,160 per dwelling unit. The City had subsidy for the Building 2 portion of the project will therefore be \$250,720.

EDWARD R. HANDELTON, Director of the Budget.

DANIEL DROMM, Chairperson; JAMES G. VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S.

GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 447

Report of the Committee on Finance in favor of a Resolution approving Taino Towers – Building 3, Block 1787, Lot 80; Manhattan, Community District No. 8, Council District No. 11.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 934

Resolution approving an exemption from real property taxes for property located at (Block 1787, Lot 80) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 447).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 1787, Lot 80) Manhattan, (“Exemption Area”):

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

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

WHEREAS, the Council 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. “Business Space” shall mean any business or commercial spaces that exist on the Exemption Area on or before the Regulatory Agreement Execution Date.
 - b. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - c. “Effective Date” shall mean November 2, 2012.
 - d. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - e. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1787, Lot 80 on the Tax Map of the City of New York.
 - f. “Expiration Date” shall mean the earlier to occur of (i) June 30, 2022, (ii) the date of repayment or refinancing of the HUD Mortgage, (iii) the date of the expiration or termination of the Regulatory Agreement, or (iv) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - g. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - h. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - i. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to ten percent (10%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - j. “HDFC” shall mean East Harlem Pilot Block-Building 3 Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - k. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - l. “HUD” shall mean the Department of Housing and Urban Development of the United States of America.
 - m. “HUD Mortgage” shall mean the original loan made by HUD to the Owner, which loan was secured by a mortgage on the Exemption Area.
 - n. “Owner” shall mean the HDFC.

DANIEL DROMM, *Chairperson*; JAMES G. VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 448

Report of the Committee on Finance in favor of a Resolution approving Taino Towers – Building 3 (Retroactive), Block 1787, Lot 80; Manhattan, Community District No. 8, Council District No. 11.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 935

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at (Block 1787, Lot 80), Manhattan (Preconsidered L.U. No. 448).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council amend a previously approved tax exemption for real property located at (Block 1787, Lot 80), Manhattan (“Exemption Area”) pursuant to Section 577 of the Private Housing Finance Law;

WHEREAS, the HPD’s request for amendments is related to a previously approved Board of Estimate Resolution adopted on November 11, 1971 (Cal. No. 9-A) (the “Prior Resolution”), attached hereto as Exhibit A, granting the Exemption Area a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

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

RESOLVED:

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

The introductory paragraph of section 7 of the Prior Resolution is deleted and replaced with the following:

7. That the Board of Estimate hereby approves the exemption from local and municipal taxes, other than assessments for local improvements, of all of the value of the property, including both the land and any improvements, for the period commencing with the closing of the mortgage and delivery of the deed, and terminating forty (40) years from the date upon which the benefits of the aforementioned tax exemption first become available and effective; provided:

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

ATTACHMENT: Exhibit A

DANIEL DROMM, *Chairperson*; JAMES G. VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 449

Report of the Committee on Finance in favor of a Resolution approving Taino Towers – Building 4, Block 1787, Lot 70 Manhattan, Community District No. 8, Council District No. 11.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 936

Resolution approving an exemption from real property taxes for property located at (Block 1787, Lot 70) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 449).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 1787, Lot 70) Manhattan, (“Exemption Area”):

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

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

WHEREAS, the Council 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. “Business Space” shall mean any business or commercial spaces that exist on the Exemption Area on or before the Regulatory Agreement Execution Date.
 - b. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - c. “Effective Date” shall mean November 2, 2012.
 - d. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - e. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1787, Lot 70 on the Tax Map of the City of New York.
 - f. “Expiration Date” shall mean the earlier to occur of (i) June 30, 2022, (ii) the date of repayment or refinancing of the HUD Mortgage, (iii) the date of the expiration or termination of the Regulatory Agreement, or (iv) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - g. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - h. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - i. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to ten percent (10%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - j. “HDFC” shall mean East Harlem Pilot Block-Building 4 Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - k. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - l. “HUD” shall mean the Department of Housing and Urban Development of the United States of America.

- m. “HUD Mortgage” shall mean the original loan made by HUD to the Owner, which loan was secured by a mortgage on the Exemption Area.
 - n. “Owner” shall mean the HDFC.
 - o. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area on or after the Regulatory Agreement Execution Date.
 - p. “Regulatory Agreement Execution Date” shall mean the date that the Regulatory Agreement is executed.
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 other than the Community Facility Space, and, from the Effective Date until the Regulatory Agreement Execution Date, the Business Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Commencing upon the Effective Date, the Owner shall make real property tax payments in the sum of \$250 for each year until June 30, 2020, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 5. In consideration of the Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the Exemption shall remain in effect, waive the

benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES G. VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 450

Report of the Committee on Finance in favor of a Resolution approving Taino Towers – Building 4 (Retroactive), Block 1787, Lot 70; Manhattan, Community District No. 8, Council District No. 11.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 937

Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at (Block 1787, Lot 70), Manhattan (Preconsidered L.U. No. 450).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council amend a previously approved tax exemption for real property located at (Block 1787, Lot 70), Manhattan (“Exemption Area”) pursuant to Section 577 of the Private Housing Finance Law;

WHEREAS, the HPD's request for amendments is related to a previously approved Board of Estimate Resolution adopted on November 11, 1971 (Cal. No. 10-A) (the "Prior Resolution"), attached hereto as Exhibit A, granting the Exemption Area a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

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

RESOLVED:

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

The introductory paragraph of section 7 of the Prior Resolution is deleted and replaced with the following:

7. That the Board of Estimate hereby approves the exemption from local and municipal taxes, other than assessments for local improvements, of all of the value of the property, including both the land and any improvements, for the period commencing with the closing of the mortgage and delivery of the deed, and terminating forty (40) years from the date upon which the benefits of the aforementioned tax exemption first become available and effective; provided:

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

ATTACHMENT: Exhibit A

Exhibit A

November 11, 1971

4/2

to purchase the reverendary interest in an amount set in excess of \$4,000,000. As the lowest and highest amounts, the City's subsidy will be at the rate of \$3,000 and \$4,810 per dwelling unit, respectively.

The bid is proposed at \$907 per dwelling unit, which exemption will be approximately \$46,200 annually or a total of \$1,748,000 over the 10-year period. The amount which is exempted under the present proposal includes not only the residential portion of the development but also the portion of the Pilot Block that is to be community built. Building 4 project - Capital funds and a tax exemption per dwelling unit of approximately \$1,250 to \$1,970 in maximum period of ten years.

It should be noted that approval of these requests will mark the first time approval has been granted on a project where the purchase of a reverendary interest will exceed \$1,000,000 per dwelling unit. It will also be the first time that a project receiving more than 50 percent of its income from non-rental interests will be granted a 100 percent tax exemption with that exemption extending to all aspects of the project including commercial buildings.

Specialty funds are required to make this project feasible. Completion of the present requirements of the Housing and Development Administration, Urban Development Corporation and the State Division of Housing and Community Renewal, which total \$15,500,000 with the current allocation of \$9,000,000 made by the City and State, plus the special funds which are to be used for the purchase of the required capital subsidies and City funds included in Capital Project 125-54 will be used to fund the balance of \$2,650,000 and the total subsidy of \$2,672,000.

It should be noted that approval of these requests will mark the first time approval has been granted on a project where the purchase of a reverendary interest will exceed \$1,000,000 per dwelling unit. It will also be the first time that a project receiving more than 50 percent of its income from non-rental interests will be granted a 100 percent tax exemption with that exemption extending to all aspects of the project including commercial buildings.

Specialty funds are required to make this project feasible. Completion of the present requirements of the Housing and Development Administration, Urban Development Corporation and the State Division of Housing and Community Renewal, which total \$15,500,000 with the current allocation of \$9,000,000 made by the City and State, plus the special funds which are to be used for the purchase of the required capital subsidies and City funds included in Capital Project 125-54 will be used to fund the balance of \$2,650,000 and the total subsidy of \$2,672,000.

It should be noted that approval of these requests will mark the first time approval has been granted on a project where the purchase of a reverendary interest will exceed \$1,000,000 per dwelling unit. It will also be the first time that a project receiving more than 50 percent of its income from non-rental interests will be granted a 100 percent tax exemption with that exemption extending to all aspects of the project including commercial buildings.

Specialty funds are required to make this project feasible. Completion of the present requirements of the Housing and Development Administration, Urban Development Corporation and the State Division of Housing and Community Renewal, which total \$15,500,000 with the current allocation of \$9,000,000 made by the City and State, plus the special funds which are to be used for the purchase of the required capital subsidies and City funds included in Capital Project 125-54 will be used to fund the balance of \$2,650,000 and the total subsidy of \$2,672,000.

It should be noted that approval of these requests will mark the first time approval has been granted on a project where the purchase of a reverendary interest will exceed \$1,000,000 per dwelling unit. It will also be the first time that a project receiving more than 50 percent of its income from non-rental interests will be granted a 100 percent tax exemption with that exemption extending to all aspects of the project including commercial buildings.

Specialty funds are required to make this project feasible. Completion of the present requirements of the Housing and Development Administration, Urban Development Corporation and the State Division of Housing and Community Renewal, which total \$15,500,000 with the current allocation of \$9,000,000 made by the City and State, plus the special funds which are to be used for the purchase of the required capital subsidies and City funds included in Capital Project 125-54 will be used to fund the balance of \$2,650,000 and the total subsidy of \$2,672,000.

It should be noted that approval of these requests will mark the first time approval has been granted on a project where the purchase of a reverendary interest will exceed \$1,000,000 per dwelling unit. It will also be the first time that a project receiving more than 50 percent of its income from non-rental interests will be granted a 100 percent tax exemption with that exemption extending to all aspects of the project including commercial buildings.

and the City Clerk is hereby directed to attest the same and affix the seal of the City Clerk; and

2. That the City is authorized to purchase an interest in the project of East Harlem Pilot Block Building 3 Housing Development Fund Company, Inc. pursuant to Section 24-07 of the Real Estate Finance Law, in accordance with the terms set forth in the attached agreement.

3. That the Comptroller be and he hereby is authorized and directed to make payment for all interest in the project of East Harlem Pilot Block Building 3 Housing Development Fund Company, Inc. in accordance with the terms and conditions contained in said agreement.

Which was adopted by the following vote:

Affirmative--The Council, the Acting Comptroller, the President of the Council, the Acting President of the Borough of Manhattan, the President of the Borough of Queens and the Acting President of the Borough of Richmond--22.

None--This resolution was adopted subject to a favorable report of the Corporation Counsel.

(See Cal. No. 7.)

Cal. No. 10

Public Hearing in Matter of Approval of Land Disposition Agreement with East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. for Sale and Rent Subsidy of Site 4 of East Harlem Pilot Block, Manhattan) Approval of Contract for Purchase by City of Reverendary Interest in Housing Project.

(Second Call)

The Secretary presented a communication showing that the matter has been duly advertised in accordance with a resolution dated October 22, 1971, from the Housing and Development Administration, transmitting a reverendary interest agreement, and two proposed resolutions.

The Secretary also presented the following report of the Deputy and Acting Director of the Budget:

Report of the Deputy and Acting Director of the Budget:

On October 28, 1971, (Calendar No. 117), the Board of Estimates referred to the budget the matters of disposition of Site 4 of the East Harlem Pilot Block, Manhattan, in the project of East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. in accordance with the terms set forth in the attached agreement and improvement included in the completed project and purchase of a reverendary interest in the completed project.

The East Harlem Pilot Block is within the East Harlem Urban Renewal Area, bounded by 125th Street, Second Avenue and East 125th Street in the Borough of Manhattan. The block, which is 13 feet frontage on Second Avenue and 300 feet frontage on 125th Street, contains 13 lots. The project consists of four residential buildings, community facilities and commercial structures, and a total cost of approximately \$10,750,000.

In that portion of the total project to be developed by the Building 4 Housing Development Fund Company, there will be one 25-story building containing 26 efficiency apartments, 14 two and one-half room efficiency apartments, 74 three and one-half room efficiency apartments, 46 four and one-half room efficiency apartments and 46 five room efficiency apartments. Total capital charges per unit will be \$25,650. Total operating charges per unit will be \$12,740. Total charges per unit will be \$38,390. There will be attached parking for 95 cars, commercial space and a Job Training Educational Center.

It is estimated that the replacement cost of this portion of the project will be \$10,750,000. The cost of the project as a whole is estimated to be \$20,250,000. The City is requesting a tax exemption in the amount of \$4,000,000 for the project, the request for which is being submitted by the Building 4 Housing Development Fund Company, Inc. If construction does not start prior to March 1, 1972, it is estimated that the equity required from the City will increase to \$4,000,000. To provide for this contingency the submission requests approval of authority

4. That the proposed price is satisfactory and not less than the fair value of the land for sale by the purchaser in the provision for occupancy by families and individuals of low and middle-class income; and

5. That the sale to said acquisition by East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. is hereby approved as necessary for the public purpose defined in Article XI of the Private Housing Finance Law; and

6. That the Commissioner of the Department of Real Estate be and he hereby is authorized and directed to sell and deliver a deed to the East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. at the negotiated price fixed in said Contract of Sale and subject to the provisions of Section 507, Subdivision 2(f) of Article XV of the General Municipal Law, as amended, and Section 506a, Subdivision 4 of the Private Housing Finance Law, and the Board of Estimate hereby approves the exemption from local and municipal taxes other than assessments for local improvements, for the period from the closing of the mortgage and delivery of the deed until the date of issuance of the Temporary Certificate of Occupancy for the project, or if the project is completed, until the date of the closing of the mortgage, or if the project is not completed, until the date of the closing of the mortgage, for each stage of the project to be included in the completed project; and further exempt from local and municipal taxes, other than assessments for local improvements, all of the value of the real property to be included in the completed project, which exceeds the property taxes and other charges of the project for the period from the closing of the mortgage and delivery of the deed until the date of the Closing of the Temporary or Permanent Certificate of Occupancy, whichever may be earlier, for each stage of the project, as exemplified in the schedule attached hereto, and the said exemption shall be in full force and effect from the date of the closing of the mortgage and delivery of the deed until the date of the Closing of the Temporary or Permanent Certificate of Occupancy for the project, or if the project is not completed, until the date of the closing of the mortgage and delivery of the deed; provided

1. Extension of the tax exemption to the non-residential portions of the project shall remain in effect only so long as the project plan for the project is used for the purposes of the project plan.

2. That East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. shall be a federally-aided mortgage as defined by Subdivision 5 of Section 572 of the Private Housing Finance Law.

3. That East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. at the time the project is completed and delivered to the purchaser shall have completed in accordance with the terms of said federally-aided mortgage.

Alternative—The Special Assistant to the Mayor, the Acting Comptroller, the President of the Council, the Acting President of the Borough of the Borough of the Borough of Richmond—

Note—This resolution was adopted subject to a favorable report of the Corporation Counsel.

The following resolution (B) was offered by the Acting President of the Borough of Manhattan:

Resolved, That East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. has been duly organized as a housing development fund company under Article XI of the Private Housing Finance Law for the purpose of undertaking the development of a site in the East Harlem Pilot Block Project of the Harlem Area and Neighborhood Development Area (hereinafter referred to as the "Project") in the East Harlem Pilot Block and designated by the Housing and Development Administration as a qualified and eligible project; and

That the disposition of the land required for the development of the housing development fund company project by negotiation is the appropriate method of making the loan to East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc., possess the qualifications and financial resources necessary to acquire and

Whereas, in order to ensure the feasibility of the project, to be undertaken by East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc.,

It is, therefore, the joint recommendation of the Director of the Budget and the Housing and Development Administration that the Board of Estimate be and it is hereby recommended that the Board of Estimate do hereby approve the proposed price for the sale of the land for the project, and that the Board of Estimate exempt from local and municipal taxes other than assessments for local improvements, for the period from the closing of the mortgage and delivery of the deed until the date of the Closing of the Temporary or Permanent Certificate of Occupancy for the project, or if the project is not completed, until the date of the closing of the mortgage and delivery of the deed; provided

1. Extension of the tax exemption to the non-residential portions of the project shall remain in effect only so long as the project plan for the project is used for the purposes of the project plan.

2. That East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. shall be a federally-aided mortgage as defined by Subdivision 5 of Section 572 of the Private Housing Finance Law.

3. That East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. at the time the project is completed and delivered to the purchaser shall have completed in accordance with the terms of said federally-aided mortgage.

Alternative—The Special Assistant to the Mayor, the Acting Comptroller, the President of the Council, the Acting President of the Borough of the Borough of the Borough of Richmond—

Note—This resolution was adopted subject to a favorable report of the Corporation Counsel.

The following resolution (B) was offered by the Acting President of the Borough of Manhattan:

Resolved, That East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. has been duly organized as a housing development fund company under Article XI of the Private Housing Finance Law for the purpose of undertaking the development of a site in the East Harlem Pilot Block Project of the Harlem Area and Neighborhood Development Area (hereinafter referred to as the "Project") in the East Harlem Pilot Block and designated by the Housing and Development Administration as a qualified and eligible project; and

That the disposition of the land required for the development of the housing development fund company project by negotiation is the appropriate method of making the loan to East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc., possess the qualifications and financial resources necessary to acquire and

Whereas, in order to ensure the feasibility of the project, to be undertaken by East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc.,

That the proposed price is satisfactory and not less than the fair value of the land for sale by the purchaser in the provision for occupancy by families and individuals of low and middle-class income; and

That the sale to said acquisition by East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. is hereby approved as necessary for the public purpose defined in Article XI of the Private Housing Finance Law; and

That the Commissioner of the Department of Real Estate be and he hereby is authorized and directed to sell and deliver a deed to the East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. at the negotiated price fixed in said Contract of Sale and subject to the provisions of Section 507, Subdivision 2(f) of Article XV of the General Municipal Law, as amended, and Section 506a, Subdivision 4 of the Private Housing Finance Law, and the Board of Estimate hereby approves the exemption from local and municipal taxes other than assessments for local improvements, for the period from the closing of the mortgage and delivery of the deed until the date of issuance of the Temporary Certificate of Occupancy for the project, or if the project is not completed, until the date of the closing of the mortgage and delivery of the deed; provided

1. Extension of the tax exemption to the non-residential portions of the project shall remain in effect only so long as the project plan for the project is used for the purposes of the project plan.

2. That East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. shall be a federally-aided mortgage as defined by Subdivision 5 of Section 572 of the Private Housing Finance Law.

3. That East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. at the time the project is completed and delivered to the purchaser shall have completed in accordance with the terms of said federally-aided mortgage.

Alternative—The Special Assistant to the Mayor, the Acting Comptroller, the President of the Council, the Acting President of the Borough of the Borough of the Borough of Richmond—

Note—This resolution was adopted subject to a favorable report of the Corporation Counsel.

The following resolution (B) was offered by the Acting President of the Borough of Manhattan:

Resolved, That East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. has been duly organized as a housing development fund company under Article XI of the Private Housing Finance Law for the purpose of undertaking the development of a site in the East Harlem Pilot Block Project of the Harlem Area and Neighborhood Development Area (hereinafter referred to as the "Project") in the East Harlem Pilot Block and designated by the Housing and Development Administration as a qualified and eligible project; and

That the disposition of the land required for the development of the housing development fund company project by negotiation is the appropriate method of making the loan to East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc., possess the qualifications and financial resources necessary to acquire and

Whereas, in order to ensure the feasibility of the project, to be undertaken by East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc.,

That the proposed price is satisfactory and not less than the fair value of the land for sale by the purchaser in the provision for occupancy by families and individuals of low and middle-class income; and

That the sale to said acquisition by East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. is hereby approved as necessary for the public purpose defined in Article XI of the Private Housing Finance Law; and

That the Commissioner of the Department of Real Estate be and he hereby is authorized and directed to sell and deliver a deed to the East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. at the negotiated price fixed in said Contract of Sale and subject to the provisions of Section 507, Subdivision 2(f) of Article XV of the General Municipal Law, as amended, and Section 506a, Subdivision 4 of the Private Housing Finance Law, and the Board of Estimate hereby approves the exemption from local and municipal taxes other than assessments for local improvements, for the period from the closing of the mortgage and delivery of the deed until the date of issuance of the Temporary Certificate of Occupancy for the project, or if the project is not completed, until the date of the closing of the mortgage and delivery of the deed; provided

1. Extension of the tax exemption to the non-residential portions of the project shall remain in effect only so long as the project plan for the project is used for the purposes of the project plan.

2. That East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. shall be a federally-aided mortgage as defined by Subdivision 5 of Section 572 of the Private Housing Finance Law.

3. That East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. at the time the project is completed and delivered to the purchaser shall have completed in accordance with the terms of said federally-aided mortgage.

Alternative—The Special Assistant to the Mayor, the Acting Comptroller, the President of the Council, the Acting President of the Borough of the Borough of the Borough of Richmond—

Note—This resolution was adopted subject to a favorable report of the Corporation Counsel.

The following resolution (B) was offered by the Acting President of the Borough of Manhattan:

Resolved, That East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc. has been duly organized as a housing development fund company under Article XI of the Private Housing Finance Law for the purpose of undertaking the development of a site in the East Harlem Pilot Block Project of the Harlem Area and Neighborhood Development Area (hereinafter referred to as the "Project") in the East Harlem Pilot Block and designated by the Housing and Development Administration as a qualified and eligible project; and

That the disposition of the land required for the development of the housing development fund company project by negotiation is the appropriate method of making the loan to East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc., possess the qualifications and financial resources necessary to acquire and

Whereas, in order to ensure the feasibility of the project, to be undertaken by East Harlem Pilot Block Building 4 Housing Development Fund Company, Inc.,

That the proposed price is satisfactory and not less than the fair value of the land for sale by the purchaser in the provision for occupancy by families and individuals of low and middle-class income; and

DANIEL DROMM, Chairperson; JAMES G. VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S.

GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 451

Report of the Committee on Finance in favor of a Resolution approving 2316-2322 Andrews Avenue North, Block 3218, Lot 24; Bronx, Community District No. 7, Council District No. 14.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 938

Resolution approving an exemption from real property taxes for property located at (Block 3218, Lot 24) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 451).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 30, 2019 that the Council take the following action regarding a housing project located at (Block 3218, Lot 24) 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 Conagul Equities LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3218, Lot 24 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 thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - g. “Gross Rent deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - i. “HDFC” shall mean Conagul Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - k. “Owner” shall mean, collectively, the HDFC and the Company.
 - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall

be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the 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 HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or person with disabilities.

DANIEL DROMM, *Chairperson*; JAMES G. VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 452

Report of the Committee on Finance in favor of a Resolution approving CB WHCO Portfolio.YR15.FY19, Block 1599, Lot 1; Block 1823, Lots 37 and 38; Block 1831, Lot 53; Block 1904, Lot 6, Block 1926, Lots 8 and 61; Manhattan, Community District No. 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 939

Resolution approving an exemption from real property taxes for property located at (Block 1599, Lot 1; Block 1823, Lots 37 and 38; Block 1831, Lot 53; Block 1904, Lot 6; Block 1926, Lots 8 and 61) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 452).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 1599, Lot 1; Block 1823, Lots 37 and 38; Block 1831, Lot 53; Block 1904, Lot 6; Block 1926, Lots 8 and 61) Manhattan, (“Exemption Area”):

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

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

WHEREAS, the Council 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 CB WHCO 2017 LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1599, Lot 1, Block 1823, Lots 37 and 38, Block 1831, Lot 53, Block 1904, Lot 6, and Block 1926, Lots 8 and 61 on the Tax Map of the City of New York.
 - d. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. "HDFC" shall mean West Harlem Community Organization Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - f. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - h. "Owner" shall mean, collectively, the HDFC and the Company.
 - i. "Prior Article XI Exemption" shall mean the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law of a portion of the Exemption Area approved by the Board of Estimate on May 24, 1990 (Cal. No. 4).
 - j. "Prior Section 420-c Exemption" shall mean the exemption from real property taxation pursuant to Section 420-c of the Real Property Tax Law of a portion of the Exemption Area.
 - k. "Regulatory Agreement" shall mean a new regulatory agreement between HPD and the Owner, executed after April 1, 2019, establishing certain controls upon the operation of the entire Exemption Area during the term of the New Exemption, and providing, *inter alia*, for the termination of the Prior Section 420-c Exemption.
2. The Prior Article XI Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Notwithstanding any provision hereof to the contrary:

- a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES G. VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 453

Report of the Committee on Finance in favor of a Resolution approving 157 West 119 Street HDFC (Retroactive), Block 1904, Lot 6; Manhattan, Community District No. 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 940

Resolution approving an exemption from real property taxes for property located at (Block 1904, Lot 6) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 453).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 1904, Lot 4) Manhattan, (“Exemption Area”):

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

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

WHEREAS, the Council 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. “BBL 1/1904/6 Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1904, Lot 6 on the Tax Map of the City of New York.
 - b. “Company” shall mean CB WHCO 2017 LLC or any other entity that acquires the beneficial interest in the BBL 1/1904/6 Exemption Area with the prior written consent of HPD.
 - c. “Current Owner” shall mean 157 West 119 Street Housing Development Fund Corporation or a housing development fund company that acquires the BBL 1/1904/6 Exemption Area with the prior written consent of HPD.
 - d. “Effective Date” shall mean January 1, 2008.

- e. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - f. “Expiration Date” shall mean the date upon which HPD and New Owner enter into the Regulatory Agreement.
 - g. “HDFC” shall mean West Harlem Community Organization Housing Development Fund Corporation or a housing development fund company that acquires the BBL 1/1904/6 Exemption Area with the prior written consent of HPD.
 - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - i. “New Owner” shall mean, collectively, the HDFC and the Company.
 - j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner, executed after April 1, 2019, establishing certain controls upon the operation of the BBL 1/1904/6 Exemption Area and six additional tax lots containing seven additional multiple dwellings on or after the date such Regulatory Agreement is executed.
2. All of the value of the property in the BBL 1/1904/6 Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Nothing herein shall entitle the HDFC, the Company, the New Owner, the Current Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the BBL 1/1904/6 Exemption Area prior to the Effective Date.
 4. In consideration of the Exemption, the owner of the BBL 1/1904/6 Exemption Area shall (a) execute and record the Regulatory Agreement on or before December 31, 2019, and (b), for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES G. VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 454

Report of the Committee on Finance in favor of a Resolution approving 1520 Sedgwick Avenue, Block 2880, Lot 17; Bronx, Community District No. 5, Council District No. 16.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 941

Resolution approving an exemption from real property taxes for property located at (Block 2880, Lot 17) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 454).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 2880, Lot 17) 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:

6. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.

- b. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2880, Lot 17 on the Tax Map of the City of New York.
 - c. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. "HDFC" shall mean 1520 Sedgwick Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - e. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - g. "Nominal Tax" shall mean the amount of one hundred dollars (\$100).
 - h. "Owner" shall mean, collectively, the HDFC and the Partnership.
 - i. "Partnership" shall mean WFHA 1520 Sedgwick L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - j. "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on May 31, 2012 (Resolution No.1356).
 - k. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner that is executed after April 1, 2019 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
7. The Prior Exemption shall terminate upon the Effective Date.
8. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
9. 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 Nominal 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 any existing or future local, state, or federal law, rule, or regulation.
10. Notwithstanding any provision hereof to the contrary:
- a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private

Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
11. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES G. VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 455

Report of the Committee on Finance in favor of a Resolution approving 293 & 301 Hooper Street, Block 2463, Lots 21 and 24; Brooklyn, Community District No. 1, Council District No. 34.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 942

Resolution approving an exemption from real property taxes for property located at (Block 2463, Lots 21 and 24) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 455).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 2463, Lots 21 and 24) Brooklyn, (“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:

1. For the purposes hereof, the following terms shall have the following meanings
 - a. “Company” shall mean NY Quality Housing LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 2463, Lots 21 and 24 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to three percent (3%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - i. “HDFC” shall mean HP Hooper Street Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - k. “Owner” shall mean, collectively, the HDFC and the Company.
 - l. “Regulatory Agreement” shall mean the Lower Income Housing Plan Written Agreement dated February 26, 2008, recorded and filed on March 5, 2008 CFRN No. 2008000091842, as amended by that First Amendment to Lower Income Housing Plan Written Agreement dated June 26, 2014, recorded and filed on February 4, 2019 CFRN 2019000039781, as will be amended by that Second Amendment to Lower Income Housing Plan Written Agreement that is executed after May 1, 2019 establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any

private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
- c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES G. VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 456

Report of the Committee on Finance in favor of a Resolution approving 311 Tenth Ave HDFC, Block 699, Lot 37; Manhattan, Community District No. 4, Council District 3.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res, No. 943

Resolution approving an exemption from real property taxes for property located at (Block 699, p/o Lot 37) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 456).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 22, 2019 that the Council take the following action regarding a housing project located at (Block 699, p/o Lot 37) Manhattan, (“Exemption Area”):

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

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

WHEREAS, the Council 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 311 10th Avenue Residential, LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 699, p/o Lot 37 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “HDFC” shall mean 311 10th Avenue Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

- g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “Owner” shall mean, collectively, the HDFC and the Company.
 - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES G. VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 457

Report of the Committee on Finance in favor of a Resolution approving Capitol Apartments, Block 1022, Lot 61; Manhattan, Community District No. 5, Council District 3.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 944

Resolution approving an exemption from real property taxes for property located at (Block 1022, Lot 61) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 457).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 1022, Lot 61) Manhattan, (“Exemption Area”):

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

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

WHEREAS, the Council 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. "Contract Rent Deadline" shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
- b. "Contract Rent Differential" shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
- c. "Contract Rent Differential Tax" shall mean the sum of (i) \$887,411, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
- d. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- e. "Exemption" shall mean the exemption from real property taxation provided hereunder.
- f. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1022, Lot 61 on the Tax Map of the City of New York.
- g. "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- h. "Gross Rent" shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, rent supplements, rental assistance, or any other subsidy, but excluding gross potential rents from all residential units that contribute to the Contract Rent Differential Tax.
- i. "Gross Rent Deadline" shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
- j. "Gross Rent Tax" shall mean, with respect to any tax year, an amount equal to twenty-five percent (25%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
- k. "HDFC" shall mean Capitol Apartments Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
- l. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

- m. "Owner" shall mean, collectively, the HDFC and the Partnership.
 - n. "Partnership" shall mean Fifty First-Capitol Associates, L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - o. "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.
 - p. "Total Tax Payment" shall mean the sum of the Contract Rent Differential Tax and the Gross Rent Tax.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. 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 Total Tax Payment. Notwithstanding the foregoing, (i) the total annual Contract Rent Differential Tax by the Owner shall not at any time exceed seventeen percent (17%) of the contract rents in the applicable tax year, and (ii) the Total Tax Payment shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

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

Report for L.U. No. 458

Report of the Committee on Finance in favor of a Resolution approving Highbridge House, Block 2526, Lots 83E, 90, and 90E; Bronx, Community District No. 4, Council District 16.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 439 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res, No. 945

Resolution approving an exemption from real property taxes for property located at (Block 2526, Lots 83E, 90, and 90E) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 458).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 28, 2019 that the Council take the following action regarding a housing project located at (Block 2526, Lots 83E, 90, and 90E) 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:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Highbridge Preservation LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2526, Lots 83E, 90, and 90E on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - i. “HDFC” shall mean Highbridge House Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - k. “Owner” shall mean, collectively, the HDFC and the Company.
 - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule, or regulation.
4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or person with disabilities.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, RORY I. LANCMAN, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, June 13, 2019.

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

Report of the Committee on Fire and Emergency Management

Report for Int. No. 826-A

Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on the use of smoke alarms at any fires in which there was a fire related death or life-threatening injury and the existence of fire sprinklers at any fire greater than a first alarm fire.

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on April 25, 2018 (Minutes, page 1608), respectfully

REPORTS:

I. INTRODUCTION

On June 13, 2019, the Committee on Fire and Emergency Management, Chaired by Joseph C. Borelli, will vote on Int. No. 826-A. The Committee previously held a hearing on this bill on November 20, 2018, and received testimony from the New York City Fire Department (“FDNY”) and other interested parties.

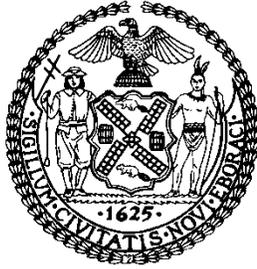
II. ANALYSIS OF PROP. INT. NO. 826-A

Currently, the Fire Department is required the report on information related to the technology and operation of smoke detectors or alarms following fires that result in civilian fatalities. This legislation would expand these reporting requirements to provide the public with more information related to the presence and operations of life saving technologies in serious fires. First, the bill would expand existing reporting requirements related to smoke alarms or detectors to now include all fires that cause a civilian fatality or a life threatening injury. Additionally, the bill requires new reporting on the presence and activation of automatic sprinkler systems at the location of each “serious fire incident” where the department deploys greater than three fire engines.

III. AMENDMENTS TO PROP. INT. NO. 826-A

As introduced, the legislation required the Fire Department to report on the presence and operation of automatic sprinkler systems following all fires resulting in civilian fatalities. The legislation has since been amended to expand the scope of such reporting to include reporting on the presence and activation of automatic sprinkler systems following all “serious fire incidents” in which the Department responds with more than three fire engines. Additionally, the existing reporting requirements related to the presence of smoke alarms or detectors was amended to include such reporting following all fires causing life-threatening injuries, in addition to civilian fatalities. Finally, the legislation was amended to remove all expiration dates of the statute and the renumbering of duplicate sections within Title 15.

(The following is the text of the Fiscal Impact Statement for Int. No. 826-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 826-A

COMMITTEE: Fire and Emergency Management

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on the use of smoke alarms at any fires in which there was a fire related death or life-threatening injury and the existence of fire sprinklers at any fire greater than a first alarm fire.

SPONSORS: Council Members Brannan, Kallos and Holden.

SUMMARY OF LEGISLATION: Proposed Int. No. 826-A would expand the Fire Department’s reporting requirements following fires that cause civilian fatalities, life threatening injury, or are deemed serious fire incidents. The bill would require the Fire Department to report on information related to the technology and operation of smoke detectors or alarms following all fires that result in a civilian fatality or life threatening injuries. Additionally, the bill would require new reporting on the presence and activation of automatic sprinkler systems at the location of each serious fire incident where the Fire Department deploys greater than three fire engines.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant City agency would utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Fire Department of the City of New York

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

ESTIMATE REVIEWED BY: Eisha Wright, Unit Head, Finance Division
Regina Poreda Ryan, Deputy Director, Finance Division
Stephanie Ruiz, Assistant Counsel, Finance Division

LEGISLATIVE HISTORY: This legislation was introduced by the Council as Int. No. 826 on April 25, 2018 and was referred to the Committee on Fire and Emergency Management (“Committee”). A hearing was held by the Committee on November 20, 2018, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 826-A, will be voted on by the Committee on June 13, 2019. Upon successful vote by the Committee, Proposed Int. No. 826-A will be voted on by the full Council on June 13, 2019.

DATE PREPARED: June 10, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 826-A:)

Int. No. 826-A

By Council Members Brannan, Kallos, Holden and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on the use of smoke alarms at any fires in which there was a fire related death or life-threatening injury and the existence of fire sprinklers at any fire greater than a first alarm fire

Be it enacted by the Council as follows:

Section 1. Section 15-131 of the administrative code of the city of New York, as added by local law number 20 for the year 2017, is amended to read as follows:

§ 15-131 Report on smoke detectors, [and] smoke alarms [in fire-related deaths] *and fire sprinklers*. a. No later than April 1 of each year, the department shall submit to the mayor and the council, and post on the department’s website, a report indicating [whether] *the following*:

(1) *Whether* a smoke detector or alarm was found at the location of any fire in which there was a civilian fire fatality *or life-threatening injury* during the preceding calendar year. [If] *For each fire in which there was a civilian fire fatality or life-threatening injury where* a smoke detector or alarm was found, such report shall indicate the technology used by such smoke detector or alarm and whether such smoke detector or alarm was operational, provided that such information can be ascertained. Such report may also include any other information relevant in determining the role of smoke detectors or alarms in any *fire in which there was a civilian fire fatality or life-threatening injury*.

(2) *Whether a fire sprinkler was found at the location of any fire greater than a first alarm fire during the preceding calendar year. For each fire greater than a first alarm fire in which a fire sprinkler was found, such report shall indicate whether such sprinkler was operational and activated during such incident, provided that it is possible for the department to obtain such information. For purposes of this subdivision, “first alarm fire” means a fire to which the fire department deploys three or fewer fire engines.*

b. The department shall ascertain from the office of the chief medical examiner the cause of death for any civilian fire fatality, as defined by such office. The report required by subdivision a of this section shall be disaggregated by each type of such cause.

§ 2. Section 2 of local law number 20 for the year 2017 is amended to read as follows:

§ 2. This local law takes effective immediately [and is deemed repealed 5 years after it becomes law].

§ 3. Section 15-134 of the administrative code of the city of New York, as added by local law number 114 for the year 2018, is renumbered as section 15-140.

§ 4. This local law takes effect 120 days after it becomes law.

JOSEPH C. BORELLI, *Chairperson*; FERNANDO CABRERA, CHAIM M. DEUTSCH, ALAN N. MAISEL, JUSTIN L. BRANNAN; Committee on Fire and Emergency Management, June 13, 2019

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

Report of the Committee on Governmental Operations

Report for Int. No. 732-B

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing a full public match campaign finance system.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on March 22, 2018 (Minutes, page 1293), respectfully

REPORTS:

I. INTRODUCTION

On June 11, 2019 the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, will hold a second hearing and vote on Proposed Int. No. 732-B, sponsored by Council Member Ben Kallos, in relation to establishing a full public match campaign finance system. The Committee first heard a prior version of this bill on April 15, 2019.

II. BACKGROUND

Campaign Finance Board

Since 1988, New York City has had a comprehensive campaign financing system for candidates running for local office.¹ The system is administered by the Campaign Finance Board (“CFB”), an independent, nonpartisan agency also created in 1988.² Commonly referred to as the “Campaign Finance Act” (“the CFA”), the legislation that effectuates this system, as amended from time to time, provides candidates who choose to participate with public funds to help finance their campaigns. Specifically, for candidates who choose to participate in the public financing program, eligible portions of matchable contributions are matched with a set multiple of public dollars in exchange for candidates abiding by expenditure limits and other requirements.³ Regardless of participation in the program, all candidates for local office must abide by contribution limits.⁴ The intent of the CFA is “to reduce improper influence of local officers by large campaign contributors and to enhance public confidence in local government.”⁵ Additionally, as the CFB notes, by “encouraging candidates

¹ This system is laid out in Chapter 7 of Title 3 of the Administrative Code of the City of New York.

² New York City Charter §1052.

³ See generally New York City Charter §1052(19) and New York City Administrative Code §§3-703—3-706.

⁴ See generally New York City Administrative Code §§3-703.

⁵ New York City Local Law 8 of 1988 §1.

to raise small-dollar contributions from average New Yorkers, the program increases engagement between voters and those who seek to represent them.”⁶

Campaign Finance Reforms

The City Council has spearheaded campaign finance reforms since the enactment of Local Law 8 of 1988, which established the CFA.⁷ When initially enacted, the City provided a dollar-for-dollar match for the first \$1,000 of each contribution. The program has since been amended multiple times, and there is a long history of improvements to the law under the Council’s stewardship. Among the many examples, in 1999, the Council passed a law to introduce a four-to-one match on the first \$250 of eligible contributions. And, prior to the 2009 election, the Campaign Finance Act was amended to increase candidates’ access to public money by providing a six-to-one match for the first \$175 of eligible contributions.⁸ The program has been credited with improving the democratic process by broadening the pool of potential candidates,⁹ increasing the diversity of representation of elected officials,¹⁰ limiting the potential impact of special-interest money, establishing greater engagement between voters and elected officials, and amplifying the value of small contributions.¹¹ Donors of small contributions in particular have been found to come from more diverse neighborhoods than donors of large contributions.¹²

The CFA is located in the NYC Administrative Code and is usually amended through local laws, as described above. However, while courts have found some campaign finance amendments to be an improper subject for Charter amendment when attempted by public petition,¹³ it has sometimes been a subject of mayoral charter revision commissions. For example, in 2018, Mayor Bill de Blasio established a charter revision commission which recommended several changes to the City’s campaign finance laws, even though it could not directly amend the CFA. The commission’s Ballot Proposal Question #1 therefore proposed amending the Charter to lower the contribution limits for participating and non-participating candidates; increase the public match to eight-to-one; raise the cap on total public funds that a participating candidate may receive per election; increase individual donor amounts citywide candidates can use to qualify for receipt of public funds; and disburse public funds earlier.¹⁴ These changes were proposed to apply to elections occurring after 2021 but gave candidates in elections before then the option to utilize the new program. On November 6, 2018, voters approved the recommendations as part of Ballot Proposal Question #1 on the general election ballot.¹⁵

In December 2018, the Council passed legislation that applied these campaign finance changes to all City elections between January 12, 2019 and the 2021 election cycle. That legislation, Local Law 1 of 2019, gave participating candidates in covered elections prior to the 2021 primary election the option to choose either the old or new program.

⁶ New York City Campaign Finance Board, Benefits, <https://www.nyccfb.info/program/benefits> (Last accessed June 6, 2019).

⁷ Friedlander, J. D., Louis, S. E., & Laufer, L. D. (n.d.). *The New York City Campaign Finance Act* (Rep.). Retrieved April 20, 2017, from Hofstra Law Review website: <http://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?article=1617&context=hlr>.

⁸ Liss, S., & Migally, A. (n.d.). Small Donor Matching Funds: The NYC Election Experience. Retrieved April 20, 2017, from <https://www.brennancenter.org/sites/default/files/legacy/Small%20Donor%20Matching%20Funds-The%20NYC%20Election%20Experience.pdf>.

⁹ Benefits. (n.d.). Retrieved April 21, 2017, from <http://www.nyccfb.info/program/benefits>.

¹⁰ New York City Campaign Finance Board 2009 Post Election Report at 142, Retrieved April 21, 2017, from http://www.nyccfb.info/PDF/per/2009_PER/2009PostElectionReport.pdf.

¹¹ Benefits. (n.d.). Retrieved April 21, 2017, from <http://www.nyccfb.info/program/benefits>.

¹² Campaign Finance Institute, Are All Public Matching Fund Programs Created Equal? Small Donors in NYC and LA, slides 13-16, Retrieved April 25, 2017, from: http://www.cfinst.org/pdf/presentations/CFI_LA-NYC-Slides_Malbin-Parrott.pdf.

¹³ *Schrader v. Cuevas*, 179 Misc.2d 11 (Sup. Ct., N.Y. Cty., 1998) and *Matter of Juntikka v. Cuevas*, slip op. Index No. 116778/96 (Sup.Ct., N.Y. County, October 22, 1996), affd. 232 A.D.2d 301 (1st Dept 1996).

¹⁴ New York City Mayoral Charter Revision Commission (2018), Abstracts, Questions #1: Campaign Finance, available at https://www1.nyc.gov/assets/charter/downloads/pdf/2018_charter_revision_commission_abstracts_1_pdf.PDF.

¹⁵ New York City Board of Elections general election certified results, General Election 2018, available at http://vote.nyc.ny.us/downloads/pdf/election_results/2018/20181106General%20Election/00050100000Citywide%20Campaign%20Finance%20Citywide%20Recap.pdf.

III. LEGISLATIVE ANALYSIS

Proposed Int. No. 732-B

Proposed Int. No. 732-B (Kallos) would first amend the New York City Campaign Finance Act to increase the current cap on matching funds available to candidates participating in the public financing program. Currently, as per voters' approval of Ballot Proposal Question #1 in the 2018 general election and Local Law 1 of 2019, a candidate can receive matching funds up to 75% of the expenditure limit for the elected office sought, for those participants who opt into the new system through 2021 and for all participants thereafter. Proposed Int. No. 732-B would amend that cap to allow a participating candidate to receive matching funds in an amount such that a candidate could reach the expenditure limit through a combination of matchable contributions and public funds. For a system with an eight-to-one match ratio, this would functionally be a cap of 88.89% of the relevant election year expenditure limit. The new full public match cap would be available to participating candidates who select Option A (for the new public financing program's limits and thresholds) in special elections prior to 2022, and in the 2021 primary and general elections. Participating candidates who do not select this option would continue to have the existing 55% public funds cap applied through 2021. Starting in 2022, the full public match cap would apply to all participating candidates.

Proposed Int. No. 732-B would repeal the provisions added to the Charter by Ballot Proposal Question #1 and place relevant provisions not otherwise amended by this bill within the Administrative Code. The bill would also move to the Administrative Code relevant provisions added to the Charter by Local Law 1 of 2019. In order to implement this system, and to adjust it for New York State law having recently amended the primary date to move it from September to June, several changes to the CFA (as will be described throughout this summary) were made. One of these adjustments was to the early payment dates for the dispersal of public funds, since an earlier primary date might otherwise undercut the purpose and impact of the existing dates. First, Proposed Int. No. 732-B would increase the number of dates by which the CFB must disburse public funds, requiring that CFB schedule a first payment date on the December 15 in the year preceding the election year, and subsequently schedule payment dates on the 15th day of each month from January through April of the election year, as well as additional payment dates within 45 days of a covered primary election. Additionally, CFB would be required to schedule a payment date for covered general elections on July 15th and a minimum of four additional payment dates within 90 days of a covered general election. Finally, there would be a minimum of three payment dates within 30 days prior to any other covered election, such as a special election. No public funds may be paid earlier than December 15th or the 30th day after a special election is held to fill a vacancy, whichever is later. In order to accommodate the December 15th payment date, qualified expenditures would be permitted as of that date through the date of the covered election.

In a change from the A-version, Proposed Int. No. 732-B would amend subdivision 3 of section 3-710, to provide that if a participating candidate who received public funds prior to the deadline for filing designating or nominating petitions ceases to actively campaign, then only expenditures incurred prior to the campaign's suspension may be considered qualified expenditures for which public funds may be used. The existing definition of actively campaigning was also amended, to accommodate the early payment date periods, by making the filing of petitions one of several methods by which a candidate could demonstrate an active campaign.

Proposed Int. No. 732-B would also move the deadline by which candidates wishing to participate in the public financing program must file a written certification with the CFB accepting the program's terms and conditions, which is currently the tenth day of June. In the bill, candidates wishing to participate in the program for a primary and general election must submit such certifications by the ninth Monday preceding the primary election, or, as was already required, by the 30th day after a special election is held to fill a vacancy for the office sought, whichever is later. These dates would also be the last date by which a candidate could rescind any prior certification that was submitted, provided the candidate had not yet accepted public funds. This section was also further amended with technical edits for general clarity. The B-version also requires that a certification must be filed not less than 15 days prior to any of the December through July early payment dates in order for a candidate to receive public funds on the relevant early payment date.

In another change from the A-version, Proposed Int. No. 732-B would amend the deadlines by which a candidate wishing to participate in the public financing program must file financial disclosure reports with the

Conflicts of Interest Board (“COIB”) pursuant to Administrative Code section 12-110. Instead of requiring candidates to fulfill the requirements of section 12-110 to the satisfaction of COIB by the last business day of July in the year of the covered election, candidates must satisfy such requirements by the 25th day after the last day for filing his or her designating or independent nominating petitions in the year of the covered election. This mirrors an already existing requirement in section 12-110. Section 12-110 is amended to require that candidates seeking early payment of public funds in December or January must file, no later than November 1 of the year preceding the covered election, a financial disclosure report covering the first nine months of that calendar year. Thereafter, such candidates must file a second financial disclosure covering the entire year preceding the covered election by January 30 in the year of the election. Any candidate that accepted public funds on such December or January dates would not be eligible for additional public funds after January 15th without having filed the full year disclosure and if such candidate failed to file a full year disclosure to the satisfaction of COIB then such candidate would be liable for repayment of public funds already received. Candidates seeking early payment in February, March, or April must file a financial disclosure no later than 31 days prior to such payment dates, as determined by COIB rule, and for all early payment dates such filing must be completed to the satisfaction of COIB no more than three days prior to such payment date in order to receive payment on such payment date.

In another change from the A-version, Proposed Int. No. 732-B would amend subdivision 7 of section 3-705, which caps public funds payments at 25% of the maximum unless a participating candidate demonstrates a need for additional public funds by submitting a certified statement of need. Language recently inserted into the Charter had extended a similar requirement to early payment dates and so, in order to reconcile the two, they were combined in this bill. No candidate will receive a disbursement of public funds prior to two weeks after the last day to file designating petitions for a primary election unless the candidate attests in a statement of need to the existence of one of the conditions, therein delineated, justifying the need for such funds. A conditional trigger therein that was previously mooted by judicial decision was removed. Additionally, candidates could qualify for additional public funds if opposed by another candidate who has received public fund payments.

In another change from the A-version, Proposed Int. No. 732-B would extend by one day the amount of time, during the six weeks preceding a covered election, within which CFB must notify campaigns that a contribution received either exceeds the doing business contribution limitation set forth in Administrative Code section 3-703(1-a) or if such contribution is not matchable pursuant to such subdivision.

The scope of qualified expenditures would be amended to permit participating candidates to use public funds for costs related to defending a challenge to the validity of such candidates’ petitions to get on the ballot.

The bill would adjust the contribution limits for Transition and Inauguration Entities to match those for non-participating candidates under the contribution limits to be in effect in 2022.

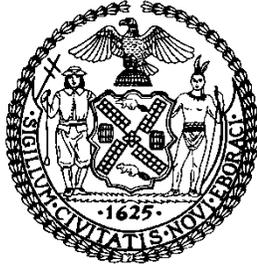
The bill would also remove portions of the Campaign Finance Act that have expired or been rendered unenforceable. The bill repeals Administrative Code section 3-717, which sunset on June 30, 2015, and, in a change from the A-version, renumbered sections 3-718, 3-719, and 3-720 as 3-717, 3-718, and 3-719, respectively. Cross references to the now renumbered sections are corrected throughout the chapter. And, as previously mentioned, a conditional trigger in the statement of need section and bonus provisions in the expenditure limit provisions were removed, as having been previously rendered unenforceable.

The bill creates a new Administrative Code section 3-720 (renumbered from section 3-721 in the A-version), which would sunset January 1, 2022, to apply to all covered elections prior to 2022, largely implementing or relocating items described above to implement the Option system for covered elections prior to 2022. Specifically, for non-participating candidates in a covered election prior to 2022, the maximum contribution limits would remain at 2018 levels. Participating candidates would be required to choose one of two options. Under Option A, for covered elections prior to the 2021 primary, candidates would abide by the new lower contribution limits, eight-to-one matching formula, qualifying thresholds, and a public funds cap set at 75% of the expenditure limit. For the 2021 primary and general election, candidates selecting Option A would abide by the new contribution limits, matching formula, and qualifying thresholds—but for the public funds cap they could receive a full public match. Under Option B, for all covered elections prior to 2022, the contribution limits, matching formula, qualifying thresholds, and public funds cap would remain as they were prior to January 12, 2019. In a final change from the A-version, for candidates who select Option A, any contributions received prior to January 12, 2019 would be treated the same as under Local Law 1 of 2019, with

both the lowered contribution limit and eight-to-one matching formula applied to all contributions accepted by such candidates, no matter when received.

Proposed Int. No. 732-B would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 732-B:)



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

PROPOSED INTRO. NO. 732-B

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the New York City Charter and the administrative code of the City of New York, in relation to establishing a full public match campaign finance system.

SPONSORS: Council Members Kallos, Cabrera, Powers, Cohen, Richards, Constantinides, Levin, Rosenthal, Espinal, Dromm, Lander, Brannan, Grodenchik, Vallone, Torres, Reynoso, Chin, Maisel, Cornegy, Menchaca, Rivera, The Public Advocate (Mr. Williams), Ayala, Perkins, Treyger, Lancman, Rose, Van Bramer, Levine, Adams, Ampry-Samuel, Deutsch, Koslowitz, and Barron.

SUMMARY OF LEGISLATION: Proposed Intro. No. 732-B would establish what is often referred to as a ‘full public match’, wherein all participating candidates could reach their expenditure limit using only matchable contributions and public funds. For covered elections before 2022, this full public match would be available to participating candidates who select ‘Option A’. In 2022 and thereafter, it would be available to all participating candidates. Additionally, the bill would clarify and update the City’s campaign finance laws, first by repealing language previously placed in the Charter and moving relevant portions into the Campaign Finance Act (CFA), while maintaining an Option system for pre-2022 covered elections. Next, by adjusting deadlines and other legal requirements impacted by the change in primary dates, the bill would also make adjustments to other requirements in the CFA to facilitate implementation of the aforementioned changes, and finally, by amending or removing language that has previously sunset or otherwise been mooted.

EFFECTIVE DATE: This local law takes effect immediately, provided that §26 expires and is deemed repealed on January 1, 2022.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

| | Effective FY21 | FY Succeeding Effective FY21 | Full Fiscal Impact FY22 |
|-------------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues (+) | \$0 | \$0 | \$0 |
| Expenditures (-) | \$0 | \$2,279,200 | \$1,519,467 |
| Net | \$0 | \$2,279,200 | \$1,519,467 |

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 a fiscal impact of \$2.3 million in Fiscal 2021 and \$1.5 million in Fiscal 2022 from the impact of this legislation. There would be a fiscal impact of approximately \$3.8 million from each citywide municipal election. The first election this impacts is the June 2021 Primary (Fiscal 2021) followed by the November 2021 General Election (Fiscal 2022). Given historical spending data from the 2013 and 2017 citywide elections, the majority of candidates did not meet or exceed 55 percent of their expenditure limit, while individuals running for City Council races surpassed more than 55 percent of their expenditure limit. Therefore, it is unlikely that individuals running for citywide election seats will exceed 75 percent of their expenditure limit. This cost estimate assumes a financial impact of \$1.7 million for City Council races. Additionally, should a candidate running for a citywide seat (Mayoral) meet or exceed 75 percent of their expenditure limit, this will have a cost of approximately \$2.1 million. This legislation will then impact every future city election, with fiscal impacts being lower for Special Elections.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCES OF INFORMATION: New York City Council Finance Division
Campaign Finance Board (CFB)

ESTIMATE PREPARED BY: Sebastian Palacio Bacchi, Financial Analyst

ESTIMATE REVIEWED BY: Nathaniel Toth, Deputy Director
John Russell, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 732 on March 22, 2018 and was referred to the Committee on Governmental Operations. A hearing was held by the Committee on Governmental Operations on an amended version of the legislation, Intro. No. 732-A, on April 15, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 732-B, will be considered by the Committee on Governmental Operations on Tuesday, June 11, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 732-B will be submitted to the full Council for a vote on Thursday, June 13, 2019.

DATE PREPARED: June 7, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 732-B:)

Int. No. 732-B

By Council Members Kallos, Cabrera, Powers, Cohen, Richards, Constantinides, Levin, Rosenthal, Espinal, Dromm, Lander, Grodenchik, Vallone, Torres, Reynoso, Chin, Cornegy, Menchaca, Rivera, The Public Advocate (Mr. Williams), Ayala, Perkins, Treyger, Lancman, Rose, Van Bramer, Levine, Adams, Ampry-Samuel, Deutsch, Koslowitz, Barron and Brannan.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to establishing a full public match campaign finance system

Be it enacted by the Council as follows:

Section 1. Paragraphs 16, 17, 18, 19, 20, 21 and 22 of subdivision a of section 1052 of the New York city charter, as added by a ballot question approved by the voters in the 2018 general election and amended by local law number 1 of the year 2019, are REPEALED.

§ 2. Paragraph (l) of subdivision 1 of section 1152 of the New York city charter, as added by a ballot question approved by the voters in the 2018 general election and amended by local law number 1 of the year 2019, is REPEALED.

§ 3. Subdivision 2 of section 3-702 of the administrative code of the city of New York is amended to read as follows:

2. The term "principal committee" shall mean the authorized committee designated by a candidate pursuant to paragraph (e) of subdivision 1 of section 3-703 or paragraph (a) of subdivision one of section [3-718] 3-717 of this chapter.

§ 4. Subdivisions 13 and 14 of section 3-702 of the administrative code of the city of New York are amended to read as follows:

13. The term "limited participating candidate" shall mean a candidate who meets the requirements of paragraph (a) of subdivision one of section [3-718] 3-717 of this chapter.

14. The term "non-participating candidate" shall mean any candidate for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president or member of the city council who does not file a written certification pursuant to section 3-703 or meet the requirements of paragraph (a) of subdivision one of section [3-718] 3-717 of this chapter, or who has, or the authorized committees of such candidate have, made expenditures in furtherance of the nomination for election or election to an office covered by this chapter.

§ 5. Paragraphs (a), (b) and (c) of subdivision 1 of section 3-703 of the administrative code of the city of New York are amended to read as follows:

(a) meet all the requirements of law to have his or her name on the ballot, or, for [the] a disbursement of optional public financing occurring prior to two weeks after the last day to file designating petitions for a primary election, certify that he or she intends to meet all the requirements of law to have his or her name on the ballot for the primary or general election;

(b) be a candidate for mayor, public advocate, comptroller, borough president or member of the city council in a primary, special, or general election and meet the threshold for eligibility set forth in subdivision two of this section;

(c) choose to participate in the public funding provisions of this chapter, by filing a written certification in such form as may be prescribed by the campaign finance board, which sets forth his or her acceptance of and agreement to comply with the terms and conditions for the provision of such funds. The deadline for filing such certification [for a primary and general election] shall be:

(i) [the tenth day of June in the year of the covered election] *for a primary and general election, (A) the ninth Monday preceding the primary election, or such other later date as the board shall provide, or (B) the thirtieth day after a special election is held to fill a vacancy for the office sought by the candidate; whichever is later;* provided, however, that any candidate who files such written certification prior to such date shall be permitted to rescind such certification in writing on or before [the ninth Monday preceding the primary election] *such date* or prior to the receipt of public funds, whichever occurs first;

(ii) [the thirtieth day after a special election is held to fill a vacancy for the office sought by the candidate; whichever is later. The deadline for filing such certification] for a special election to fill a vacancy, [shall be on] the fourteenth day after the proclamation of such special election.

(iii) A certification may be filed on or before the seventh day after the occurrence of an extraordinary circumstance in an election, as declared by the campaign finance board, following the receipt and review of a petition submitted by a candidate in such election. For purposes of this paragraph, an "extraordinary circumstance" shall include the death of a candidate in the election, the resignation or removal of the person holding the office sought, and the submission to the board of a written declaration by an officeholder that terminates his or her campaign for reelection;

§ 6. Paragraph (f) of subdivision 1 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(f) not accept and his or her principal committee, or authorized committees must not accept, either directly or by transfer, any contribution or contributions from any one individual, partnership, political committee,

labor organization or other entity for all covered elections held in the same calendar year in which he or she is a participating candidate [or a non-participating candidate] which in the aggregate: (i) for the office of mayor, public advocate or comptroller shall exceed [four thousand five hundred] *two thousand* dollars, or (ii) for borough president, shall exceed [three thousand five hundred] *one thousand five hundred* dollars, or (iii) for member of the city council, shall exceed [two thousand five hundred] *one thousand* dollars; *or a non-participating candidate which in the aggregate: (i) for the office of mayor, public advocate or comptroller shall exceed three thousand five hundred dollars, or (ii) for borough president, shall exceed two thousand five hundred dollars, or (iii) for member of the city council, shall exceed one thousand five hundred dollars;* provided that a participating candidate and his or her principal committee or a non-participating candidate and his or her authorized committees may accept additional contributions which do not exceed one half the amount of the applicable limitation for any run-off primary election, additional day for voting held pursuant to section 3-108 of the New York state election law, special election to fill a vacancy, run-off special election to fill a vacancy, delayed or otherwise postponed election, or election held pursuant to court order which is a covered election and in which the candidate seeks nomination for election or election; and provided further that for the purposes of this paragraph, contributions made by different labor organizations shall not be aggregated or treated as contributions from a single contributor for purposes of the contribution limit that is set forth in this paragraph if those labor organizations make contributions from different accounts, maintain separate accounts with different signatories, do not share a majority of members of their governing boards, and do not share a majority of the officers of their governing boards; and provided further that if state law prescribes a contribution limitation of a lesser amount, this paragraph shall not be deemed to authorize acceptance of a contribution in excess of such lesser amount. The maximum contributions set forth in this paragraph shall be adjusted in accordance with subdivision seven of this section;

§ 7. Subparagraph (ii) of paragraph (m) of subdivision 1 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(ii) A participating candidate shall fulfill the requirements of section 12-110 of the administrative code to the satisfaction of the conflicts of interest board by the [last business day of July] *twenty-fifth day after the last day for filing his or her designating or independent nominating petitions pursuant to the election law* in the year of the covered election, or such other later date as the campaign finance board shall provide by rule, [except] *provided that in a special election to fill a vacancy such deadline shall be established by campaign finance board rule, and further provided that a participating candidate seeking public funds for a December 15, January 15, February 15, March 15, or April 15 payment date shall file a report or reports as required by subparagraph (a) of paragraph 2 of subdivision b of section 12-110 and in order for such candidate to receive public funds on any such payment date the participating candidate shall fulfill the requirements of section 12-110 to the satisfaction of the conflicts of interest board by no less than three days prior to such payment date. A participating candidate that files a report covering the first nine months of the year preceding the year of the covered election shall not be eligible for further receipt of public funds after January 15 of the year of the covered election until a report covering the entire calendar year preceding the year of the covered election, as required by subparagraph (a) of paragraph 2 of subdivision b of section 12-110, has been made to the satisfaction of the conflicts of interest board and if such requirements are not satisfied then such participating candidate shall be liable for the repayment of any public funds received for such covered election.*

§ 8. Paragraph a of subdivision 1-b of section 3-703 of the administrative code of the city of New York is amended to read as follows:

a. Each participating candidate and his or her principal committee shall provide to every individual or entity making a contribution, loan, guarantee or other security for such loan in excess of the amounts set forth in subdivision 1-a of section 3-703 a notice containing the statement "If a contributor has business dealings with the City as defined in the campaign finance act, such contributor may contribute only up to two hundred fifty dollars for city council, three hundred twenty dollars for borough president and four hundred dollars for mayor, comptroller or public advocate." The principal committee shall report each contribution to the board on the next applicable filing deadline in accordance with the board's disclosure schedule. The board shall check each contribution against the doing business database and shall notify the principal committee within twenty days of the reporting of such contribution if a contribution exceeding the doing business contribution limitation set forth in subdivision 1-a of section 3-703 is subject to such limitations of this subchapter or if a contribution is not matchable pursuant to such subdivision. Notwithstanding any provision in this subdivision, in the six

weeks preceding the covered election the board shall provide such notification to the principal or authorized committee within [three] four business days of the reporting of such contribution to the board in accordance with applicable reporting deadlines. If the board fails to notify the principal committee that a contribution is in excess of the limitations set forth in subdivision 1-a of section 3-703 of this chapter in accordance with this subdivision, any such contribution shall be deemed valid for purposes of such limitation, provided, however, that no such contribution shall be matchable. Such principal committee shall have twenty days from the date of any such notification to return the amount of any contribution in excess of the limitations set forth in subdivision 1-a of section 3-703 to the contributor. No violation shall issue and no penalty shall be imposed where such excess amount is postmarked or delivered within twenty days of such notification by the board and the board shall not designate a candidate as having accepted a contribution in excess of such limitations where such excess has been returned in accordance with the time limitations set forth herein. Failure to return such excess amount in accordance with the provisions herein shall not result in the board withholding public funds for which the participating candidate's principal committee is otherwise eligible pursuant to section 3-705 of this chapter; provided, however, that the board may deduct an amount equal to the total unreturned contributions in excess of the limitations set forth in subdivision 1-a of section 3-703 of this chapter from such payment of public funds. For purposes of this section, "individual" shall include any chief executive officer, chief financial officer, and/or chief operating officer of an entity or persons serving in an equivalent capacity, any person in a senior managerial capacity regarding an entity, or any person with an interest in an entity, which exceeds ten percent of the entity. For purposes of this subdivision, the phrase "senior managerial capacity" shall mean a high level supervisory capacity, either by virtue of title or duties, in which substantial discretion and oversight is exercised over the solicitation, letting or administration of business transactions with the city, including contracts, franchises, concessions, grants, economic development agreements, and applications for land use approvals.

§ 9. Subdivision 2 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

2. (a) The threshold for eligibility for public funding for participating candidates in a primary or general election *for mayor, public advocate, comptroller, borough president or member of the city council*, or special election to fill a vacancy *for borough president or member of the city council*, shall be in the case of:

(i) mayor, not less than two hundred fifty thousand dollars in matchable contributions comprised of sums up to [one hundred seventy-five] *two hundred fifty* dollars per contributor including at least one thousand matchable contributions of ten dollars or more;

(ii) public advocate and comptroller, not less than one hundred twenty-five thousand dollars in matchable contributions comprised of sums of up to [one hundred seventy-five] *two hundred fifty* dollars per contributor including at least five hundred matchable contributions of ten dollars or more;

(iii) borough president, an amount equal to the number of persons living in such borough as determined by the last census multiplied by two cents in matchable contributions comprised of sums of up to one hundred seventy-five dollars per contributor including at least one hundred matchable contributions of ten dollars or more from residents of the borough, or ten thousand dollars comprised of sums of up to one hundred seventy-five dollars per contributor, whichever is greater.

(iv) member of the city council, not less than five thousand dollars in matchable contributions comprised of sums of up to one hundred seventy-five dollars per contributor including at least seventy-five matchable contributions of ten dollars or more from residents of the district in which the seat is to be filled.

(b) Any participating candidate meeting the threshold for eligibility in a primary election for one of the foregoing offices shall be deemed to have met the threshold for eligibility for such office in any other election, other than a special election to fill a vacancy, held in the same calendar year.

(c) *For any special election to fill a vacancy for mayor, public advocate or comptroller, the threshold dollar amount of summed matchable contributions pursuant to subparagraphs (i) and (ii) of paragraph (a) of this subdivision shall be halved.*

§ 10. Subdivision 7 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

7. Not later than the first day of March in the year two thousand [eighteen] *twenty-two* and every fourth year thereafter the campaign finance board shall (i) determine the percentage difference between the average over a calendar year of the consumer price index for the metropolitan New York-New Jersey region published

by the United States bureau of labor statistics for the twelve months preceding the beginning of such calendar year and the average over the calendar year two thousand [fifteen] *nineteen* of such consumer price index; (ii) adjust each maximum contribution applicable pursuant to paragraph (f) of subdivision one of this section by the amount of such percentage difference to the nearest fifty dollars; and (iii) publish such adjusted maximum contribution in the City Record. Such adjusted maximum contribution shall be in effect for any election held before the next such adjustment.

§ 11. Paragraph (b) of subdivision 12 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

(b) The board shall review each disclosure report timely submitted by a candidate prior to the last date upon which such candidate may file a certification pursuant to paragraph (c) of subdivision one of this section, or subdivision one of section [3-718] 3-717, and issue to the candidate a review within 30 days of the date upon which such disclosure report was due, provided a candidate may agree to an extension of time for such review by the board. Any response from the candidate to such review shall be due no earlier than when the next disclosure report is due. Such review shall inform the candidate of relevant questions the board has concerning the candidate's: (i) compliance with requirements of this chapter and of the rules issued by the board; and (ii) qualification for receiving public funds pursuant to this chapter. In the course of this review, the board shall give candidates an opportunity to respond to and correct potential violations, before the deadline for filing a certification pursuant to paragraph (c) of subdivision one of this section, or subdivision one of section [3-718] 3-717, and give candidates an opportunity to address questions the board has concerning their matchable contribution claims or other issues concerning eligibility for receiving public funds pursuant to this chapter; provided, however, this paragraph shall not apply to the last required disclosure report before the deadline for filing a certification pursuant to paragraph (c) of subdivision one of this section or subdivision one of section [3-718] 3-717. Nothing in this paragraph shall preclude the board from subsequently reviewing such disclosure reports and taking any action otherwise authorized under this chapter, provided that the board shall not invalidate a matchable contribution claim in a subsequent review unless the board learns of new information that is relevant to the eligibility for matching of such contribution claim and that was not available to the board at the time of the initial review.

§ 12. Subdivision 13 of section 3-703 of the administrative code of the city of New York is amended to read as follows:

13. Candidates who file a certification pursuant to subdivision one of this section shall not be eligible to file a certification pursuant to section [3-718] 3-717, and candidates who file a certification pursuant to section [3-718] 3-717 shall not be eligible to file a certification pursuant to subdivision one of this section.

§ 13. Subdivision 1 of section 3-704 of the administrative code of the city of New York is amended to read as follows:

1. Public funds provided under the provisions of this chapter may be used only for expenditures by a principal committee to further the participating candidate's nomination for election or election, either in a special election to fill a vacancy, or [during the calendar year in which the primary or general election in which the candidate is seeking nomination for election or election is held] *beginning December 15 of the calendar year preceding a covered primary or general election in which the candidate is seeking nomination for election or election and continuing through the date of such covered election.*

§ 14. Paragraph (h) of subdivision 2 of section 3-704 of the administrative code of the city of New York, as amended by local law 196 of the year 2018, is amended to read as follows:

(h) any expenditure to challenge [or defend] the validity of petitions of designation or nomination, or of certificates of nomination, acceptance, authorization, declination, or substitution, and expenses related to the canvassing of election results, made pursuant to subdivision four of section 3-706;

§ 15. Subdivisions 2, 3 and 4 of section 3-705 of the administrative code of the city of New York are amended to read as follows:

2. (a) If the threshold for eligibility is met, the participating candidate's principal committee shall receive payment for qualified campaign expenditures of: (i) *eight* [six] dollars for each one dollar of matchable contributions, up to [one thousand fifty] *two thousand* dollars in public funds per contributor, obtained and reported to the campaign finance board in accordance with the provisions of this chapter, *with respect to any participating candidate for nomination for election or election to the office of mayor, public advocate or comptroller; or* (ii) *eight* dollars for each one dollar of matchable contributions, up to one thousand four

hundred dollars in public funds per contributor, obtained and reported to the campaign finance board in accordance with the provisions of this chapter, with respect to any participating candidate for nomination for election or election to the office of borough president or member of the city council.

(b) [Except as otherwise provided in subdivision three of section 3-706, in] *In no case shall the principal committee of a participating candidate receive public funds pursuant to paragraph (a) above in excess of an amount equal to [fifty-five percent of] the expenditure limitation provided in subdivision one of section 3-706 for the office for which such candidate seeks nomination for election or election, less such expenditure limit divided by the addition of the number one and the dollar amount for each one dollar of matchable contributions for such office pursuant to paragraph a of this subdivision.* [For the disbursement of optional public financing occurring prior to two weeks after the last day to file designating petitions for a primary election, the principal committee of a participating candidate shall not receive public funds in excess of \$250,000 for any candidate for nomination for election to the office of mayor, \$125,000 for any candidate for nomination for election to the office of public advocate or comptroller, \$50,000 for any candidate for nomination for election to the office of borough president, and \$10,000 for any candidate for nomination for election to the office of member of the city council.]

(c) No funds shall be provided pursuant to this subdivision with respect to any covered election specified in subdivision five of this section.

3. A participating candidate seeking or obtaining nomination for election by more than one party shall be deemed one candidate, and shall not receive additional public funds or be authorized to accept contributions in excess of the maximum contribution applicable pursuant to paragraph (f) of subdivision one of section 3-703 or make additional expenditures by reason of such candidate seeking or obtaining nomination for election by more than one party. Subdivision five of section 3-703 shall not be applicable to such a candidate who is opposed for the nomination of at least one party in a primary election. The elimination of the expenditure limitations [and qualification for additional matching funds] provided in subdivision three of section 3-706 shall not be applicable to such a candidate who is opposed for the nomination of at least one party solely by participating candidates.

4. [The] *For contributions reported less than ninety days before a covered general election, less than forty-five days before a covered primary election, or less than thirty days before any other covered election, the campaign finance board shall make possible payment within four business days after receipt of reports of matchable contributions, or as soon thereafter as is practicable[, but not earlier than the earliest dates for making such payments as provided in subdivisions five and six of section 3-709]; provided, however, that the board shall withhold up to five percent of all public funds payments to participating candidates until the final pre-election payment for any given election. The board shall schedule payment dates on December 15 of the year preceding the year of election, as well as January 15, February 15, March 15, April 15 and a minimum of three payment dates within the [thirty] forty-five days prior to a covered primary election, a payment date of July 15 and a minimum of four payment dates within the ninety days prior to a covered general election, and a minimum of three payment dates within the thirty days prior to any other covered election. A written certification pursuant to paragraph (c) of subdivision 1 of section 3-703 shall be required to have been filed no less than fifteen business days prior to the December 15, January 15, February 15, March 15, April 15, or July 15 payment dates scheduled pursuant to this subdivision, for a participating candidate to receive public funds on such payment date.* For purposes of such payment dates, the board shall provide each candidate with a written determination specifying the basis for any non-payment. The board shall provide candidates with a process by which they may immediately upon receipt of such determination petition the board for reconsideration of any such non-payment and such reconsideration shall occur within five business days of the filing of such petition. In the event that the board denies such petition then it shall immediately notify the candidate of his or her right to bring a special proceeding pursuant to article 78 of the civil practice law and rules.

§ 16. Subdivision 7 of section 3-705 of the administrative code of the city of New York is amended to read as follows:

7. (a) Notwithstanding any provision of this section to the contrary, the amount of public funds payable to a participating candidate on the ballot in any covered election shall not exceed one quarter of the maximum public funds payment otherwise applicable under subdivision two of this section, and no participating

candidate shall be eligible to receive a disbursement of public funds prior to two weeks after the last day to file designating petitions for a primary election, unless:

[(a)] the participating candidate is opposed by a candidate and the board has determined that such other candidate and his or her authorized committees have spent or contracted or have obligated to spend, or received in loans or contributions, or both, an amount which, in the aggregate, exceeds one-fifth of the applicable expenditure limit for such office fixed by subdivision one of section 3-706 of this chapter for participating candidates; or

[(b)] (1) the participating candidate has submitted a certified signed statement attesting to the need and stating the reason for additional public funds in such election, in which case the board shall publish such statement *and supporting documentation* at the time such additional public funds are paid, including on the board's internet website. *The board shall be authorized to verify the truthfulness of any certified statement submitted pursuant to this paragraph and of any supporting documentation.* Such statement must certify that (i) one or more of the following conditions apply and (ii) such condition or conditions reasonably demonstrate the need for such public funds, and the participating candidate must provide documentation demonstrating the existence of such condition or conditions:

[(1)] (A) the participating candidate is opposed by (i) a non-participating candidate or (ii) a limited participating candidate, and provides a factual basis with supporting documentation of such candidate's ability to self finance;

[(2)] (B) the participating candidate is opposed by a candidate who has received (i) the endorsement of a citywide or statewide elected official or a federal elected official representing all or a portion of the area covered by the election; (ii) two or more endorsements from other city elected officials who represent all or a part of the area covered by the election; or (iii) endorsements of one or more membership organizations with a membership of over 250 members;

[(3)] (C) the participating candidate is opposed by a candidate who has had significant media exposure in the twelve months preceding the election. For purposes of this paragraph, significant media exposure shall mean appearance of the opponent or his or her name on television or radio in the area of the covered election or in print media in general circulation in the area of the covered election at least twelve times in the year preceding the covered election; provided, however, that the listing of names of candidates or potential candidates for a covered election without additional information concerning the opponent shall not constitute an appearance for purposes of this paragraph;

[(4)] (D) the participating candidate is opposed by a candidate who has received twenty-five percent or more of the vote in an election for public office in an area encompassing all or part of the area that is the subject of the current election in the last eight years preceding the election;

[(5)] (E) the participating candidate is opposed by a candidate whose name is substantially similar to the candidate's so as to result in confusion among voters, as determined by the board;

[(6)] (F) the participating candidate in a city council or borough-wide race is opposed by a candidate who is a chairman or president of a community board or district manager of a community board; or

[(7)] (G) the participating candidate is opposed by a candidate whose spouse, domestic partner, sibling, parent or child holds or has held elective office in an area encompassing all or part of the area of the covered election in the past ten years[. The board shall be authorized to verify the truthfulness of any certified statement submitted pursuant to this paragraph and of any supporting documentation and shall post such certified statements and supporting documentation on its website.];

[(c)] (2) the participating candidate is opposed in a primary or special election for an office for which no incumbent is seeking re-election[.]; *or*

(3) the participating candidate is opposed by any candidate who has received public funds payments for the covered election.

(b) If any of the conditions described in [paragraphs (a), (b), or (c)] *subparagraphs (1), (2), or (3) of paragraph (a)* occur in such election, the board shall pay any and all additional public funds due to the participating candidate up to the maximum total payment applicable in such election under subdivisions two or six of this section or subdivision three of section 3-706 of this chapter.

§ 17. The heading of section 3-706 of the administrative code of the city of New York is amended to read as follows:

§ 3-706 Expenditures limitations[; additional financing and limits].

§ 18. Subdivision 3 of section 3-706 of the administrative code of the city of New York is amended to read as follows:

3. (a) If any candidate in any covered election chooses not to file a certification as a participating or limited participating candidate pursuant to this chapter, and where the campaign finance board has determined that such candidate and his or her authorized committees have spent or contracted or have obligated to spend, or received in loans or contributions, or both, an amount which, in the aggregate, exceeds half the applicable expenditure limit for such office fixed by subdivision one of this section, then[:

(i)] such expenditure limit applicable to participating candidates and limited participating candidates in such election for such office shall be increased to one hundred fifty percent of such limit[; and

(ii) the principal committees of such participating candidates shall receive payment for qualified campaign expenditures of five dollars for each one dollar of matchable contributions, up to one thousand two hundred fifty dollars in public funds per contributor (or up to six hundred twenty five dollars in public funds per contributor in the case of a special election); provided, however, that (A) participating candidates in a run-off election shall receive public funds for such election pursuant to subdivision five of section 3-705 and shall not receive any additional public funds pursuant to this section, and (B) in no case shall a principal committee receive in public funds an amount exceeding two-thirds of the expenditure limitation provided for such office in subdivision one of this section.

(iii) for elections occurring after January first, two thousand eight, the campaign finance board shall promulgate rules to provide that the principal committees of such participating candidates shall receive payment for qualified campaign expenditures that will provide the highest allowable matchable contribution to be matched by an amount up to one thousand two hundred fifty dollars in public funds per contributor (or up to six hundred twenty five dollars in public funds per contributor in the case of special election); provided, however, that (A) participating candidates in a run-off election shall receive public funds for such election pursuant to subdivision five of section 3-705 and shall not receive any additional public funds pursuant to this section, and (B) in no case shall a principal committee receive in public funds an amount exceeding two-thirds of the expenditure limitation provided for such office in subdivision one of this section].

(b) If any candidate in any covered election chooses not to file a certification as a participating or limited participating candidate pursuant to this chapter, and where the campaign finance board has determined that such candidate and his or her authorized committees have spent or contracted or have obligated to spend, or received in loans or contributions, or both, an amount which, in the aggregate, exceeds three times the applicable expenditure limit for such office fixed by subdivision one of this section, then[:

(i)] such expenditure limit shall no longer apply to participating candidates and limited participating candidates in such election for such office[; and

(ii) the principal committees of such participating candidates shall receive payment for qualified campaign expenditures of six dollars for each one dollar of matchable contributions, up to one thousand five hundred dollars in public funds per contributor (or up to seven hundred fifty dollars in public funds per contributor in the case of a special election); provided, however, that (A) participating candidates in a run-off election shall receive public funds for such election pursuant to subdivision five of section 3-705 and shall not receive any additional public funds pursuant to this section, and (B) in no case shall a principal committee receive in public funds an amount exceeding one hundred twenty-five percent of the expenditure limitation provided for such office in subdivision one of this section.

(iii) for elections occurring after January first, two thousand eight, the campaign finance board shall promulgate rules to provide that the principal committees of such participating candidates shall receive payment for qualified campaign expenditures that will provide the highest allowable matchable contribution to be matched by an amount up to one thousand five hundred dollars in public funds per contributor (or up to seven hundred fifty dollars in public funds per contributor in the case of special election); provided, however, that (A) participating candidates in a run-off election shall receive public funds for such election pursuant to subdivision five of section 3-705 and shall not receive any additional public funds pursuant to this section, and (B) in no case shall a principal committee receive in public funds an amount exceeding one hundred twenty-five percent of the expenditure limitation provided for such office in subdivision one of this section].

§ 19. Subdivision 8 of section 3-708 of the administrative code of the city of New York is amended to read as follows:

8. The board shall have the authority to promulgate such rules and regulations and provide such forms as it deems necessary for the administration of this chapter. The board shall promulgate regulations concerning the form in which contributions and expenditures are to be reported, the periods during which such reports must be filed and the verification required. The board shall require the filing of reports of contributions and expenditures for purposes of determining compliance with paragraph (f) of subdivision one of section 3-703, section 3-706, subdivision 1-a of section 3-703, section [3-718] 3-717, and section [3-719] 3-718, in accordance with the schedule specified by the state board of elections for the filing of campaign receipt and expenditure statements.

§ 20. Subdivision 5 of section 3-709 of the administrative code of the city of New York is amended to read as follows:

5. No moneys shall be paid to participating candidates in a primary or general election any earlier than [four business days after the final day to file a written certification pursuant to paragraph (c) of subdivision 1 of section 3-703] *December 15 of the year preceding the primary election, or the thirtieth day after a special election is held to fill a vacancy for the office sought by the candidate; whichever is later.*

(a) No moneys shall be paid to participating candidates in a run-off primary election held pursuant to section 6-162 of the election law any earlier than the day after the day of the primary election held to nominate candidates for such election.

(b) No moneys shall be paid to participating candidates in a run-off special election held to fill a vacancy any earlier than the day after the day of the special election for which such run-off special election is held.

§ 21. Paragraph (b) of subdivision 3 of section 3-710 of the administrative code of the city of New York is amended to read as follows:

(b) If a participating candidate whose principal committee has received public funds fails to actively campaign for election to a covered office, such candidate and his or her principal committee shall pay to the board an amount equal to the total of public funds received by such principal committee. For the purposes of this subdivision, the term “actively campaign for a covered office” shall mean [filing designating or nominating petitions for inclusion on the ballot, and] activities that include, but are not limited to, *filing designating or nominating petitions for inclusion on the ballot*, raising and spending funds for nomination for election or election to a covered office, seeking endorsements, and broadly soliciting votes.

§ 22. Subdivision 3 of section 3-710 of the administrative code of the city of New York is amended to add a new paragraph (c) to read as follows:

(c) *If a participating candidate whose principal committee has received public funds prior to the last day for filing designating or nominating petitions for inclusion on the ballot ceases to actively campaign for a covered office, including but not limited to making public statements indicating that such participating candidate is no longer seeking nomination for election or election to a covered office, then the board shall inform such participating candidate of the board's determination that such candidate has ceased actively campaigning for a covered office. Expenditures incurred prior to the date by which such candidate has ceased actively campaigning for a covered office may be considered qualified expenditures, but no expenditures incurred after the date of such a determination of the board shall be considered qualified expenditures.*

§ 23. Paragraph (c) of subdivision 1 of section 3-713 of the administrative code of the city of New York is amended to read as follows:

(c) the number and names of candidates filing a certification pursuant to section [3-718] 3-717 of this chapter in each election during the four preceding calendar years, together with the expenditures made by each such candidate and the principal committee of such candidate in each such election;

§ 24. Section 3-717 of the administrative code of the city of New York is REPEALED.

§ 25. Sections 3-718, 3-719 and 3-720 of the administrative code of the city of New York are renumbered sections 3-717, 3-718 and 3-719.

§ 26. Chapter 7 of the administrative code of the city of New York is amended to add a new section 3-720, to read as follows:

§ 3-720 *Covered elections prior to the year 2022. a. Notwithstanding any other provision of this chapter, the contribution limitations and public matching funds provisions, including those pertaining to the matching formula, qualifying threshold, and public funds cap, pursuant to this section shall apply to all candidates seeking office in covered elections held prior to the year 2022.*

b. For non-participating candidates in a covered election held prior to the year 2022, the maximum contributions shall be as follows:

- 1. for the office of mayor, public advocate or comptroller, \$5,100;*
- 2. for borough president, \$3,950; or*
- 3. for member of the city council, \$2,850.*

c. Candidates seeking office in covered elections held prior to the year 2022 who intend to participate shall file with the campaign finance board a nonbinding written statement declaring whether they intend to select the terms, conditions, and requirements for contribution limits and for the provision of public matching funds, including those pertaining to the matching formula, qualifying threshold, public funds cap, and distribution schedule, under Option A or Option B provided in subdivision d of this section. Such statement shall be made on the date of the filing of the first disclosure report required pursuant to section 3-703 of the administrative code, provided that candidates who intend to participate in such system who filed such first disclosure report prior to January 12, 2019 shall file such non-binding written statement with the campaign finance board no later than September 15, 2019, and further provided that such non-binding written statement shall not be required if a candidate has already complied with subdivision d of this section as of the date of the filing of the first disclosure report. Failure to file the statement required pursuant to this subdivision shall not be deemed to preclude a candidate from choosing to participate in the voluntary system of campaign finance reform described in this chapter, pursuant to paragraph (c) of subdivision 1 of section 3-703, provided that if no such statement is filed then the board shall apply to such a participating candidate the terms, conditions and requirements pursuant to Option B.

d. Participating candidates seeking office in covered elections held prior to the year 2022 shall state in the written certification filed pursuant to paragraph (c) of subdivision 1 of section 3-703, whether they agree to the terms, conditions, and requirements for contribution limits and for the provision of public matching funds, including those pertaining to the matching formula, qualifying threshold, public funds cap, and distribution schedule, under Option A or Option B provided in subdivision e of this section.

e. 1. Option A. For candidates seeking office in covered elections held prior to the covered primary election to be held in the year 2021: (i) the contribution limitations pursuant to paragraph (f) of subdivision 1 of section 3-703; (ii) the matching formula provided in paragraph a of subdivision 2 of section 3-705; (iii) a public funds cap such that the principal committee of a participating candidate shall not receive public funds in excess of an amount equal to 75 percent of the expenditure limitation provided in subdivision 1 of section 3-706 for the office for which such candidate seeks nomination for election or election, as adjusted by the campaign finance board pursuant to paragraph (e) of subdivision 1 of section 3-706; and (v) the threshold for eligibility for public funding for participating candidates pursuant to subdivision 2 of section 3-703.

For candidates seeking office in a covered primary or general election to be held in the year 2021: (i) the contribution limitations pursuant to paragraph (f) of subdivision 1 of section 3-703; (ii) the matching formula pursuant to paragraph a of subdivision 2 of section 3-705; (iii) the public funds cap pursuant to paragraph b of subdivision 2 of section 3-705; and (v) the threshold for eligibility for public funding for participating candidates pursuant to subdivision 2 of section 3-703.

2. Option B. The contribution limitations and public matching funds provisions, including those pertaining to the matching formula, qualifying threshold, and public funds cap, as in effect prior to January 12, 2019.

f. For participating candidates and their principal committees seeking office in covered elections held prior to the year 2022, the campaign finance board shall administer and enforce the contribution limitations and public matching funds provisions, including those pertaining to the matching formula, qualifying threshold, and public funds cap in accordance with whether the participating candidate has chosen Option A or Option B pursuant to subdivision d, provided that: (i) candidates who received contributions prior to January 12, 2019 shall be required to refund the portion of any contribution received prior to January 12, 2019 that exceeds the limitations set forth in paragraph (f) of subdivision 1 of section 3-703 if such candidate elects Option A; and (ii) matchable contributions received prior to January 12, 2019 shall be subject to the matching formula as described in Option A if a candidate elects Option A.

§ 27. Paragraph (b) of subdivision 2 of section 3-801 of the administrative code of the city of New York is amended to read as follows:

(b) not accept any donation or donations of money, goods, or services from any individual other than the candidate, political committee, employee organization, or entity which in the aggregate exceeds the limit for a

non-participating candidate for the applicable office contained in paragraph (f) of subdivision one of section 3-703, as adjusted pursuant to subdivision seven of such section as applicable.

§ 28. Subparagraph (a) of paragraph 2 of subdivision b of section 12-110 of the administrative code of the city of New York is amended to read as follows:

(a) Each person, other than any person described in paragraph one, who has declared his or her intention to seek a designation or nomination for election to an office described in paragraph one of this subdivision and who has filed papers or petitions for a designation or nomination for election, or on whose behalf a certification of nomination or designating or independent nominating petition has been filed which has not been declined, for an office described in paragraph one shall file such report within 25 days after the last day for filing his or her designating or independent nominating petitions pursuant to the election law, *provided that the board shall establish by rule the dates, not to exceed 31 days prior to the relevant payment date, by which a person who intends to seek payment on the payment dates of February 15, March 15, or April 15 shall file such report, and further provided that a person who has declared his or her intention to seek a designation or nomination for election to an office described in paragraph one of this subdivision and who intends to seek a payment of public funds on December 15 in the year preceding a covered election or January 15 in the year of a covered election, pursuant to subdivision 4 of section 3-705, shall file a report no later than November 1 of the year preceding such covered election, with such report covering a period of the first nine months of the calendar year preceding such covered election. Any person filing a report covering the first nine months of a year preceding a covered election shall file a report for the entire calendar year preceding a covered election by January 30 in the year of such covered election.*

§ 29. This local law takes effect immediately, provided that §26 expires and is deemed repealed on January 1, 2022.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, ALAN N. MAISEL, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, June 11, 2019.

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

Report of the Committee on Land Use

Report for L.U. No. 398

Report of the Committee on Land Use in favor of approving Application No. 20195473 HAM (East Harlem El Barrio Community Land Trust) submitted by the New York City Department of Housing Preservation and Development requesting the approval of an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law and approval of an exemption from real property taxation pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at 53 East 110th Street (Block 1616, Lot 123), 304 East 126th Street (Block 1802, Lot 47) and 201 East 120th Street (Block 1785, Lot 1), Borough of Manhattan, Council District 8, Community District 11, and 204 West 121st Street (Block 1926, Lot 35), Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on April 18, 2019 (Minutes, page 1546) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CBs – 10 and 11

20195473 HAM

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law, for a real property tax exemption and pursuant to Article 16 of the General Municipal Law, approval of an urban development action area project, and waiver of the area designation requirements and Sections 197-c and 197-d of the New York City Charter for property located at 53 East 110th Street (Block 1616, Lot 123), 304 East 126th Street (Block 1802, Lot 47), 201 East 120th Street (Block 1785, Lot 1), and 204 West 121st Street (Block 1926, Lot 35) in Community Districts 10 and 11, Council Districts 8 and 9, Borough of Manhattan.

INTENT

To approve the Project as an Urban Development Action Area Project and to grant a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the project to provide approximately thirty-six (36) rental dwelling units plus two (2) commercial spaces and one (1) community space.

PUBLIC HEARING

DATE: May 14, 2019

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 946

Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 53 East 110th Street (Block 1616, Lot 123), 304 East 126th Street (Block 1802, Lot 47), 201 East 120th Street (Block 1785, Lot 1), and 204 West 121st Street (Block 1926, Lot 35), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community Districts 10, 11, Borough of Manhattan (L.U. No. 398; 20195473 HAM).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 13, 2019 its request dated March 11, 2019 that the Council take the following action regarding the proposed Urban Development Action Area Project (the "Project") located at 53 East 110th Street (Block 1616, Lot 123), 304 East 126th Street (Block 1802, Lot 47), 201 East 120th Street (Block 1785, Lot 1), and 204 West 121st Street (Block 1926, Lot 35), Community Districts 10 and 11, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 14, 2019; and

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

RESOLVED:

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

The Council waives the designation requirement of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on March 13, 2019, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Disposition Area from real property taxes as follows:

- a. All of the value of the property in the Disposition 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 later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area

("Effective Date") and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company ("Expiration Date").

- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition 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 demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD, or (v) the Disposition Area is conveyed without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area 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 herein, the Exemption shall prospectively terminate.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition 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.
- d. The exemption shall not apply to buildings that do not exist on the Effective Date.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** Division of Property Disposition and Finance
- 2. **PROJECT:** East Harlem/El Barrio Community Land Trust (**EHEBCLT**)
- 3. **LOCATION:**
 - a. **BOROUGH:** Manhattan
 - b. **COMMUNITY DISTRICT:** 10, 11
 - c. **COUNCIL DISTRICT:** 8, 9
 - d. **DISPOSITION AREA:**

| <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> |
|--------------|------------|---------------------|
| 1616 | 123 | 53 East 110 Street |
| 1802 | 47 | 304 East 126 Street |
| 1785 | 1 | 201 East 120 Street |

1926 35 204 West 121 Street

- 4. BASIS OF DISPOSITION PRICE:** Nominal (\$1.00 per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of up to sixty (60) years, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven in the final year of that period.
- 5. TYPE OF PROJECT:** Rehabilitation
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 4 Multiple Dwellings
- 7. APPROXIMATE NUMBER OF UNITS:** 36
- 8. HOUSING TYPE:** Rental
- 9. ESTIMATE OF INITIAL RENTS:** Initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies.
- 10. INCOME TARGETS:** The Disposition Area contains occupied buildings which will be sold subject to existing tenancies. Vacant units, if any, will be rented in compliance with federal regulations, where applicable. Vacant units not subject to such regulations will be rented to families with annual household incomes up to 165% of the area median.
- 11. PROPOSED FACILITIES:** Two (2) commercial spaces and one (1) community space.
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Type II
- 14. PROPOSED TIME SCHEDULE:** Approximately 36 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

Report for L.U. No. 399

Report of the Committee on Land Use in favor of approving Application No. 20195470 HAM (Lenox Avenue Cluster) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 694 of the General Municipal Law for the approval of an Urban Development Action Area Project and pursuant to Section 577 of Article XI of the Private Housing Finance Law for the approval of an exemption from real property taxation for property located at 135 West 132nd Street, and 406, 422, 424, 426, 428, 432 Lenox Avenue, Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on April 18, 2019 (Minutes, page 1546) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 10****20195470 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law, for a real property tax exemption and pursuant to Article 16 of the General Municipal Law, approval of an urban development action area project, and waiver of the area designation requirements and Sections 197-c and 197-d of the New York City Charter for property located at 135 West 132nd Street (Block 1917, Lot 16), 406 Lenox Avenue (Block 1728, Lot 2), 422 Lenox Avenue (Block 1729, Lot 101), 424 Lenox Avenue (Block 1729, Lot 2), 426 Lenox Avenue (Block 1729, Lot 3), 428 Lenox Avenue (Block 1729, Lot 103), and 432 Lenox Avenue (Block 1729, Lot 172) in Community District 10, Council District 9, Borough of Manhattan.

INTENT

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the project to provide approximately 53 affordable cooperative dwelling units, approximately 1 storefront commercial space at 406 Lenox Avenue and approximately 4 storefront commercial spaces at 422, 424, 426, and 428 Lenox Avenue.

PUBLIC HEARING**DATE:** May 14, 2019**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: June 11, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 947

Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 135 West 132 Street; 406 Lenox Avenue; and 422, 424, 426, 428, and 432 Lenox Avenue, Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 10, Borough of Manhattan (L.U. No. 399; 20195470 HAM).

By Council Members Salamanca, Jr. and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on March 8, 2019 its request dated March 7, 2019 that the Council take the following action regarding the proposed Urban Development Action Area Project (the “Project”) located at 135 West 132 Street; 406 Lenox Avenue; and 422, 424, 426, 428, and 432 Lenox Avenue, Community District 10, Borough of Manhattan (the “Disposition Area”):

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

3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 14, 2019; and

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

RESOLVED:

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

The Council waives the designation requirement of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law, and based on the record before the Council.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on March 8, 2019, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, and based on the record before the Council, the Council approves an exemption of the Disposition Area from real property taxes as follows:

- a. All of the value of the property in the Disposition 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 later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area (“Effective Date”) and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company (“Expiration Date”).

- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area 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 herein, the Exemption shall prospectively terminate.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition 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.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** AFFORDABLE NEIGHBORHOOD COOPERATIVE PROGRAM
- 2. **PROJECT:** Lenox Avenue Cluster (ANCP)
- 3. **LOCATION:**
 - a. **BOROUGH:** Manhattan
 - b. **COMMUNITY DISTRICT:** 10
 - c. **COUNCIL DISTRICT:** 9
 - d. **DISPOSITION AREA:**

| <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> |
|--------------|------------|---------------------|
| 1917 | 16 | 135 West 132 Street |
| 1728 | 2 | 406 Lenox Avenue |
| 1729 | 101 | 422 Lenox Avenue |
| 1729 | 2 | 424 Lenox Avenue |
| 1729 | 3 | 426 Lenox Avenue |
| 1729 | 103 | 428 Lenox Avenue |
| 1729 | 172 | 432 Lenox Avenue |
- 4. **BASIS OF DISPOSITION PRICE:** Nominal (\$1.00 per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of up to

sixty (60) years following conversion, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven in the final year of that period.

- 5. TYPE OF PROJECT:** Rehabilitation
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 7 Multiple Dwelling
- 7. APPROXIMATE NUMBER OF UNITS:** 53
- 8. HOUSING TYPE:** Cooperative. If units remain unsold at the end of the marketing period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then Sponsor may operate the building as rental housing in accordance with the written instructions of HPD.
- 9. ESTIMATE OF INITIAL PRICE:** The cooperative interests attributable to occupied apartments will be sold to the existing tenants for \$2,500 per apartment. The cooperative interests attributable to vacant apartments will be sold for a price affordable to families earning no more than 165% of the area median income.
- 10. INCOME TARGETS:** The Disposition Area contains seven (7) occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 165% of the area median.
- 11. PROPOSED FACILITIES:** Storefront commercial space at 406, 422, 424, 426, and 428 Lenox Avenue
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Type II Determination
- 14. PROPOSED TIME SCHEDULE:** Approximately 36 months from closing to cooperative conversion.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

Report for L.U. No. 400

Report of the Committee on Land Use in favor of approving Application No. 20195535 HAM (MNN1802 CLOTH Amsterdam Avenue – 2185 Amsterdam Avenue) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an urban development area project and pursuant to Article XI of the Private Housing Finance Law for the approval of an exemption from real property taxes for property located at 2185 Amsterdam Avenue, Borough of Manhattan, Council District 10, Community District 12.

The Committee on Land Use, to which the annexed Land Use item was referred on April 18, 2019 (Minutes, page 1547) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 12

20195535 HAM

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law, for a real property tax exemption and pursuant to Article 16 of the General Municipal Law, approval of an urban development action area project, and waiver of the area designation requirements and Sections 197-c and 197-d of the New York City Charter for property located at 2185 Amsterdam Avenue (Block 2112, Lot 14) in Community District 12, Council District 10, Borough of Manhattan.

INTENT

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the project to provide approximately sixteen (16) rental dwelling units and two (2) commercial spaces.

PUBLIC HEARING

DATE: May 14, 2019

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: June 11, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 948

Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 2185 Amsterdam Avenue (Block 2112, Lot 14), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 12, Borough of Manhattan (L.U. No. 400; 20195535 HAM).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 2, 2019 its request dated March 27, 2019 that the Council take the following action regarding the proposed Urban Development Action Area Project (the "Project") located at 2185 Amsterdam Avenue (Block 2112, Lot 14), Community District 12, Borough of Manhattan (the "Disposition Area"):

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

3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 14, 2019; and

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

RESOLVED:

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

The Council waives the designation requirement of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on April 2, 2019, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Disposition Area from real property taxes as follows:

- a. All of the value of the property in the Disposition 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 later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area (“Effective Date”) and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company (“Expiration Date”).

- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition 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 demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD, or (v) the Disposition Area is conveyed without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area 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 herein, the Exemption shall prospectively terminate.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition 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.
- d. The exemption shall not apply to buildings that do not exist on the Effective Date.

ATTACHMENT:

PROJECT SUMMARY

1. **PROGRAM:** MULTIFAMILY PRESERVATION LOAN PROGRAM
2. **PROJECT:** MMN1802 CLOTH Amsterdam Avenue
3. **LOCATION:**
- a. **BOROUGH:** Manhattan
- b. **COMMUNITY DISTRICT:** 12
- c. **COUNCIL DISTRICT:** 10
- d. **DISPOSITION AREA:**
- | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> |
|--------------|------------|-----------------------|
| 2112 | 14 | 2185 Amsterdam Avenue |
4. **BASIS OF DISPOSITION PRICE:** Nominal (One dollar (\$1.00) per building).
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** One (1) Multiple Dwelling
7. **APPROXIMATE NUMBER OF UNITS:** Sixteen (16) dwelling units
8. **HOUSING TYPE:** Rental

- 9. ESTIMATE OF INITIAL RENTS:** Initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies.
- 10. INCOME TARGETS:** The Disposition Area contains occupied buildings which will be sold subject to existing tenancies. Vacant units, if any, will be rented in compliance with federal regulations, where applicable. Vacant units not subject to such regulations will be rented to families with annual household incomes up to 120% of the area median.
- 11. PROPOSED FACILITIES:** Approximately two (2) commercial spaces
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Type II
- 14. PROPOSED TIME SCHEDULE:** Approximately twenty-four (24) months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

Report for L.U. No. 401

Report of the Committee on Land Use in favor of approving Application No. 20195534 HAM (MNN1802 CLOTH Amsterdam Avenue – 2110 Amsterdam Avenue) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an urban development area project and pursuant to Article XI of the Private Housing Finance Law for the approval of an exemption from real property taxes for property located at 2110 Amsterdam Avenue, Borough of Manhattan, Council District 7, Community District 12.

The Committee on Land Use, to which the annexed Land Use item was referred on April 18, 2019 (Minutes, page 1547) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**MANHATTAN CB - 12****20195534 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law, for a real property tax exemption and pursuant to Article 16 of the General Municipal Law, approval of an urban development action area project, and waiver of the area designation requirements and Sections 197-c and 197-d of the New York City Charter for property located at 2110 Amsterdam Avenue (Block 2121, Lot 37) in Community District 12, Council District 7, Borough of Manhattan.

INTENT

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the project to provide approximately thirteen (13) rental dwelling units and one (1) commercial space.

PUBLIC HEARING**DATE:** May 14, 2019**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Barron, Koo, Miller, Treyger,

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik,

Adams, Diaz, Moya, Rivera.

Against: **Abstain:**
None None.

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

Res. No. 949

Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 2110 Amsterdam Avenue (Block 2121, Lot 37), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 12, Borough of Manhattan (L.U. No. 401; 20195534 HAM).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 2, 2019 its request dated March 27, 2019 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 2110 Amsterdam Avenue (Block 2121, Lot 37), Community District 12, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 14, 2019; and

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

RESOLVED:

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

The Council waives the designation requirement of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on April 2, 2019, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Disposition Area from real property taxes as follows:

- a. All of the value of the property in the Disposition 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 later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area ("Effective Date") and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company ("Expiration Date").
- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition 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 demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD, or (v) the Disposition Area is conveyed without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area 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 herein, the Exemption shall prospectively terminate.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition 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.
- d. The exemption shall not apply to buildings that do not exist on the Effective Date.

ATTACHMENT:**PROJECT SUMMARY**

1. **PROGRAM:** MULTIFAMILY PRESERVATION LOAN PROGRAM
2. **PROJECT:** MMN1802 CLOTH Amsterdam Avenue
3. **LOCATION:**
 - a. **BOROUGH:** Manhattan
 - b. **COMMUNITY DISTRICT:** 12
 - c. **COUNCIL DISTRICT:** 07
 - d. **DISPOSITION AREA:**

| <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> |
|--------------|------------|-----------------------|
| 2121 | 37 | 2110 Amsterdam Avenue |
4. **BASIS OF DISPOSITION PRICE:** Nominal (One dollar (\$1.00) per building).
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** One (1) Multiple Dwelling
7. **APPROXIMATE NUMBER OF UNITS:** Thirteen (13) dwelling units
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS:**

Initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies.
10. **INCOME TARGETS:**

The Disposition Area contains occupied buildings which will be sold subject to existing tenancies. Vacant units, if any, will be rented in compliance with federal regulations, where applicable. Vacant units not subject to such regulations will be rented to families with annual household incomes up to 120% of the area median.
11. **PROPOSED FACILITIES:** Approximately one (1) commercial space
12. **PROPOSED CODES/ORDINANCES:** None

- 13. ENVIRONMENTAL STATUS:** Type II
- 14. PROPOSED TIME SCHEDULE:** Approximately twenty-four (24) months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

Report for L.U. No. 402

Report of the Committee on Land Use in favor of approving Application No. 20195536 HAM (MNN1802 CLOTH Amsterdam Avenue – 2488-90 Adam Clayton Powell Jr. Blvd.) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an urban development area project and pursuant to Article XI of the Private Housing Finance Law for the approval of an exemption from real property taxes for property located at 2488-90 Adam Clayton Powell Jr. Blvd. and 2794 Frederick Douglas Blvd., Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on April 18, 2019 (Minutes, page 1547) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10

20195536 HAM

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law, for a real property tax exemption and pursuant to Article 16 of the General Municipal Law, approval of an urban development action area project, and waiver of the area designation requirements and Sections 197-c and 197-d of the New York City Charter for property located at 2488-90 Adam Clayton Powell, Jr., Boulevard (Block 2030, Lot 33) and 2794 Frederick Douglass Boulevard (Block 2034, Lot 03) in Community District 10, Council District 9, Borough of Manhattan.

INTENT

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the project to provide approximately twenty-nine (29) rental dwelling units and four (4) commercial spaces.

PUBLIC HEARING**DATE:** May 14, 2019**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 950

Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 2488-90 Adam Clayton Powell, Jr. Boulevard (Block 2030, Lot 33) and 2794 Frederick Douglass Boulevard (Block 2034, Lot 03), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 10, Borough of Manhattan (L.U. No. 402; 20195536 HAM).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 2, 2019 its request dated March 27, 2019 that the Council take the following action regarding the proposed Urban Development Action Area Project (the "Project") located at 2488-90 Adam Clayton Powell, Jr. Boulevard (Block 2030, Lot 33) and 2794 Frederick Douglass Boulevard (Block 2034, Lot 03), Community District 10, Borough of Manhattan (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 14, 2019; and

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

RESOLVED:

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

The Council waives the designation requirement of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on April 2, 2019, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Disposition Area from real property taxes as follows:

- a. All of the value of the property in the Disposition 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 later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area (“Effective Date”) and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company (“Expiration Date”).
- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition 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 demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD, or (v) the Disposition Area is conveyed without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area 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 herein, the Exemption shall prospectively terminate.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition 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.
- d. The exemption shall not apply to buildings that do not exist on the Effective Date.

ATTACHMENT:

PROJECT SUMMARY

- | | |
|-------------------------------|---------------------------------------|
| 1. PROGRAM: | MULTIFAMILY PRESERVATION LOAN PROGRAM |
| 2. PROJECT: | MMN1802 CLOTH Amsterdam Avenue |
| 3. LOCATION: | |
| a. BOROUGH: | Manhattan |
| b. COMMUNITY DISTRICT: | 10 |
| c. COUNCIL DISTRICT: | 09 |

- | d. DISPOSITION AREA: | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> |
|-----------------------------|--------------|------------|--|
| | 2030 | 33 | 2488-90 Adam Clayton Powell, Jr. Boulevard |
| | 2034 | 03 | 2794 Frederick Douglass Boulevard |
4. **BASIS OF DISPOSITION PRICE:** Nominal (One dollar (\$1.00) per building).
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** Two (2) Multiple Dwellings
7. **APPROXIMATE NUMBER OF UNITS:** Twenty-nine (29) dwelling units
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS:** Initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies.
10. **INCOME TARGETS:** The Disposition Area contains occupied buildings which will be sold subject to existing tenancies. Vacant units, if any, will be rented in compliance with federal regulations, where applicable. Vacant units not subject to such regulations will be rented to families with annual household incomes up to 120% of the area median.
11. **PROPOSED FACILITIES:** Approximately four (4) commercial spaces
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Type II
14. **PROPOSED TIME SCHEDULE:** Approximately twenty-four (24) months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

Report for L.U. No. 410

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190184 HAM (Haven Green) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 197-c of the New York City Charter and Section 576-a(2) of the Private Housing Finance Law, for the disposition of and sale to a developer selected by HPD, property located at 199-207 Elizabeth Street/222-230 Mott Street (Block 493, Lot 30), Borough of Manhattan, Council District 1, Community District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1748), respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 2****C 190184 HAM**

Application No. C 190184 HAM (Haven Green) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 197-c of the New York City Charter and Section 576-a (2) of the Private Housing Finance Law, for the disposition of and sale to a developer selected by HPD, property located at 199-207 Elizabeth Street/222-230 Mott Street (Block 493, Lot 30), Borough of Manhattan, Council District 1, Community District 2.

INTENT

To approve the disposition of city-owned property located at 199-207 Elizabeth Street, a.k.a 222-230 Mott Street (Block 493, Lot 30), to facilitate the development of a mixed-use building with 123 affordable senior housing units, office space for nonprofit organizations, and approximately 6,700 square feet of publicly accessible open space, and approximately 1,700 square feet of publicly accessible open space that is not open to the sky, at 199-207 Elizabeth Street/222-230 Mott Street (Block 493, Lot 30) in the Special Little Italy District (Preservation Area A) in Manhattan Community District 2.

PUBLIC HEARING**DATE:** May 2, 2019**Witnesses in Favor:** Thirty-one**Witnesses Against:** Thirty-one**SUBCOMMITTEE RECOMMENDATION****DATE:** June 11, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission with modifications.

In Favor:

Adams, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: June 11, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 415

Report of the Committee on Land Use in favor of approving Application No. C 180517 MMQ (JFK North Site) submitted by Jughandle Realty LLC and The New York City Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving the elimination, narrowing and realignment of the Nassau Expressway and the establishment of a portion of the south street line of Rockaway Boulevard within the area bounded by 159th Street, Nassau Expressway and Rockaway Boulevard, and the adjustment of grades and block dimensions necessitated thereby, and authorization for any acquisition or disposition of real property related thereto. Borough of Queens, Council District 31, Community District 13.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1750) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**QUEENS CB - 13****C 180517 MMQ**

City Planning Commission decision approving an application submitted by Jughandle Realty, LLC, and the New York City Economic Development Corporation, pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the elimination, narrowing and realignment of the Nassau Expressway and the establishment of a portion of the south street line of Rockaway Boulevard within the area bounded by 159th Street, Nassau Expressway and Rockaway Boulevard;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 13, Borough of Queens, in accordance with Map No. 5028 dated November 26, 2018 and signed by the Borough President.

INTENT

To approve the amendment to the City Map and included acquisition and disposition to facilitate the development of a distribution facility for Bartlett Dairy on a portion of the property, in the Springfield Gardens neighborhood of Queens, Community District 13.

PUBLIC HEARING**DATE:** May 14, 2019**Witnesses in Favor:** Seven**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor:

Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 951

Resolution approving the decision of the City Planning Commission on ULURP No. C 180517 MMQ, an amendment to the City Map (L.U. No. 415).

By Council Members Salamanca and Adams.

WHEREAS, Jughandle Realty, LLC, and the New York City Economic Development Corporation, filed an application pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the elimination, narrowing and realignment of the Nassau Expressway and the establishment of a portion of the south street line of Rockaway Boulevard within the area bounded by 159th Street, Nassau Expressway and Rockaway Boulevard;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 5028 dated November 26, 2018 and signed by the Borough President, (ULURP No. C 180517 MMQ), Community District 13, Borough of Queens (the "Application");

WHEREAS, the City Planning Commission filed with the Council on May 10, 2018, its decision dated May 8, 2019 (the "Decision"), on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 14, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued November 30th, 2018 (CEQR No. 17DME006Q) (the "Negative Declaration");

RESOLVED:

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

Pursuant to Sections 197-d and 199 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 180517 MMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

- the elimination, narrowing and realignment of the Nassau Expressway and the establishment of a portion of the south street line of Rockaway Boulevard within the area bounded by 159th Street, Nassau Expressway and Rockaway Boulevard;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 13, Borough of Queens, in accordance with Map No. 5028 dated November 26, 2018 and signed by the Borough President is approved.

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 5028 dated November 26, 2018 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

Report for L.U. No. 416

Report of the Committee on Land Use in favor of approving Application No. C 190127 PQM (Manhattanville Walkway 437 West 126th Street) submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter,

for the acquisition of property located at 437 West 126th Street (Block 1967, Lot 5) for use as an open, landscaped walkway. Borough of Manhattan, Council District 7, Community District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1750) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

**MANHATTAN CB-9 - TWO APPLICATIONS RELATED TO MANHATTANVILLE WALKWAY-
437 WEST 126TH STREET**

C 190127 PQM (L.U. No. 416)

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 437 West 126th Street (Block 1967, Lot 5) for use as an open landscaped walkway.

C 190128 HAM (L.U. No. 417)

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

1. Pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 437 West 126th Street (Block 1967, Lot 5) as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD.

to facilitate the development of an open landscaped walkway.

INTENT

To approve the acquisition of property and to designate an Urban Development Action Area, approve the project as an Urban Development Action Area Project, and approve the disposition of city-owned property located at 437 West 126th Street (Block 1967, Lot 5) to facilitate the development of an open landscaped walkway on the project site in the Manhattanville area of Manhattan Community District 9.

PUBLIC HEARING

DATE: May 14, 2019

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission ("CPC") and the HPD request on L.U. Nos. 416 and 417.

In Favor:

Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: June 11, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 952

Resolution approving the decision of the City Planning Commission on ULURP Application No. C 190127 PQM, for the acquisition of property located at 437 West 126th Street (Block 1967, Lot 5), for use as an open landscaped walkway, Borough of Manhattan Community District 9 (L.U. No. 416; C 190127 PQM).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development, filed an application pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 437 West 126th Street (Block 1967, Lot 5), which in conjunction with the related action would facilitate the development of an open landscaped walkway (the "Site"), Borough of Manhattan, Community District 9 (ULURP No. C 190127 PQM), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on May 10, 2019, its decision dated May 8, 2019 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 190128 HAM (L.U. No. 417), an Urban Development Action Area designation and project approval, and disposition of city-owned property;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 14, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the determination by the City Planning Commission, that the Application is a Type II action and requires no further review (CEQR No. 15HPD078M) (the “Type II Determination”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment pursuant to the Type II Determination.

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 190127 PQM, incorporated by reference herein, and the record before the Council, the Council approves the Decision.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

Report for L.U. No. 417

Report of the Committee on Land Use in favor of approving Application No. C 190128 HAM (Manhattanville Walkway 437 West 126th Street) submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law, for an urban development action area designation and project approval, and the disposition of city-owned property, for property located at 437 West 126th Street (Block 1967, Lot 5). Borough of Manhattan, Council District 7, Community District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1750) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 416 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 953

Resolution approving the decision of the City Planning Commission on ULURP Application No. C 190128 HAM, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 437 West 126th Street (Block 1967, Lot 5), Borough of Manhattan, Community District 9 (L.U. No. 417; C 190128 HAM).

By Council Members Salamanca and Adams.

WHEREAS, the City Planning Commission filed with the Council on May 10, 2019 its decision dated May 8, 2019 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") regarding city-owned property located at 437 West 126th Street (Block 1967, Lot 5), (the "Disposition Area"), approving:

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

which in conjunction with the related action would facilitate the development of an open landscaped walkway on the project site within Manhattan Community District 9, (ULURP No. C 190128 HAM) (the "Application");

WHEREAS, the Application is related to application C 190127 PQM (L.U. No. 416), an acquisition of property;

WHEREAS, by letter dated April 15, 2019 and submitted to the Council on April 26, 2019, HPD submitted its requests (the "HPD Requests") respecting the Application including the submission of the project summary for the Project (the "Project Summary");

WHEREAS, the HPD Requests are related to a previously approved City Council Resolution No. 2156 (L.U. No. 1232) dated December 11, 2001 (the "Original Resolution");

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

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on May 14, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the determination by the City Planning Commission, that the Application is a Type II and requires no further review action (CEQR No. 15HPD078M) (the “Type II Determination”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment pursuant to the Type II Determination.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 190128 HAM and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Area tends to impair or arrest the sound growth and development of the City of New York, that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law, and that the financial aid in the form of tax incentives to be provided by the municipality pursuant to Section 696 of the General Municipal Law is necessary to enable the project to be undertaken; and

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

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

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

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROJECT:** Manhattanville Walkway
- 3. **LOCATION:**
 - a. **BOROUGH:** Manhattan
 - b. **COMMUNITY DISTRICT:** 9
 - c. **COUNCIL DISTRICT:** 7
 - d. **DISPOSITION AREA:**

| | | |
|--------------|---------------|-----------------------------------|
| <u>BLOCK</u> | <u>LOT(S)</u> | <u>ADDRESS(ES)</u> |
| 1967 | 5 | 437 West 126 th Street |

4. **BASIS OF DISPOSITION PRICE:** Nominal.
5. **TYPE OF PROJECT:** Open Space
6. **APPROXIMATE NUMBER OF BUILDINGS:** None
7. **PROPOSED FACILITIES:** Approximately 1,608 square feet of open, recreational space
8. **PROPOSED CODES/ORDINANCES:** None
9. **ENVIRONMENTAL STATUS:** Type II
10. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of open space.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

Report for L.U. No. 418

Report of the Committee on Land Use in favor of approving Application No. 20190177 HAK (Brownsville North NCP) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law, for an urban development action area designation and project approval, and the disposition of city-owned property located at 379-383 Howard Avenue (Block 146, Lots 1 and 3) and 1297 East New York Avenue (Block 1476, Lot 34), to a developer to be selected by HPD. Borough of Brooklyn, Council District 41, Community District 16.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1751) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 16

C 190177 HAK

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:

- a) the designation of property located at 379-383 Howard Avenue (Block 1446, Lots 1 and 3) and 1297 East New York Avenue (Block 1476, Lot 34) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such properties to a developer to be selected by HPD;

to facilitate the construction of two buildings containing a total of approximately 32 units of affordable housing, Borough of Brooklyn, Community District 16.

INTENT

To approve the urban development action area designation, project approval, and disposition of city-owned property to facilitate the development of two four-story residential buildings, containing approximately 32 affordable units in the Ocean Hill neighborhood of Brooklyn, Community District 16.

PUBLIC HEARING

DATE: May 14, 2019

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission and the HPD request.

In Favor:

Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: June 11, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against: **Abstain:**
None None.

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

Res. No. 954

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 190177 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 379-383 Howard Avenue (Block 1446, Lots 1 and 3) and 1297 East New York Avenue (Block 1476, Lot 34), Borough of Brooklyn, Community District 16, to a developer selected by HPD (L.U. No. 418; C 190177 HAK).

By Council Members Salamanca, Jr. and Adams.

WHEREAS, the City Planning Commission filed with the Council on May 10, 2019 its decision dated April 10, 2019 (the “Decision”), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 379-383 Howard Avenue (Block 1446, Lots 1 and 3) and 1297 East New York Avenue (Block 1476, Lot 34), (the “Disposition Area”), approving:

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

to facilitate the development of two four-story residential buildings, containing approximately 32 affordable units in the Ocean Hill neighborhood of Brooklyn, Community District 16 (ULURP No. C 190177 HAK) (the “Application”);

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

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

WHEREAS, by letter dated May 3, 2019 and submitted to the Council on May 9, 2019, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on May 14, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on November 29, 2018 (CEQR No. 18HPD049K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 190177 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination, and the consideration described in the report (C 190177 HAK) and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

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

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

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary, a copy of which is attached hereto.

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

ATTACHMENT:

PROJECT SUMMARY

- | | |
|-------------------------------|---|
| 1. PROGRAM: | NEIGHBORHOOD CONSTRUCTION PROGRAM |
| 2. PROJECT: | Brownsville North/Ocean Hill NCP |
| 3. LOCATION: | |
| a. BOROUGH: | Brooklyn |
| b. COMMUNITY DISTRICT: | 16 |
| c. COUNCIL DISTRICT: | 41 |
| d. DISPOSITION AREA: | <u>BLOCK</u> <u>LOT(S)</u> <u>ADDRESS(ES)</u> |

| | | |
|------|----|---------------------------|
| 1446 | 3 | 379 Howard Avenue |
| 1446 | 1 | 383 Howard Avenue |
| 1476 | 34 | 1297 East New York Avenue |

- 4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.
- 5. TYPE OF PROJECT:** New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 2
- 7. APPROXIMATE NUMBER OF UNITS:** 32 dwelling units, plus one superintendent's unit
- 8. HOUSING TYPE:** Rental
- 9. ESTIMATE OF INITIAL RENTS** Rents will be affordable to families with incomes between up to 27% and 77% of area median income (AMI). All units will be subject to rent stabilization. Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent.
- 10. INCOME TARGETS** Up to 80% of AMI.
- 11. PROPOSED FACILITIES:** None
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Negative Declaration
- 14. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

Report for L.U. No. 420

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190113 ZMR (Special Bay Street Corridor District) submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 21c & 21d. Borough of Staten Island, Council District 49, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1751), respectfully

REPORTS:**SUBJECT**

STATEN ISLAND CB-1 – FOUR APPLICATIONS RELATED TO SPECIAL BAY STREET CORRIDOR DISTRICT

C 190113 ZMR (Pre. L.U. No. 420)

City Planning Commission decision approving an application submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 21c and 21d:

1. eliminating from within an existing R3-2 district a C2-2 district bounded by a line 150 feet northwesterly of Canal Street, a line 700 feet southwesterly of Wright Street, a line 125 feet northwesterly of Canal Street, a line 200 feet southwesterly of Wright Street, Canal Street, Broad Street, and Cedar Street;
2. eliminating from within an existing R4 district a C2-2 district bounded by Canal Street, Wright Street, and Broad Street;
3. changing from an R3X district to an R6 district property bounded by a line 130 feet northwesterly of Bay Street, a line 105 feet northeasterly of Baltic Street, a line 100 feet northwesterly of Bay Street, and Baltic Street;
4. changing from an M1-1 district to an R6 district property bounded by Bay Street (easterly portion), the southerly street line of Victory Boulevard, the easterly boundary line of the Staten Island Rapid Transit (SIRT) Right-of-Way, Sands Street, Bay Street, Sands Street, a line 100 feet westerly of Bay Street, Congress Street, a line 100 feet southeasterly of Van Duzer Street, Baltic Street, a line 100 feet northwesterly of Bay Street, Clinton Street, a line 100 feet southeasterly of Van Duzer Street, St. Julian Place, Van Duzer Street extension, Swan Street, a line 100 feet northeasterly of Van Duzer Street, Hannah Street, a line midway between Van Duzer Street and Bay Street, and the southwesterly centerline prolongation of Minthorne Street;
5. changing from an R3-2 district to an R6B district property bounded by a line 150 feet northwesterly of Canal Street, a line 700 feet southwesterly of Wright Street, a line 125 feet northwesterly of Canal Street, a line 200 feet southwesterly of Wright Street, Canal Street, Broad Street, and Cedar Street;
6. changing from an R3X district to an R6B district property bounded by Van Duzer Street, Baltic Street, a line 100 feet southeasterly of Van Duzer Street, and a line 100 feet northeasterly of Congress Street
7. changing from an R4 district to an R6B district property bounded by Canal Street, Wright Street, and Broad Street;

8. changing from an M1-1 district to an R6B district property bounded by Van Duzer Street, a line 150 feet northwesterly of Hannah Street, a line midway between Van Duzer Street and Bay Street, Hannah Street, a line 100 feet northeasterly of Van Duzer Street, Swan Street, Van Duzer Street Extension, St. Julian Place, a line 100 feet southeasterly of Van Duzer Street, and Grant Street;
9. establishing within a proposed R6 district a C2-3 district bounded by a line midway between Van Duzer Street and Bay Street, the southwesterly centerline prolongation Minthorne Street, Bay Street, the easterly centerline prolongation Swan Street, the easterly boundary line of the SIRT Right-of-Way, Sands Street, Bay Street, Sands Street, a line 100 feet easterly of Bay Street, Congress Street, a line 100 feet southeasterly of Van Duzer Street, Baltic Street, a line 130 feet northwesterly of Bay Street, a line 105 feet northeasterly of Baltic Street, a line 100 feet northwesterly of Bay Street, Clinton Street, a line 100 feet southeasterly of Van Duzer Street, St. Julian Place, Van Duzer Street Extension, Swan Street, a line 100 feet northeasterly of Van Duzer Street, and Hannah Street;
10. establishing within a proposed R6B district a C2-3 district bounded by:
 - a. Van Duzer Street, a line 150 feet northwesterly of Hannah Street, a line midway between Van Duzer Street and Bay Street, Hannah Street, a line 100 feet northeasterly of Van Duzer Street, Swan Street, Van Duzer Street Extension, St. Julian Place, a line 100 feet southeasterly of Van Duzer Street, and Grant Street; and
 - b. a line 150 feet northwesterly of Canal Street, a line 700 feet southwesterly of Wright Street, a line 125 feet northwesterly of Canal Street, a line 200 feet southwesterly of Wright Street, Canal Street, Wright Street, Broad Street, and Cedar Street;
11. establishing within a proposed R6 district a C2-4 district bounded by Bay Street (easterly portion), the southerly street line of Victory Boulevard, the easterly boundary line of SIRT Right-of-Way, the easterly centerline prolongation of Swan Street, and Bay Street; and
12. establishing a Special Bay Street Corridor District (SBSCD) bounded by Bay Street (easterly portion), the southerly street line of Victory Boulevard, the easterly boundary line of the Staten Island Rapid Transit (SIRT) Right-of-Way, Sands Street, Bay Street, Sands Street, a line 100 feet westerly of Bay Street, Congress Street, a line 100 feet southeasterly of Van Duzer Street, a line 100 feet northeasterly of Congress Street, Van Duzer Street, Baltic Street, a line 130 feet northwesterly of Bay Street, a line 105 feet northeasterly of Baltic Street, a line 100 feet northwesterly of Bay Street, Clinton Street, a line 100 feet southeasterly of Van Duzer Street, Grant Street, Van Duzer Street, a line 150 feet northwesterly of Hannah Street, a line midway between Van Duzer Street and Bay Street, and the southwesterly centerline prolongation of Minthorne Street;

as shown on a diagram (for illustrative purposes only) dated November 13, 2018, and subject to the conditions of City Environmental Quality Review (CEQR) Declaration E-429.

N 190114(A) ZRR (Pre. L.U. No. 421)

City Planning Commission decision approving an application 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, relating to Article XIII, Chapter 5 (Special Bay Street Corridor District) to establish the Special Bay Street Corridor District and establish a Mandatory Inclusionary Housing area.

C 190115 PPR (Pre. L.U. No. 422)

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of one City-owned property located at 55 Stuyvesant Place (Block 9, Lot 9), pursuant to zoning.

C 190179(A) HAR (Pre. L.U. No. 423)

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 539 Jersey Street/100 Brook Street (Block 34, Lot 1), as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate a mixed-use development containing approximately 223 affordable residential units and commercial and/or community facility space.

INTENT

To approve an amendment to rezone M1-1 and R3X to R6/C2-4 (SBSCD), R6/C2-3 (SBSCD), R6B/C2-3 (SBSCD), R6B (SBSCD) and from R3-2/C2-2 and R4/C2-2 to R6B/C2-3; establish the Special Bay Street Corridor District (SBSCD) and associated use, bulk, and other regulations, amend the height and street wall provisions for Parcels A/B1 of the Special Stapleton Waterfront Special District, and establish the Bay Street Corridor and Canal Street Corridor as Mandatory Inclusionary Housing areas; to approve the disposition of one city-owned property located at 55 Stuyvesant Place; and to designate a city-owned site as an Urban Development Action Area (UDAA) and approval of the project as an Urban Development Action Area Project (UDAAP). to facilitate land use actions associated with the Bay Street Corridor Neighborhood Plan (the “plan”), a comprehensive planning effort to foster a vibrant, mixed-use corridor with opportunities for affordable housing that connects the surrounding communities of St. George, Tompkinsville and Stapleton along a 20-block non-contiguous stretch of Bay Street in Community District 1, Staten Island.

PUBLIC HEARING

DATE: May 14, 2019

Witnesses in Favor: Ten

Witnesses Against: Fifteen

SUBCOMMITTEE RECOMMENDATION**DATE:** June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission (“CPC”) on Pre. L.U. Nos. 420, 422, and 423, and approve with modifications the decision of the CPC on L.U. No. 421.

In Favor:

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

Against: **Abstain:**
None None.

COMMITTEE ACTION**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against: **Abstain:**
None None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 421

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190114(A) ZRR (Special Bay Street Corridor District) submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing the Special Bay Street Corridor District (Article XIII, Chapter 5), and modifying related Sections, including Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area. Borough of Staten Island, Council District 49, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1751), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 420 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 422

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190115 PPR (Special Bay Street Corridor District) submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the disposition of one city-owned property located at 55 Stuyvesant Place (Block 9, Lot 9), pursuant to zoning, Borough of Staten Island, Council District 49, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1752), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 420 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 423

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190179(A) HAR (Special Bay Street Corridor District) submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law, for an urban development action area designation and project approval and the disposition of city-owned property, for property located at 539 Jersey Street/100 Brook Street (Block 34, Lot 1), to a developer to be selected by HPD. Borough of Staten Island, Council District 49, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1752), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 420 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 424

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190207 ZMX (Brook 156) submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6a & 6c, changing from an R7-2 District to a C6-2 District property located at Block 2360, Lots 1 & 3. Borough of the Bronx, Council District 17, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1752), respectfully

REPORTS:**SUBJECT****BRONX CB-1 - FOUR APPLICATIONS RELATED TO BROOK 156****C 190207 ZMX (L.U. No. 424)**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD) and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6a and 6c,

changing from an R7-2 District to a C6-2 District property bounded by Brook Avenue, a southwesterly street line of Brook Avenue and its northwesterly and southeasterly prolongations, the westerly street line of the former Hegney Place, and East 156th Street, Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated December 3, 2018.

C 190208 PPX (L.U. No. 425)

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the disposition of one city-owned property (Block 2360, Lot 3), pursuant to zoning.

N 190209 ZRX (L.U. No. 426)

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

C 190210 ZSX (L.U. No. 427)

City Planning Commission decision approving an the application submitted by the New York City Department of Housing Preservation and Development (HPD) and Phipps Houses, pursuant to Section 197-c and 201 of the New York City Charter for grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed use development on property located at 740 Brook Avenue a.k.a. East 156th Street (Block 2360, Lots 1 & 3), in a C6-2 District.

INTENT

To approve an amendment to rezone the project area from R7-2 to a C6-2 district; approve the disposition of one city-owned property located at Block 2360, Lot 3; amend zoning text to modify Appendix F and map the Project Area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2; grant an approval of the special permit pursuant to ZR Section 74-681 to permit development on or over a railyard right-of-way, to facilitate the development of a new nine-story residential building comprising approximately 54 affordable dwelling units plus one unit for a superintendent, comprising approximately 45,231 square feet of residential space and 1,115 square feet of community facility space on Block 2360, Lots 1 and 3 in the Melrose neighborhood of Community District 1 in the Bronx,

PUBLIC HEARING

DATE: June 6, 2019

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** June 11, 2019

The Subcommittee recommends that the Land Use Committee approve with modifications the decision of the City Planning Commission (“CPC”) on L.U. No. 426 and approve the decisions of the City Planning Commission on L.U. Nos. 424, 425, and 427.

In Favor:

Moya, Lancman, Reynoso, Richards, Rivera, Grodenchik.

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 425

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190208 PPX (Brook 156) submitted by the Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter for the disposition of one city-owned property (Block 2360, Lot 3), pursuant to zoning. Borough of the Bronx, Council District 17, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1752), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 424 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 426

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190209 ZRX (Brook 156) submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area. Borough of the Bronx, Council District 17, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1753), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 424 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 427

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190210 ZSX (Brook 156) submitted by the New York City Department of Housing Preservation and Development and Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter,

for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed use development on property located at 740 Brook Avenue a.k.a. East 156th Street (Block 2360, Lots 1 & 3), in a C6-2* District. Borough of the Bronx, Council District 17, Community District 1. *Note: The site is proposed to be rezoned from an R7-2 District to a C6-2 District under a concurrent related application (C 190207 ZMX).

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1753), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 424 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 436

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180292 ZMK (2 Howard Avenue Rezoning) submitted by Merrick Capital Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17a, eliminating from within an existing R6B District a C2-4 District and changing from an R6B District to a C4-4L District, Borough of Brooklyn, Council District 41, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on May 29, 2019 (Minutes, page 1955), respectfully

REPORTS:

SUBJECT

**BROOKLYN CB-3 – TWO APPLICATIONS RELATED TO 2 HOWARD AVENUE
REZONING**

C 180292 ZMK (Pre. L.U. No. 436)

City Planning Commission decision approving an application submitted by Merrick Capital Corp., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a:

1. eliminating from within an existing R6B District a C2-4 District bounded by Monroe Street, Howard Avenue, Madison Street and a line 100 feet westerly of Howard Avenue; and
2. changing from an R6B District to a C4-4L District property bounded by Monroe Street, Howard Avenue, Madison Street and a line 100 feet westerly of Howard Avenue;

as shown on a diagram (for illustrative purposes only) dated December 3, 2018, and subject to the conditions of CEQR Declaration E-513.

N 180293 ZRK (Pre. L.U. No. 437)

City Planning Commission decision approving an application submitted by Merrick Capital Corp., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to change from R6B/C2-4 to C4-4L and establish Mandatory Inclusionary Housing (MIH) area utilizing Option 2, to facilitate the construction of a new six-story, approximately 36,000-square-foot, mixed-use building with 30 residential units and ground floor commercial space at 2 Howard Avenue (Block 1481, Lot 35) in the Bedford-Stuyvesant neighborhood of Brooklyn Community District 3.

PUBLIC HEARING

DATE: May 14, 2019

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission (“CPC”) for Pre. L.U. No. 436 and approve with modifications the decision of the City Planning Commission for Pre. L.U. No. 437.

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

Report for L.U. No. 437

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180293 ZRK (2 Howard Avenue Rezoning) submitted by Merrick Capital Corp. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Council District 41, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on May 29, 2019 (Minutes, page 1955), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 436 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

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

Report for L.U. No. 459

Report of the Committee on Land Use in favor of approving Application No. 20185131 SCK (650-Seat Intermediate School Facility/21-31 and 35 Delevan Street) submitted by the New York School Construction Authority, pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 650-Seat Primary School Facility to be located on Block 523, Lots 1 and 13R, Borough of Brooklyn, Council District 38, Community School District 15.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 6

20185131 SCK

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 650-Seat Intermediate School Facility located at 21-31 and 35 Delavan Street (Block 523, Lots 1 and 13R), Borough of Brooklyn.

INTENT

To approve the site plan for the construction of a new, approximately 650-Seat Intermediate School Facility in the Red Hook neighborhood of Brooklyn to accommodate students in Community School District No. 15.

PUBLIC HEARING

DATE: June 6, 2019

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:

Barron, Koo, Miller, Treyger.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: June 11, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against: **Abstain:**
None None

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

Res. No. 955

Resolution approving the site plan for a new, approximately 650-Seat Intermediate School Facility located at 21-31 and 35 Delevan Street (Block 523, Lots 1 and 13R), Borough of Brooklyn, Community District 6 (Non-ULURP No. 20185131 SCK; Preconsidered L.U. No. 459).

By Council Members Salamanca and Adams.

WHEREAS, the New York City School Construction Authority submitted to the Council on June 3, 2019, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 650-Seat Intermediate School Facility located at 21-31 and 35 Delevan Street (Block 523, Lots 1 and 13R) Borough of Brooklyn, Community District 6, to accommodate students in Community School District No. 15 (the "Site Plan");

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on June 6, 2019;

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on September 24, 2018, (SEQR Project Number 19-004) (the "Negative Declaration"); and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Site Plan.

RESOLVED:

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

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

Report for L.U. No. 460

Report of the Committee on Land Use in favor of approving Application No. 20185333 SCX (458-Seat Primary School Facility/1560 Boone Avenue) submitted by the New York School Construction Authority, pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 458-Seat Intermediate School Facility to be located on Block 3014, Lot 16, Borough of the Bronx, Council District 17, Community School District 12.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 3

20185333 SCX

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 458-Seat Primary School Facility located at 1560 Boone Avenue (Block 3014, Lot 16) in the Crotona Park East/West Farms neighborhood of the Bronx, Community School District 12.

INTENT

To approve the site plan for the construction of a new, approximately 458-Seat Primary School Facility in the Crotona Park East/West Farms neighborhood of the Bronx to accommodate students in Community School District No. 12.

PUBLIC HEARING

DATE: June 6, 2019

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:

Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 956

Resolution approving the site plan for a new, approximately 458-Seat Primary School Facility located at 1560 Boone Avenue (Block 3014, Lot 16), Borough of the Bronx, Community District 3 (Non-ULURP No. 20185333 SCX; Preconsidered L.U. No. 460).

By Council Members Salamanca and Adams.

WHEREAS, the New York City School Construction Authority submitted to the Council on June 3, 2019, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 458-Seat Primary School Facility located at 1560 Boone Avenue (Block 3014, Lot 16), Borough of the Bronx, Community District 3, to accommodate students in Community School District No. 12 (the "Site Plan");**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on June 6, 2019;**WHEREAS**, the Council has considered the relevant environmental issues, including the statement of findings issued on May 13, 2019, (SEQR Project Number 19-014) (the "Statement of Findings"); and**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Site Plan.

RESOLVED:

The Council finds that the action is one which minimizes or avoids adverse environmental impacts to the maximum extent possible by incorporating, as conditions to the decision, those mitigative measures which were identified as practicable as set forth in the Statement of Findings.

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

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

Report for L.U. No. 461

Report of the Committee on Land Use in favor of approving Application No. 20195177 SCX (458-Seat Primary School Facility/1302 Edward L Grant Highway) submitted by the New York School Construction Authority, pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 458-Seat Primary School Facility to be located on Block 2871, Lot 61 and 140, Borough of the Bronx, Council District 16, Community School District 9.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BRONX CB - 4****20195177 SCX**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 458-Seat Primary School Facility located at 1302 Edward L Grant Highway (Block 2871, Lots 61 and 140), Borough of the Bronx, Community School District 9.

INTENT

To approve the site plan for the construction of a new, approximately 458-Seat Primary School Facility in the Jerome Avenue Rezoning Area in the Bronx to accommodate students in Community School District No. 9.

PUBLIC HEARING**DATE:** June 6, 2019**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:

Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** June 11, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 957

Resolution approving the site plan for a new, approximately 458-Seat Primary School Facility located at 1302 Edward L Grant Highway (Block 2871, Lots 61 and 140), Borough of the Bronx, Community District 4 (Non-ULURP No. 20195177 SCX; Preconsidered L.U. No. 461).

By Council Members Salamanca and Adams.

WHEREAS, the New York City School Construction Authority submitted to the Council on June 3, 2019, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 458-Seat Primary School Facility located at 1302 Edward L Grant Highway (Block 2871, Lots 61 and 140) in the Jerome Avenue Rezoning Area in the Bronx, Community District 4, to accommodate students in Community School District No. 9 (the "Site Plan");**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on June 6, 2019;

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on May 13, 2019, (SEQR Project Number 18-015) (the “Negative Declaration”); and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Site Plan.

RESOLVED:

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

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

Report for L.U. No. 462

Report of the Committee on Land Use in favor of approving Application No. 20195464 SCK (592-Seat Primary School Facility/650 86th Street) submitted by the New York School Construction Authority, pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 592-Seat Primary School Facility to be located on Block 6056, Lots 12 and 15, Borough of Brooklyn, Council District 43, Community School District 20.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on June 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 10

20195464 SCK

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 592-Seat Intermediate School Facility located at 650 86th Street (Block 6056, Lots 12 and 15), Borough of Brooklyn.

INTENT

To approve the site plan for the construction of a new, approximately 592-seat Intermediate School Facility in the Dyker Heights section of Brooklyn to accommodate students in Community School District No. 20.

PUBLIC HEARING

DATE: June 6, 2019

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: June 6, 2019

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:

Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: June 11, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res, No. 958

Resolution approving the site plan for a new, approximately 592-Seat Intermediate School Facility located at 650 86th Street (Block 6056, Lots 12 and 15), Borough of Brooklyn, Community District 10 (Non-ULURP No. 20195464 SCK; Preconsidered L.U. No. 462).

By Council Members Salamanca and Adams.

WHEREAS, the New York City School Construction Authority submitted to the Council on June 3, 2019, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 592-Seat Intermediate School Facility located at 650 86th Street (Block 6056, Lots 12 and 15),

Borough of Brooklyn, Community District 10, to accommodate students in Community School District 20 (the “Site Plan”);

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on June 6, 2019;

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on May 30, 2019, (SEQR Project Number 19-018) (the “Negative Declaration”); and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Site Plan.

RESOLVED:

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, June 11, 2019. *Other Council Members Attending: Council Members Espinal and Chin.*

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

Report of the Committee on Rules, Privileges and Elections

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

Report for Res. No. 959

Report of the Committee on Rules, Privileges and Elections in favor of approving a Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership to the Standing Committees and Subcommittees of the Council.

The Committee on Rules, Privileges and Elections, to which the annexed Council resolution was referred on June 13, 2019, respectfully

REPORTS:

SUBJECT: Resolution amending Rule 7.00 of the Rules of the Council in relation to proposed changes in membership to the Standing Committees and Subcommittees of the Council.

ANALYSIS: Before the Committee, for its consideration, are proposed changes to the membership of certain Standing Committees and Subcommittees. See attached.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 959:)

Res. No. 959

Resolution amending Rule 7.00 of the Rules of the Council in relation to changes in membership to the Standing Committees and Subcommittees of the Council.

By Council Member Koslowitz:

RESOLVED, pursuant to Rule 7.00(a) of the Rules of the Council, the Council does hereby consent to the following changes in Membership to certain Standing Committees and Subcommittees. See attached.

STANDING COMMITTEES

Civil Service and Labor

Louis
[Maisel]

Economic Development

Louis
[Rivera]

Education

Louis

FinanceLouisGjonaj

[Cohen]

General Welfare

[Adams]

Higher EducationUlrich

[King]

Housing & BuildingsLouis**Justice System**CumboLouisTorres

[Dromm]

[Lander]

[Ulrich]

Land Use

[Constantinides]

[Torres]

Parks & RecreationKoo, ChairAdamsRivera

[Grodenschik]

Sanitation & Solid Waste ManagementBrannanCohen**State and Federal Legislation**King

[Rodriguez]

TechnologyHolden, ChairAyalaConstantinides**Youth Services**Louis

[Brannan]

Subcommittees

Zoning and Franchises

[Constantinides]

[Torres]

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, VANESSA L. GIBSON, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, June 13, 2019.

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

Report of the Committee on State and Federal Legislation

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 2

Report of the Committee on State and Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Ramos, S.6250-A, and Assembly Members Aubry and Cruz, A.4366-A, “AN ACT to amend chapter 450 of the laws of 2017, authorizing the city of New York to discontinue certain parkland for the purpose of construction and operation of a pre-kindergarten center with a focus on instruction in science, technology, engineering, and mathematics, in relation to adjusting the boundaries of such land to be discontinued and the reversion of such lands back to the city of New York if such land is not used for such purpose”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 13, 2019, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

This legislation will provide more specific direction in regard to the metes and bounds of the land designated in Flushing Meadow Park to permit the construction of a new pre-kindergarten facility in the proximity of the New York Hall of Science which would provide opportunities for children to attend a prekindergarten program that focuses on science, technology, engineering and math.

PROPOSED LEGISLATION:

Section one of the legislation outlines the law being amended as Section 3 of Chapter 450 of the laws of 2017. Section one provides specific metes and bounds for a parcel of land at Flushing Meadow Park in Queens, New York.

Section two states that in the event, prior to the construction of any pre-kindergarten center buildings, the property described in section 3 of chapter 450 of the laws of 2017 is used for a purpose that is inconsistent with the purposes of chapter 734 of the laws of 1963, such property will revert back to the city of New York for purposes that are consistent with those provided by chapter 734 of the laws of 1963. Further, the section states that in the event any pre-kindergarten center buildings have been erected on the property described in section 3 of chapter 450 of the laws 2017 and if the property will ever be used for a purpose other than for the purpose of construction and operation of a pre-kindergarten center with a focus on instruction in science, technology, engineering, and mathematics, such property will revert back to the city of New York for purposes that are consistent with those provided by chapter 734 of the laws of 1963.

Section three of the state bills describes the effective date. The act will take effect immediately and will be deemed to have been in full force and effect on and after November 29, 2017.

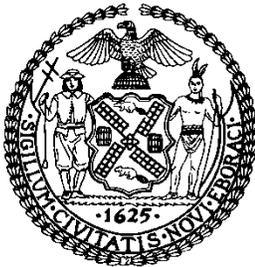
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 2:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

**Preconsidered SLR 2 : A.4366-A (Aubry)
S.6250-A (Ramos)**

COMMITTEE: State and Federal Legislation

TITLE: An act to amend chapter 450 of the laws of 2017, authorizing the city of New York to discontinue certain parkland for the purpose of construction and operation of a pre-kindergarten center with a focus on instruction in science, technology, engineering, and mathematics, in relation to adjusting the boundaries of such land to be discontinued and the reversion of such lands back to the city of New York if such land is not used for such purpose.

SPONSOR(S): Council Member Cohen.

SUMMARY OF LEGISLATION: This bill would provide more specific direction with regard to the metes and bounds of the land designated, and to ensure that the parkland will revert back to the city of New York if the parcel is not used for the purpose of construction and operation of a pre-kindergarten center with a focus on instruction in science, technology, engineering, and mathematics.

EFFECTIVE DATE: This act would take effect immediately upon its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Monika Bujak, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 13, 2019. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 13, 2019.

DATE PREPARED: June 12, 2019

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in-Support from each house ([S.6250-A](#); [A.4366-A](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ANDREW COHEN, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr.; Committee on State and Federal Legislation, June 13, 2019.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 3

Report of the Committee on State and Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Addabbo, S.6442, Assembly Member Pheffer Amato, A.8238, “AN ACT to amend chapter 239 of the laws of 1995, relating to authorizing the city of New York to sell waterfront property including the land under water appurtenant thereto owned by or which may be acquired in the future by such city in the lands known as Broad channel in the borough of Queens, in relation to sale of certain land”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 13, 2019, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

This legislation authorizes the city of New York to sell specific property within Broad Channel, Queens. This legislation will permit the Governor’s Office of Storm Recovery to continue its work of revitalizing communities within South Queens impacted by Superstorm Sandy in 2012 for an additional five years.

PROPOSED LEGISLATION:

Section one of the legislation amends sections 1, 2, 3 and 4 of chapter 239 of the laws of 1995, relating to authorizing the city of New York to sell waterfront property including the land under water appurtenant thereto owned by or which may be acquired in the future by such city in Broad Channel, Queens. This section extends the waterfront revitalization program in South Queens for an additional five years. This section describes the metes and bounds of the land being affected. This section also states that any proposed sale will be reviewed, where required by law, for consistency with any waterfront revitalization program, including the public access policies adopted by the city pursuant to section 915 of the executive law.

Section two states that the effective date.

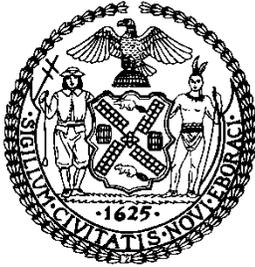
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 3:)



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

Preconsidered SLR 3: A.8238 (Pheffer Amato)
S.6442 (Addabbo)

COMMITTEE: State and Federal Legislation

TITLE: An act to amend chapter 239 of the laws of 1995, relating to authorizing the city of New York to sell waterfront property including the land under water appurtenant thereto owned by or which may be acquired in the future by such city in the lands known as Broad channel in the borough of Queens, in relation to sale of certain land.

SPONSOR(S): Council Member Cohen.

SUMMARY OF LEGISLATION: This legislation would authorize the New York City to sell a waterfront property on East 12th Road in Broad Channel, Queens to allow for the continuation of a waterfront revitalization program.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY20 |
|-------------------------|---------------------------|---|------------------------------------|
| Revenues (+) | (See Below) | (See Below) | (See Below) |
| Expenditures (-) | \$0 | \$0 | \$0 |
| Net | (See Below) | (See Below) | (See Below) |

IMPACT ON REVENUES: This legislation would authorize the City to sell a waterfront and the proceeds of such sale would be additional revenue to the City. However, at this time it is unknown if the City would actually sell the property pursuant to this authorization and, if it did, what the purchase price agreement would be between the City and a willing buyer.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Monika Bujak, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 13, 2019. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 13, 2019.

DATE PREPARED: June 12, 2019.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house (S.6442; A.8238), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ANDREW COHEN, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr.; Committee on State and Federal Legislation, June 13, 2019.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 4

Report of the Committee on State and Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6324, and Assembly Member Weprin, A.8138, “AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 13, 2019, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

New York State Law requires that the City of New York adopt class shares based on rates calculated by the State Board of Real Property Services (SBRPS) for the purpose of distributing the tax levy among the four classes of real property. This year SBRPS' class equalization rates would cause the tax burden on property tax class one, comprised of one-, two- and three-family homes, to increase, as it has over the past several years.

The purpose of this bill is provide relief for the residential property tax class one without placing a burden on to class two, which is the other residential tax class. The "uncapped" current base proportions of class one would grow by over 6.3 percent from fiscal year 2019, under SBRPS' calculations. Currently, State Law provides that the current base proportion of any one class may not exceed the adjusted base proportion for that class from the prior year by more than five percent.

This legislation would adjust that rule, for one year only, to cap the maximum class growth at 0.0 percent for New York City. The effect of this change would be to reduce the amount by which the current base proportions for any class, including class one, is allowed to grow, resulting in citywide savings of about \$321 for a typical owner of a class one single family home. Under a cap of 0.0 percent, class two properties will see a decrease in the tax rate, making the rate the lowest it has been since fiscal year 2009. Class three's rate is expected to increase, by 3.7 percent however, the change only brings that rate back up to a level similar to those from fiscal 2009 through 2013. Class four properties would see a very slight increase in their rate from fiscal 2018 which would keep their rate lower than it had been from fiscal 2015 through fiscal 2017. If this bill does not become law, the New York City Council has to adopt the default SBRPS formula for establishing class shares. The estimated tax rate increase for class one would be over 6 percent, which when coupled with assessment increases would cause significant increases in the tax bills for residential homeowners.

PROPOSED LEGISLATION:

Section one of this bill amends subdivision 1 of section 1803-a of the real property tax law by adding a new paragraph (gg) which caps the maximum class growth rate at 0.0 percent for fiscal year 2020.

Section two of this bill holds that in the event that the special assessing unit has sent out real property tax bills for its fiscal year 2020 before this act becomes law, the city of New York will take such as actions as are necessary to effect the provisions of section one of this act.

Section three states that this bill shall take effect immediately.

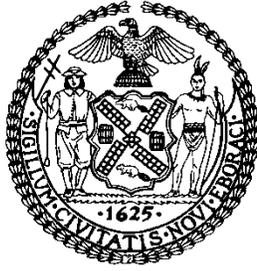
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately

(The following is the text of the Fiscal Impact Statement for SLR No. 4:)



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

PRECONSIDERED SLR 4: A.8138 / S.6324

COMMITTEE: State and Federal Legislation

TITLE: AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities. **SPONSOR(S):** Council Member Cohen.

SUMMARY OF LEGISLATION: This legislation would limit the increase in the Fiscal 2020 current base proportions of any class over the Fiscal 2019 adjusted base proportions to zero percent, down from the current five percent. The bill would also provide for revising the current base proportions and adjusted base proportions, resetting the real property tax rates, and sending out amended real property tax bills in the event that the Department of Finance has mailed out property tax bills before enactment of this law.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation because it would not impact the overall size of the property tax levy for Fiscal 2020.

IMPACT ON EXPENDITURES: There would be no impact on expenditures as a result of the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York State Board of Real Property Services (SBRPS)
New York City Department of Finance
New York City Council Finance Division

ESTIMATE PREPARED BY: Davis Winslow, Senior Economist
Kira McDonald, Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Emre Edev, Assistant Director
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 13, 2019. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 13, 2019.

DATE PREPARED: June 10, 2019.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.6324](#); [A.8138](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ANDREW COHEN, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr.; Committee on State and Federal Legislation, June 18, 2019.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 5

Report of the Committee on State and Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Krueger, Comrie, Gounardes, Hoylman, Liu, Ramos, Skoufis, Stavisky, S.1925-B, and Assembly Members Rozic, Epstein, Ortiz, Reyes, Simon, Gottfried, Glick, De La Rosa, Seawright, Dinowitz, Quart, Mosley, Fernandez, DenDekker, Colton, Carroll, Griffin, Steck, A.6777-B, "AN ACT to amend the vehicle and traffic law, in relation to removing caps on automated enforcement cameras for bus lanes in the city of New York and creating a graduated schedule of fines for repeat offenders and to amend part II of chapter 59 of the laws of 2010, amending the vehicle and traffic law and the public officers law relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, in relation to the effectiveness thereof".

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) referred on June 13, 2019, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

In 2008, the New York City Department of Transportation (“NYC DOT”) and the Metropolitan Transit Authority collaborated on a bus rapid transit program known as Select Bus Service (“SBS”). SBS routes are outfitted with a number of special features that have resulted in bus speed increases as high as 30%, and ridership increases of about 10%. The use of bus lane enforcement cameras along SBS has helped the program succeed. Current state law limits the use of bus lane enforcement cameras to just 16 bus routes in the city. NYC DOT has installed additional bus lanes beyond the designated 16, but lacks the ability to enforce them with cameras, limiting their effectiveness.

This legislation will remove the cap on automated enforcement cameras for bus lanes in New York City. This bill removes the time restrictions on when the cameras can operate and reduces the maximum penalty to \$50 for a violating a bus lane restriction on any SBS route that is captured by the enforcement cameras. The bill establishes a graduated fine schedule for repeat offenders captured on camera. The owners of the cars captured by the enforcement cameras will be liable for the fines.

PROPOSED LEGISLATION:

Section one of the legislation amends 1111-c of the Vehicle and Traffic law to remove the cap on the number of routes that the NYC DOT may designate under the “bus rapid transit program,” and along which the DOT may install bus lanes cameras. This section also removes time restrictions on when cameras operate. Section one lowers the maximum monetary penalty for the bus lane camera program to \$50 and creates a graduate fine schedule for repeat offenders. This section also directs revenue from mobile bus lane cameras mounted on buses to the New York City Transportation Assistance Fund.

Section two amends chapter 59 of the laws of 2010 to extend the sunset provision on the authorization of bus lane enforcement cameras to September 20, 2025.

Section three is the effective date.

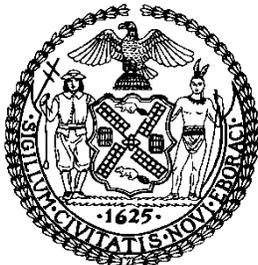
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 5:)



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

FISCAL IMPACT STATEMENT

**Preconsidered SLR 5: S.1925-B (Krueger)
A.6777-B (Rozić)**

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the vehicle and traffic law, in relation to removing caps on automated enforcement cameras for bus lanes in the city of New York and creating a graduated schedule of fines for repeat offenders and to amend part II of chapter 59 of the laws of 2010, amending the vehicle and traffic law and the public officers law relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, in relation to the effectiveness thereof.

SPONSOR: Council Member Cohen.

SUMMARY OF LEGISLATION: This bill would remove the cap on automated enforcement cameras for bus lanes in the City of New York and remove the time restrictions on when cameras can operate. The bill would also lower the amount of the fine for a first violation from \$115 to \$50 and create a graduated schedule of fines for repeat offenders. Fines would be deposited in the general transportation account of New York City transportation assistance fund. Lastly, the bill would extend the sunset provision on the bus lane automated enforcement camera program to September 20, 2025.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY20 |
|-------------------------|-----------------------|-------------------------------------|--------------------------------|
| Revenues (+) | (See Below) | (See Below) | (See Below) |
| Expenditures (-) | (See Below) | (See Below) | (See Below) |
| Net | (See Below) | (See Below) | (See Below) |

IMPACT ON REVENUES: Although the bill would reduce the fine amount for a first violation from \$115 to \$50, it would also create higher fines for subsequent violations, specifically \$100 for a second violation, \$150 for a third violation, \$200 for a fourth violation, and \$250 for a fifth and more violations within a 12-month period. As such, it is likely the decrease in revenue resulting from a lower first violation fine would be offset by revenue from the new higher fine rates created by this legislation for subsequent violations.

IMPACT ON EXPENDITURES: It is anticipated that this legislation would impact expenditures in that implementation would include both operating costs and a one-time capital expenditure for the purchase and installation of additional new cameras. However, because it is unknown how many additional cameras will be installed, the cost is undetermined at this time.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Basile, Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head

Nathan Toth, Deputy Director
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR at a hearing on June 13, 2019. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and submitted for a vote to the full Council on June 13, 2019.

Date Prepared: June 12, 2019.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.1925-B; A.6777-B), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ANDREW COHEN, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr.; Committee on State and Federal Legislation, June 13, 2019.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 6

Report of the Committee on State and Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Comrie, S.3215-A, and Assembly Member Vanel, A.1658-A, "AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for tractor-trailer combinations that park on residential streets overnight".

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 13, 2019, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

The residents of Southeast Queens have experienced a large number of commercial trucks that park overnight in residential communities. These commercial trucks take up spaces in front of houses, often creating an eyesore for residents and exposing them to environmental hazards such as trucks that leave their air conditioners or heaters on overnight. The federal government has designated Southeast Queens an extreme transit desert. The loss of parking spots to commercial trucks has contributed to the transportation difficulties that the residents of Southeast Queens experience and has created quality of life issues for the community at large.

PROPOSED LEGISLATION:

Section one of the legislation amends paragraph 2 of subdivision c of section 19-170 of the administrative code of the city of New York to impose a \$400 fine for a first time violation of this section by any commercial vehicle, including tractor-trailer combinations, truck trailer or semi-trailer. Any subsequent violation of this section by the same owner within a six month period will receive a fine of \$800.

Section two of this legislation amends subdivision 2 of section 237 of the vehicle and traffic law, as amended by chapter 458 of the laws of 2010 to provide that in a City of a million or more people, any commercial vehicle that violates this law shall receive a \$400 fine for a first time violation of this section by any commercial vehicle, including tractor-trailer combinations, truck trailer or semi-trailer. Any subsequent violation of this section by the same owner within a six month period will receive a fine of \$800.

Section three is the effective date.

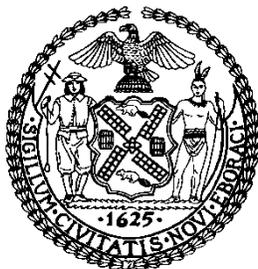
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 6:)



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

FISCAL IMPACT STATEMENT

**Preconsidered SLR 6: S.3215-A (Comrie)
A.1658-A (Vanel)**

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for tractor-trailer combinations that park on residential streets overnight.

SPONSOR: Council Member Cohen.

SUMMARY OF LEGISLATION: This bill would increase fines for overnight parking of tractor-trailer combinations, tractors, truck trailers, and semi-trailers on residential streets in the City of New York from \$250 to \$400 for a first violation and from \$500 to \$800 for a subsequent violation within a six-month period.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Basile, Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR at a hearing on June 13, 2019. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and submitted for a vote to the full Council on June 13, 2019.

Date Prepared: June 12, 2019

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.3215-A](#); [A.1658-A](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ANDREW COHEN, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr.; Committee on State and Federal Legislation, June 13, 2019.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 7

Report of the Committee on State and Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Comrie, S.2761, and Assembly Member Richardson, A.1557, “AN ACT to amend the vehicle and traffic law, in relation to a fine for parked or unattended semitrailers or trailers on streets of a city with a population of one million or more”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 13, 2019, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

Illegally parked tractor-trailers, semi-trailers in residential areas have created quality of life issues across many communities in New York City. Owners can retrieve their vehicles by paying a \$160 towing fee. Some tractor-trailers owners or operators, see the \$160 towing fee as a small price to pay compared to what it can cost to legally park a tractor-trailer in the City. This legislation imposes a \$1000 fine to the owners or operators of the tractor-trailers that are illegally parked overnight. This would help to encourage the legal parking of these vehicles and help maintain the quality of life in our city neighborhoods.

PROPOSED LEGISLATION:

Section one of the legislation amends paragraph 2 of subdivision b of section 1204 of the vehicle and traffic law, as amended by chapter 193 of the laws of 1974 to impose a fine of one thousand dollars to the owner or other person lawfully entitled to the possession of such semitrailer or trailer parked or unattended on any city street in a city with a population of one million or more.

Section two is the effective date.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 7:)



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

FISCAL IMPACT STATEMENT

Preconsidered SLR 7: S.2761 (Comrie)
A.1557 (Richardson)

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the vehicle and traffic law, in relation to a fine for parked or unattended semitrailers or trailers on streets of a city with a population of one million or more.

SPONSOR: Council Member Cohen.

SUMMARY OF LEGISLATION: This bill would establish a fine of \$1,000 for a person responsible for a trailer or semitrailer parked or left unattended in a city with a population of one million or more, unless the vehicle is connected to a State-sanctioned film or television production.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Basile, Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head

Nathan Toth, Deputy Director
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR at a hearing on June 13, 2019. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and submitted for a vote to the full Council on June 13, 2019.

Date Prepared: June 12, 2019.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.2761; A.1557), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ANDREW COHEN, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr.; Committee on State and Federal Legislation, June 13, 2019.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 8

Report of the Committee on State and Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Liu, S.6178, and Assembly Member DenDekker, A.7776, "AN ACT to amend the domestic relations law, in relation to the designation of persons who may perform marriage ceremonies in certain cities".

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 13, 2019, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

Under current law, the City Clerk may only designate up to four permanent members of their staff to perform marriage ceremonies. Given the overwhelming demand to officiate weddings, the City Clerk's office is not able to officiate all weddings in a timely manner. Limiting the clerk's appointments to four creates an

undue burden to the City Clerk’s office and the people seeking to be married. This legislation will provide the clerk with discretion to designate additional staff members as they deem necessary to officiate weddings.

PROPOSED LEGISLATION:

Section one of the legislation amends paragraph a of subdivision 1 of section 11-a of the domestic relations law, as amended by chapter 321 of the laws of 1971 to state that the city clerk may designate in writing any or all of the deputy city clerks or any additional staff members as the clerk deems necessary to perform marriage ceremonies.

Section two is the effective date.

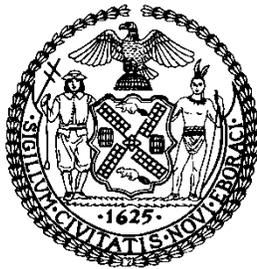
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 8:)



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

PRECONSIDERED SLR 8: A.7776 (DenDekker)
S.6178 (Liu)

COMMITTEE: State and Federal Legislation

TITLE: An act to amend the domestic relations law, in relation to the designation of persons who may perform marriage ceremonies in certain cities. **SPONSOR(S):** Council Member Cohen.

SUMMARY OF LEGISLATION: This bill would allow the New York City Clerk to designate, in writing, any or all of the Deputy City Clerks, or any additional staff members as the Clerk deems necessary, to perform marriage ceremonies.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: The New York City Council Finance Division

ESTIMATE PREPARED BY: John Russell, Principal Financial Analyst

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/ Chief Economist
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 13, 2019. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 13, 2019.

DATE PREPARED: June 12, 2019.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.6178; A.7776), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ANDREW COHEN, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr.; Committee on State and Federal Legislation, June 13, 2019.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 9

Report of the Committee on State and Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Hoylman, S.6010-A, and Assembly Member Gottfried, A.8191, "AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera".

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 13, 2019, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

On March 21, 2015 at the age of 37 years old, New York City Police Officer Mark Rivera died from a heart attack. At the time of his death, Officer Rivera was a Tier 3 member of the Police Pension Fund (PPF). He is survived by his wife, Abigail Rivera, and their young son, Lincoln Rivera.

Beginning on September 8, 2016, certain Tier 3 Revised members of the PPF could elect to join the Tier 3 Enhanced Plan, which extended the statutory presumptions in the Heart Bill (General Municipal Law section 207-k) to Enhanced Plan members, pursuant to Chapter 298 of the laws of 2016. Tier 3 police officers became eligible to participate in the Enhanced Plan on April 10, 2017 pursuant to Part SSS of Chapter 59 of the laws of 2017. If Officer Rivera had been alive, he would have been eligible to apply for Enhanced Tier 3 benefits under this provision of the law.

This legislation would permit Mrs. Rivera to apply for Enhanced Tier 3 membership in the PPF on behalf of her late husband, and to file for any associated death benefits had Mr. Rivera been a member of Enhanced Tier 3 on the date of his death.

PROPOSED LEGISLATION:

Section 1 of the legislation authorizes Abigail Rivera to apply for Enhanced Tier 3 membership in the PPF on behalf of her late husband, Officer Mark Rivera. Mrs. Rivera is also authorized to file for any retirement options or death benefits that would have been available to Officer Rivera if he had been a member of Enhanced Tier 3 on the date of his death.

Section 2 of this legislation states that all costs pursuant to this act shall be borne by the city of New York.

Section 3 of this legislation includes the effective date and fiscal note.

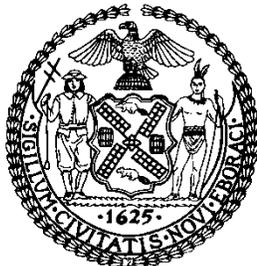
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This legislation shall take effect immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 9:)



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

**PRECONSIDERED SLR 9: S.6010-A (Holyman)
A.8191 (Gottfried)**

COMMITTEE: State and Federal Legislation

TITLE: AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera. **SPONSOR(S):** Council Member Cohen.

SUMMARY OF LEGISLATION: This bill would authorize the surviving spouse of Mark Rivera to apply for Enhanced Tier 3 membership in the Police Pension Fund, and allow the surviving spouse to file for any retirement options or death benefits that would have been available to Mr. Rivera had he been a member of Enhanced Tier 3 on the date of his death.

Mark Rivera was employed as a New York City Police Officer – and was a member of the Tier 3 Revised pension plan – until March 21, 2015 when he passed away due to a heart attack. As of April 10, 2017, Tier 3 Revised members of the City police force could elect to join the Tier 3 Enhanced Plan, which extended certain benefits and eligibility requirements, including the statutory presumptions contained in the Heart Bill. If this legislation is passed, Mr. Rivera’s death could be deemed as a line-of-duty death under such presumptions, increasing the benefit available to his surviving spouse. Additionally, his surviving spouse would become eligible to receive an Accidental Death Benefit as well as a New York State-paid Special Accidental Death Benefit (SADB), less any amount previously paid as an ordinary death benefit.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

| | Effective FY20 | FY Succeeding Effective FY21 | Full Fiscal Impact FY21 |
|---------------------|----------------|------------------------------|-------------------------|
| Revenues | \$0 | \$0 | \$0 |
| Expenditures | \$0 | \$1,858,343 | \$1,858,343 |
| Net | \$0 | (\$1,858,343) | (\$1,858,343) |

IMPACT ON REVENUES: There would be no impact on revenues from this legislation.

IMPACT ON EXPENDITURES: The City’s Office of the Actuary estimates that the proposed legislation would increase City expenditures by \$1,858,343. If this legislation is passed, Ms. Rivera would become eligible for an Accidental Death Benefit worth \$25,343, a Special Accidental Death Benefit (SADB) worth \$58,854, and retirement benefits for her own remaining lifetime worth an estimated \$2,000,000. The SADB would be paid for by the State, meaning the increase in City contributions if this legislation is passed comes to \$2,025,343. However, from this total would be subtracted the value of the Ordinary Death Benefit already received by Ms. Rivera, which totals \$167,000. Thus, the final fiscal impact of this bill is estimated to be \$1,858,343. This cost would normally be amortized over the remaining working lifetime of the officer, but because Officer Rivera is deceased, the entire increase would be recognized in the first year. Because the City uses a One-Year Lag Methodology to determine employer contributions, the increased employer contribution would be reflected in Fiscal 2021.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: The New York City Council Finance Division
New York City Office of the Actuary “Fiscal Note 2019-26”

ESTIMATE PREPARED BY: Kendall Stephenson, Senior Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/ Chief Economist
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 13, 2019. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 13, 2019.

DATE PREPARED: June 12, 2019.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house (S.6010-A; A.8191), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ANDREW COHEN, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr.; Committee on State and Federal Legislation, June 13, 2019.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 10

Report of the Committee on State and Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kavanagh (at request of the Metropolitan Transportation Authority), S.6312-A, and Assembly Member Glick (at request of the Metropolitan Transportation Authority), A.7772-A, “AN ACT to authorize the city of New York to discontinue the use as parkland of a portion of real property in the county of New York and to grant easements”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 7, 2018, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

On March 21, 2015 at the age of 37 years old, New York City Police Officer Mark Rivera died from a heart attack. At the time of his death, Officer Rivera was a Tier 3 member of the Police Pension Fund (PPF). He is survived by his wife, Abigail Rivera, and their young son, Lincoln Rivera.

Beginning on September 8, 2016, certain Tier 3 Revised members of the PPF could elect to join the Tier 3 Enhanced Plan, which extended the statutory presumptions in the Heart Bill (General Municipal Law section 207-k) to Enhanced Plan members, pursuant to Chapter 298 of the laws of 2016. Tier 3 police officers became eligible to participate in the Enhanced Plan on April 10, 2017 pursuant to Part SSS of Chapter 59 of the laws of 2017. If Officer Rivera had been alive, he would have been eligible to apply for Enhanced Tier 3 benefits under this provision of the law.

This legislation would permit Mrs. Rivera to apply for Enhanced Tier 3 membership in the PPF on behalf of her late husband, and to file for any associated death benefits had Mr. Rivera been a member of Enhanced Tier 3 on the date of his death.

PROPOSED LEGISLATION:

Section 1 of the legislation authorizes Abigail Rivera to apply for Enhanced Tier 3 membership in the PPF on behalf of her late husband, Officer Mark Rivera. Mrs. Rivera is also authorized to file for any retirement options or death benefits that would have been available to Officer Rivera if he had been a member of Enhanced Tier 3 on the date of his death.

Section 2 of this legislation states that all costs pursuant to this act shall be borne by the city of New York.

Section 3 of this legislation includes the effective date and fiscal note.

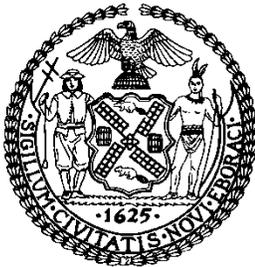
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

This legislation shall take effect immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 10:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

Preconsidered SLR 10: A.7772-A (Glick)
S.6312-A (Kavanagh)

COMMITTEE: State and Federal Legislation

TITLE: An act to authorize the city of New York to discontinue the use as park land of a portion of real property in the county of New York and to grant easements.

SPONSOR(S): Council Member Cohen

SUMMARY OF LEGISLATION: This bill would authorize the City of New York to grant to the Metropolitan Transportation Authority three permanent subsurface easements under the Grand Canal Court Park located at the corner of Thompson Street and Avenue of the Americas in lower Manhattan and three temporary easements to occupy and use the land for approximately forty-five months in order to construct an electric power substation necessary to permit greater train efficiency on the 8th Avenue line.

EFFECTIVE DATE: This act would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 13, 2019. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 13, 2019.

DATE PREPARED: June 12, 2019.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.6312-A; A.7772-A), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ANDREW COHEN, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr.; Committee on State and Federal Legislation, June 13, 2019.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 11

Report of the Committee on State and Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes (at request of the Citywide Administrative Services), S.6474, and Assembly Member

Abbate, A.8282, “AN ACT to amend the military law, in relation to age requirements applicable to appointments or promotions of public employees in cities with a population of one million or more who have been absent on military duty”.

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 7, 2018, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

Subdivision 10-a of the military law ensures that when the law sets a maximum age for appointment or promotion to a public service position, a veteran’s years of military service do not deprive the veteran of the opportunity to qualify for the appointment or promotion. By excluding from consideration, their years of military service from the computation of the veteran’s age, it allows a veteran whose age exceeds the maximum to be considered for the appointment or promotion. A maximum age limitation of particular significance to veterans that are seeking to serve the city of New York is the maximum age for members of the New York City Fire Department (“FDNY”). The maximum age limitation for the FDNY is twenty-nine. The city of New York has found that military veterans are especially well-prepared by experience, training, physical fitness and discipline to perform the duties of members of paramilitary organizations such as the FDNY. The enactment of this bill to increase the age limitation for military veterans by one year will expand the pool of highly-prepared individuals while ensuring that candidates that have served our country will be able to provide public service to the city of New York.

PROPOSED LEGISLATION:

Section one of this legislation amends subdivision 10-a of the Military Law to increase from six years to seven years the number of years of military service that can be deducted from the age of an applicant for appointment or promotions to positions in public service in a city of one million or more where maximum age requirements are established by law, rule or action of the municipal civil service commission.

Section two states that the effective date.

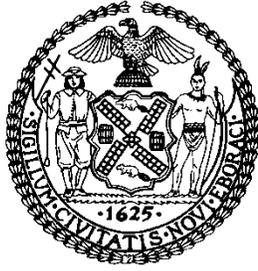
FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR. No. 11:)



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

LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT

PRECONSIDERED SLR 11: S.6474 (Gouardes)
A.8282 (Abbate)

COMMITTEE: State and Federal Legislation

TITLE: AN ACT to amend the military law, in relation to age requirements applicable to appointments or promotions of public employees in cities with a population of one million or more who have been absent on military duty.

SPONSOR(S): Council Member Cohen.

SUMMARY OF LEGISLATION: This bill would increase by one year, to a maximum of seven years, the number of years of military service that can be deducted from the age of an applicant for appointments or promotions to position in public service in New York City. If enacted, this legislation would apply to positions where a maximum age requirement is established by law, rule, or action of the New York City Civil Service Commission.

EFFECTIVE DATE: This act would take effect upon immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures as a result of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Kendall Stephenson, Senior Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 13, 2019. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 13, 2018.

DATE PREPARED: June 12, 2019.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.6474: A.8282), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ANDREW COHEN, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY, Jr.; Committee on State and Federal Legislation, June 13, 2019.

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

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** by the Committee on State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 12

Report of the Committee on State and Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Gounardes, Kaminsky, and Stavisky, S.1966-A, and Assembly Members Pheffer Amato and Abbate, A.3593-A, "AN ACT to amend the administrative code of the city of New York, in relation to the medical board of the New York city employees' retirement system".

The Committee on State and Federal Legislation, to which the annexed preconsidered State Legislation Resolution (SLR) was referred on June 7, 2018, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

BACKGROUND:

Currently, the medical board of the New York City Employees' Retirement System ("NYCERS") is made up of three original physicians: one appointee from the Commissioner of the Department of Health ("DOH"), one appointee from the Commissioner of the Department of Citywide Administrative Services ("DCAS"), and one from the board itself. Each appointee may also appoint between one and four alternative physicians for

when an applicant comes before the board with a specialized medical issue that is beyond the scope of practice of the original three. An alternative board may be formed consisting of three alternative physician appointees, or a combination of alternate and original appointees – so long as one of the physicians on this alternative board has been appointed by DOH, one by DCAS, and one by the original medical board. This legislation increases the number of physicians, to help expedite the process by which the medical board evaluates NYCERS members applying for disability pensions.

PROPOSED LEGISLATION:

Section one of the legislation amends subdivision a of the New York City Administrative Code section 13-123 to grant NYCERS medical board, the commissioner of DOH and Commissioner of DCAS up to eight (8) appointments for physicians to serve on the medical board. This section provides that any three physicians from this pool of appointments may form a group to evaluate applicants for disability pensions.

Section two is the effective date.

FISCAL IMPLICATIONS:

See Council Finance Division fiscal impact statement.

EFFECTIVE DATE:

Immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 12:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

**PRECONSIDERED SLR 12: S.1966-A (Gounardes)
A.3593-A (Pheffer Amato)**

COMMITTEE: State and Federal Legislation

TITLE: AN ACT to amend the retirement and social security law, in relation to the medical board of the New York City employees' retirement system.

SPONSOR(S): Council Member Cohen.

SUMMARY OF LEGISLATION: This Preconsidered SLR would increase both the number of medical boards and physicians employed on medical boards of the New York City Employees' Retirement System (NYCERS).

Currently, the NYCERS medical board functions as an independent entity, and consists of three medical doctors who determine whether or not certain city employees are eligible for disability retirement. One doctor is appointed by the Board of Trustees, another by the Commissioner of the Department of Health and Mental Hygiene (DOHMH), and another by the Commissioner of the Department of Citywide Administrative Services (DCAS). Additionally, the Board of Trustees, Commissioner of DOHMH, and Commissioner of DCAS can appoint one or more (but not more than four) alternate physicians. Whenever the NYCERS Board of Trustees directs, a group of three physicians shall be directed to perform the functions, powers, and duties of the

medical board. Each such group of three physicians can consist partly of one or more physician appointed to the initial medical board, and partly of one or more alternate physicians. It can also consist entirely of alternate physicians so long as one physician in each group is appointed by the Board of Trustees, one by the Commissioner of DOHMH, and one by the Commissioner of DCAS.

If this legislation is enacted, the medical board structure will change so that each appointing authority can appoint between one and eight physicians (as opposed to between one and four “alternate physicians”). Further, when directed by the Board of Trustees, any group of three physicians will act as a medical board, regardless of which authority appointed them.

Should it be enacted, this legislation could aid applicants who apply for disability claiming multiple conditions. With more physicians appointed, more physicians possessing specialist qualifications will be available to applicants.

EFFECTIVE DATE: This act would take effect upon enactment.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: There would be no impact on revenues from this legislation.

IMPACT ON EXPENDITURES: According to the 2018 Comprehensive Annual Financial Report of the New York City Employees’ Retirement System, the fund spent \$815,549 in Fiscal 2018 on the “Medical Board and Medical Consultants.” Although physicians are paid according to their billable hours, this legislation does not increase the number of physicians serving on each medical board, only the number of eligible physicians which *could* be selected to serve on each medical board. For this reason, it is not anticipated that this legislation will impact expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
NYCERS 2018 CAFR pg 130

ESTIMATE PREPARED BY: Kendall Stephenson, Senior Economist

ESTIMATE REVIEWED BY: Raymond Majewski, Deputy Director/Chief Economist
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on June 13, 2019. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 13, 2018.

DATE PREPARED: June 12, 2019.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.1966-A: A.3593-A), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

ANDREW COHEN, Chairperson; YDANIS A. RODRIGUEZ, KAREN KOSLOWITZ, ROBERT E. CORNEGY. Jr.; Committee on State and Federal Legislation, June 13, 2019.

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

GENERAL ORDER CALENDAR**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> |
|----------------------|---|-------------------|
| Audra King | 60 St. Nicholas Ave #2E New York, New York 10026 | 9 |
| Trevor Hackett | 100 Cabrini Blvd #36 New York, New York 10033 | 10 |
| Tahreem Khan | 19006B 69th Ave Apt 2B Fresh Meadows, New York 11365 | 23 |
| Melissa Munoz | 4320 40th Street Queens, New York 11104 | 26 |
| Milo Zoghlin De Jung | 26 Starr Street Brooklyn, New York 11221 | 34 |
| Luis Nunez | 9330 Fort Hamilton Pkwy #3B Brooklyn, New York 11209 | 43 |
| Stephen Caputo | 1942 East 33rd Street Brooklyn, New York 11234 | 46 |
| Keriann Connelly | 43 Floyd Street Staten Island, New York 10310 | 49 |
| Daniel Yurkins | 439 Tarrytown Ave Staten Island, New York 10306 | 50 |
| Isabella Kuang | 32 Norwalk Ave Staten Island, New York 10314 | 50 |

Approved Reapplicants

| <i>Name</i> | <i>Address</i> | <i>District #</i> |
|---------------------|--|-------------------|
| Lin Yong Luo | 207 Madison Street #16 New York, New York 10002 | 1 |
| Mai L. Sommerfield | 10 Catherine Slip #16E New York, New York 10038 | 1 |
| Yvette Pagan | 82 Rutgers Slip #21D New York, New York 10002 | 1 |
| Louise E. Dankberg | 152 East 22nd Street #5D New York, New York 10010 | 2 |
| Yelena Kogan | 575 Grand Street #E1403 New York, New York 10002 | 2 |
| Joanne M. Tarantino | 50 Park Avenue #6H New York, New York 10016 | 4 |
| Gladys Ward | 1501 Lexington Avenue #6B New York, New York 10029 | 5 |
| Denise Dees | 750 Columbus Avenue #4V New York, New York 10025 | 7 |
| Mayra A. Torres | 46 Ft. Washington Avenue #63 New York, New York 10032 | 7 |
| Lavinia D. Gibson | 180 West 152nd Street #16 New York, New York 10039 | 9 |
| Josh J. Neustein | 3001 Arlington Avenue #1 Bronx, New York 10463 | 11 |
| Marcia E. McGann | 4752 Barnes Avenue 1st Fl Bronx, New York 10470 | 11 |
| Cynthia Blandino | 921 East 226th Street Bronx, New York 10466 | 12 |
| Karen Murdaugh | 1219 Adee Avenue #8E Bronx, New York 10469 | 12 |
| Maria S. Pabon | 100 Carver Loop #25F Bronx, New York 10475 | 12 |
| Joel Purser | 2275 Cruger Avenue #5A Bronx, New York 10467 | 13 |

| | | |
|--------------------------|--|----|
| Migdalia Rosas | 1730-1740 Mulford Avenue #16F Bronx, New York 10461 | 13 |
| Mildred I. Martinez | 2081 Cruger Avenue #1F Bronx, New York 10462 | 13 |
| Rosa L. Hernandez | 1718 Matthews Avenue #2 Bronx, New York 10462 | 13 |
| Alexander Opoku-Agyemang | 1685 Selwyn Avenue #403 Bronx, New York 10457 | 15 |
| Cecelia Stovall | 2654 Bainbridge #2 Bronx, New York 10458 | 15 |
| DeKeyia Ward | 758 South Oak Drive #5 Bronx, New York 10467 | 15 |
| Samantha Rodriguez | 730 Oakland Place #12G Bronx, New York 10457 | 15 |
| Arabella M. Poveriet | 834 Cauldwell Avenue Bronx, New York 10456 | 17 |
| Latoya Sampson | 1712 Longfellow Avenue #3B Bronx, New York 10460 | 17 |
| Avonelle Greene | 233 Admiral Lane Bronx, New York 10473 | 18 |
| Betty Gonzalez | 2215 Gleason Avenue Bronx, New York 10462 | 18 |
| Deidra Mellis | 3-05 149th Place Whitestone, New York 11357 | 19 |
| Jaime Bocanumenth | 3227 85th Street East Elmhurst, New York 11370 | 21 |
| Christina H. Fiore | 30-16 42nd Street #1L Astoria, New York 11103 | 22 |
| Annette M. Hill | 93-07 210th Place Queens Village, New York 11428 | 23 |
| Boris Geker | 259-10 62 Avenue Queens, New York 11362 | 23 |
| Christine Diaz | 139-15 83rd Avenue #538 Queens, New York 11435 | 24 |

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| Mara Ferizi | 67-14 Parsons Blvd #3D Flushing, New York 11365 | 24 |
| A.M. Ashfaul S. Islam | 84-07 57th Road #1K South Elmhurst, New York 11373 | 25 |
| Doris Brown | 166-01 Linden Blvd #8J Jamaica, New York 11434 | 27 |
| Suzanne Wright-Jones | 98-10 218th Street Queens Village, New York 11429 | 27 |
| Joan Akers | 134-19 166th Place #8C Queens, New York 11434 | 28 |
| Thakoordai Persaud | 107-12 123rd Street Queens, New York 11419 | 28 |
| Sergey Shimon | 110-24 69th Avenue Forest Hills, New York 11375 | 29 |
| Christina Schiro | 69-14 66th Place Glendale, New York 11385 | 30 |
| Peter J. Labella | 71-49 Metropolitan Avenue #6F Middle Village, New York 11379 | 30 |
| Claudia Myrie | 217-18 134th Road Queens, New York 11413 | 31 |
| Felix Milan Jr. | 147-21 Weller Lane Rosedale, New York 11422 | 31 |
| Karron Franklin | 144-26 182nd Place Queens, New York 11413 | 31 |
| Melvin R. Johnson | 130-16 236th Street Queens, New York 11422 | 31 |
| Pauline Getz | 12-46 Sage Street Queens, New York 11691 | 31 |
| Wanda A. Clemons | 130-67 224th Street Queens, New York 11413 | 31 |
| Roxanna Mora | 87-81 95th Street Woodhaven, New York 11421 | 32 |
| Teresa I. Solis | 84-06 Woodhaven Blvd #2 Woodhaven, New York 11421 | 32 |
| Eva Silvia Nevado-Collado | 61-69 Pierrepont Street #32 Brooklyn, New York 11201 | 33 |

| | | |
|------------------------|---|----|
| Katherine Cruz | 87 Seigel Street #1 Brooklyn, New York 11206 | 34 |
| Valerie Butler | 67 Manhattan Avenue #22T Brooklyn, New York 11206 | 34 |
| Delia M. Hunley-Adossa | 170 South Portland Avenue #2B Brooklyn, New York 11217 | 35 |
| Karen Allen | 237 Nassau Street #4C Brooklyn, New York 11201 | 35 |
| Karen Campbell | 260 Gates Avenue #2D Brooklyn, New York 11238 | 35 |
| Lelia Frison | 170 South Portland Avenue #3B Brooklyn, New York 11217 | 35 |
| Gerald Davis Sr. | 471 Willoughby Avenue Brooklyn, New York 11206 | 35 |
| Jerry Melville | 70 Patchen Avenue #4C Brooklyn, New York 11221 | 36 |
| Shunya Togashi | 753 Quincy Street #1 Brooklyn, New York 11221 | 36 |
| Norma Hernandez | 714 60th Street #3R Brooklyn, New York 11220 | 38 |
| Veronica Nieves | 370 54th Street #2 Brooklyn, New York 11220 | 38 |
| Alexander E. Young | 111 East 57th Street Brooklyn, New York 11203 | 41 |
| Fadia Pierre | 980 Putnam Avenue #3A Brooklyn, New York 11221 | 41 |
| Barbara Friedman | 400 Cozine Avenue #5A Brooklyn, New York 11207 | 42 |
| Francis A. DeCoteau | 705 Shephard Avenue Brooklyn, New York 11208 | 42 |
| John Foster Jr. | 250 Wortman Avenue #8F Brooklyn, New York 11207 | 42 |
| Winston L. Hoppie | 884 East 95th Street Brooklyn, New York 11236 | 42 |

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| Abraham Helfenbaum | 7323 3rd Avenue Brooklyn, New York 11209 | 43 |
| Madalene D. Potter | 1218 76th Street Brooklyn, New York 11228 | 43 |
| Roxann Vitelli-Martorano | 1164 76th Street Brooklyn, New York 11228 | 43 |
| Adam Scott Roth | 152 Ridgecrest Ave Staten Island, New York 10312 | 44 |
| Peter K. Chan | 2142 76th Street #1 Brooklyn, New York 11214 | 44 |
| Jean Herald Similien | 3420 Avenue H #3C Brooklyn, New York 11210 | 45 |
| Nicole Galluccio | 2133 Gerritsen Avenue Brooklyn, New York 11229 | 46 |
| Vanessa Smith | 1454 East 88th Street #1 Brooklyn, New York 11236 | 46 |
| Irma Mojica | 525 Crescent Street Brooklyn, New York 11208 | 46 |
| Cathy C. Calandra | 2062 East 14th Street Brooklyn, New York 11229 | 48 |
| Margarita Mironov | 2668 East 27th Street Brooklyn, New York 11235 | 48 |
| Cherrell White | 56 Bond Street Staten Island, New York 10302 | 48 |
| Maritza Collazo-Velez | 11 Continental Place Staten Island, New York 10303 | 48 |
| Michelle Levine | 1324 Forest Avenue #445 Staten Island, New York 10302 | 48 |
| Sara L. Beden | 165 St. Marks Place #3K Staten Island, New York 10301 | 48 |
| Diane Petersen | 12 Sheraden Avenue Staten Island, New York 10314 | 50 |
| Elena Brady | 72 Greeley Avenue Staten Island, New York 10306 | 50 |
| Irina Gaston | 50 Hamden Avenue Staten Island, New York 10306 | 50 |

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| Jordan Barbato | 135 Home Place Staten Island, New York 10314 | 50 |
| Lena Marinaro | 90 Sand Lane Staten Island, New York 10305 | 50 |
| Ann Brancale-Lombardo | 984 Stafford Avenue Staten Island, New York 10309 | 51 |
| John Spano | 362 Ilyssa Way Staten Island, New York 10312 | 51 |
| Josephine Garcia | 459 Manhattan Street Staten Island, New York 10307 | 51 |
| Julia Zimmerman | 35 Billings Street Staten Island, New York 10312 | 51 |
| Kristen Maher | 67 Forrestal Avenue Staten Island, New York 10312 | 51 |
| Rose Wegenaar | 3334 Amboy Road Staten Island, New York 10306 | 51 |
| Sandra M. Walsh | 22 Kathy Place #16 Staten Island, New York 10314 | 51 |

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

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

- | | | |
|------|---------------------|---|
| (1) | Int 732-B - | Establishing a full public match campaign finance system. |
| (2) | Int 799 - | Prohibiting retaliation against individuals who request a reasonable accommodation. |
| (3) | Int 826-A - | Fire department report on the use of smoke alarms at fires and the existence of fire sprinklers. |
| (4) | Int 1114-A - | Task force to examine the monuments, statues, public art and historical markers on city-owned property. |
| (5) | Int 1236-A - | Health services for incarcerated individuals. |
| (6) | Int 1334-A - | Surveys of the correctional system's grievance process. |
| (7) | Int 1340-A - | The grievance process. |
| (8) | Int 1370-A - | 311 complaints made by incarcerated individuals. |
| (9) | Int 1439-A - | Increasing the percentage of women depicted in works of art belonging to the city. |
| (10) | Res 959 - | Changes in Membership to the Standing Committees and Subcommittees of the Council. |
| (11) | SLR 2 - | Authorizing the city of New York to discontinue certain parkland, S.6250-A/A.4366-A. |
| (12) | SLR 3 - | Authorizing the city of New York to sell waterfront property, S.6442/A.8238. |
| (13) | SLR 4 - | Adjusted base proportions, S.6324/A.8138. |
| (14) | SLR 5 - | Removing caps on automated enforcement cameras for bus lanes, S.1925-B/ A.6777-B. |

- (15) **SLR 6 -** Increasing the fine for tractor-trailer combinations, **S.3215-A/ A.1658-A.**
- (16) **SLR 7 -** Fine for parked or unattended semitrailers or trailers, **S.2761/ A.1557.**
- (17) **SLR 8 -** Designation of persons who may perform marriage ceremonies, **S.6178/ A.7776.**
- (18) **SLR 9 -** New York City police officer Mark Rivera, **S.6010-A/A.8191.**
- (19) **SLR 10 -** Discontinue use as parkland, **S.6312-A/A.7772-A.**
- (20) **SLR 11 -** Age requirements applicable to appointments or promotions of public employees, **S.6474/A.8282.**
- (21) **SLR 12 -** Medical board of the New York city employees' retirement system, **S.1966-A/A.3593-A.**
- (22) **L.U. 398 & Res 946 -** App. **20195473 HAM (East Harlem El Barrio Community Land Trust)** Borough of Manhattan, Council District 8, Community District 11, and Borough of Manhattan, Council District 9, Community District 10.
- (23) **L.U. 399 & Res 947 -** App. **20195470 HAM (Lenox Avenue Cluster)** Borough of Manhattan, Council District 9, Community District 10.
- (24) **L.U. 400 & Res 948 -** App. **20195535 HAM (MNN1802 CLOTH Amsterdam Avenue - 2185 Amsterdam Avenue)** Borough of Manhattan, Council District 10, Community District 12.
- (25) **L.U. 401 & Res 949 -** App. **20195534 HAM (MNN1802 CLOTH Amsterdam Avenue) - 2110 Amsterdam Avenue,** Borough of Manhattan, Council District 7, Community District 12.
- (26) **L.U. 402 & Res 950 -** App. **20195536 HAM (MNN1802 CLOTH Amsterdam Avenue -**

- 2488-90 Adam Clayton Powell Jr. Blvd.)** Borough of Manhattan, Council District 9, Community District 10.
- (27) L.U. 415 & Res 951 – App. C 180517 MMQ (JFK North Site) Borough of Queens, Council District 31, Community District 13.
- (28) L.U. 416 & Res 952- App. C 190127 PQM (Manhattanville Walkway 437 West 126th Street) Borough of Manhattan, Council District 7, Community District 9.
- (29) L.U. 417 & Res 953 - App. C 190128 HAM (Manhattanville Walkway) 437 West 126th Street, Borough of Manhattan, Council District 7, Community District 9.
- (30) L.U. 418 & Res 954 - App. 20190177 HAK (Brownsville North NCP), Borough of Brooklyn, Council District 41, Community District 16.
- (31) L.U. 439 & Res 926- Stagg 1 – Amanda’s Cove, Bronx, Community District Nos. 12, Council District Nos. 12 and 15.
- (32) L.U. 440 & Res 927 - Stagg 2 - Justin’s Corner, Bronx, Community District Nos. 11 and 12, Council District Nos. 11, 12, 13, and 15.
- (33) L.U. 441 & Res 928 - Stagg 3, Bronx, Community District No. 12, Council District Nos. 11 and 12.
- (34) L.U. 442 & Res 929 - Stagg 4, Bronx, Community District No. 11 and 12, Council District Nos. 12 and 15.
- (35) L.U. 443 & Res 930 - Taino Towers – Manhattan, Community District No. 8, Council District No. 11.
- (36) L.U. 444 & Res 931 - Taino Towers - Manhattan, Community District No. 8, Council District No. 11.

- (37) L.U. 445 & Res 932- **Taino Towers** – Manhattan, Community District No. 8, Council District No. 11.
- (38) L.U. 446 & Res 933 - **Taino Towers** – Manhattan, Community District No. 8, Council District No. 11.
- (39) L.U. 447 & Res 934 - **Taino Towers** – Manhattan, Community District No. 8, Council District No. 11.
- (40) L.U. 448 & Res 935 - **Taino Towers** – Manhattan, Community District No. 8, Council District No. 11.
- (41) L.U. 449 & Res 936 - **Taino Towers** – Manhattan, Community District No. 8, Council District No. 11.
- (42) L.U. 450 & Res 937- **Taino Towers** – Manhattan, Community District No. 8, Council District No. 11.
- (43) L.U. 451 & Res 938 - **2316-2322 Andrews Avenue North, Bronx**, Community District No. 7, Council District No. 14.
- (44) L.U. 452 & Res 939 - **B WHCO Portfolio.YR15.FY19, Manhattan**, Community District No. 10, Council District No. 9.
- (45) L.U. 453 & Res 940 - **157 West 119 Street HDFC (Retroactive)**, Manhattan, Community District No. 10, Council District No. 9.
- (46) L.U. 454 & Res 941- **1520 Sedgwick Avenue, Bronx**, Community District No. 5, Council District No. 16.
- (47) L.U. 455 & Res 942 - **293 & 301 Hooper Street, Brooklyn**, Community District No. 1, Council District No. 34.
- (48) L.U. 456 & Res 943- **311 Tenth Ave HDFC, Manhattan**, Community District No. 4, Council District 3.
- (49) L.U. 457 & Res 944 - **Capitol Apartments, Manhattan**,

- Community District No. 5, Council District 3.
- (50) L.U. 458 & Res 945 - **Highbridge House, Bronx,** Community District No. 4, Council District 16.
- (51) L.U. 459 & Res 955 - **App. 20185131 SCK (650-Seat Intermediate School Facility/21-31 and 35 Delevan Street),** Borough of Brooklyn, Council District 38, Community School District 15.
- (52) L.U. 460 & Res 956 - **App. 20185333 SCX (458-Seat Primary School Facility/1560 Boone Avenue),** Borough of the Bronx, Council District 17, Community School District 12.
- (53) L.U. 461 & Res 957 - **App. 20195177 SCX (458-Seat Primary School Facility/1302 Edward L Grant Highway),** Borough of the Bronx, Council District 16, Community School District 9.
- (54) L.U. 462 & Res 958 - **App. 20195464 SCK (592-Seat Primary School Facility/650 86th Street),** Borough of Brooklyn, Council District 43, Community School District 20.
- (55) **Resolution approving various persons Commissioners of Deeds.**

Note: *The Home Rule SLR items introduced by the Council listed above require a two-thirds affirmative vote for passage.*

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

Subsequently considered Present but Not Voting (PNV) due to their later presence at the Recessed Meeting of June 13, 2019 held on June 18, 2019 – Council Members Espinal and King.

The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the votes for the legislative items listed below. Council Members Espinal and King are also considered Present but Not Voting for the following individual votes as well:

The following was the vote recorded for **Int. No. 732-B:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Dromm, Eugene, Gibson, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

Negative – Borelli, Diaz, Gjonaj, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) – **6**.

Abstention – Miller – **1**.

The following was the vote recorded for **Int. No. 1114-A:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **40**.

Negative – Borelli, Deutsch, Diaz, Holden, Ulrich, Vallone, Yeger and the Minority Leader (Council Member Matteo) – **8**.

The following was the vote recorded for **Int. Nos. 1340 and 1370:**

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

Negative – Borelli and the Minority Leader (Council Member Matteo) – **2**.

The following was the vote recorded for **Res. No. 959:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Abstain – Yeger – **1**.

The following was the vote recorded for **Preconsidered SLR Nos. 2, 3, 6, 7, and 10:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Abstention – Yeger – **1**.

The following was the vote recorded for **Preconsidered SLR No. 5:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **42**.

Negative – Borelli, Deutsch, Holden, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) – **6**.

The following was the vote recorded for **Preconsidered SLR No. 8:**

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

Negative – Diaz – **1**.

Abstention – Yeger – **1**.

The following was the vote recorded for **L.U. No. 398 & Res. No. 946; L.U. No. 399 & Res. No. 947; L.U. No. 400 & Res. No. 948; L.U. No. 401 & Res. No. 949; L.U. No. 402 & Res. No. 950; L.U. No. 415 & Res. No. 951; L.U. No. 416 & Res. No. 952; L.U. No. 417 & Res. No. 953; L.U. No. 418 & Res. No. 954; Preconsidered L.U. No. 459 & Res. No. 955; Preconsidered L.U. No. 460 & Res. No. 956; Preconsidered L.U. No. 461 & Res. No. 957; and L.U. No. 462 & Res. No. 958:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Abstention – Louis – **1**

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 732-B, 799, 826-A, 1114-A, 1236-A, 1334-A, 1340-A, 1370-A, and 1439-A.*

Official blue-backs verifying the Council's passage of the Home Rule related items listed above were signed and certified by the City Clerk and Clerk of the Council (Mr. McSweeney) and were sent subsequently to Albany for filing with the State Senate and State Assembly.

INTRODUCTION AND READING OF BILLS

Int. No. 1584

By Council Members Adams, Torres, Rodriguez and the Speaker (Council Member Johnson).

A Local Law to amend the administrative code of the city of New York, in relation to requiring annual financial disclosure from each person who has any interest in any taxicab license

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-556 to read as follows:

§ 19-556 Annual financial disclosure. a. Each individual taxicab license owner, member of a partnership owning one or more taxicab licenses, or shareholder, director or officer of any corporation owning one or more taxicab license, shall annually complete and file with the commission a financial disclosure statement, executed under oath, on a form provided by the commission. Such financial disclosure statement shall include:

- 1. Each taxicab license in which the filer has an interest;*
- 2. Whether such interest is as an owner, shareholder, director, or officer;*
- 3. Any other licenses issued by the commission that are held by the filer;*
- 4. The filer's gross income from taxicab operations in the prior calendar year;*
- 5. The filer's gross expenses related to taxicab operations in the prior calendar year;*
- 6. The total amount of taxicab liability insurance premiums paid by the filer in the prior calendar year;*
- 7. The outstanding balances of all loans secured by taxicab licenses in which the filer has an interest as of the end of the prior calendar year;*
- 8. The number of taxicab licenses in which the filer has an interest that are collateral for a secured loan;*
- 9. The number of taxicab licenses in which the filer has an interest that are not collateral for a secured loan;*
- 10. Any other interests the filer has in any taxi, livery, or for-hire vehicle business, whether or not licensed by the commission; and*
- 11. Any other information requested by the commission.*

b. Such financial disclosure statements shall include all attachments and documentation required by the commission.

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

Res. No. 918

Resolution calling on the State of New York to pass, and the Governor to sign, S.3900/A.5974, an act to amend the social services law, in relation to coverage for health care services under the basic health

program for individuals whose immigration status renders him or her ineligible for federal financial participation.

By Council Members Adams, Chin, Rosenthal, Koslowitz, Rivera, Gibson, Ampry-Samuel and Kallos.

Whereas, According to the New York State Department of Health, Section 1331(a) of the Affordable Care Act (ACA) directs the Secretary of Health and Human Services to establish a Basic Health Program that provides an option for states to offer particular health coverage; and

Whereas, New York State is one of only a few states that offers a basic health program to eligible residents, otherwise known as the State's Essential Plan; and

Whereas, Individuals with family incomes between 138 and 200 percent of the Federal Poverty Level (FPL) and individuals with family incomes below 138 percent FPL who are lawfully present in the United States but do not qualify for Federally financed Medicaid due to their immigration status are eligible for the Essential Plan; and

Whereas, According to a 2018 report released by the Department of Health, the Essential Plan has provided nearly 740,000 New Yorkers with affordable health insurance and generated \$1 billion in State savings since it was first available in 2016; and

Whereas, As of 2019, 790,152 individuals were enrolled in the Essential Plan; and

Whereas, The Essential Plan saves New Yorkers an estimated \$632 million a year; and

Whereas, Of those enrolled in the Essential Plan, about 63 percent (495,228) reside in New York City; and

Whereas, About 41 percent of Essential Plan enrollees are lawfully present immigrants who are not eligible for federal financial participation through Medicaid; and

Whereas, One may qualify for the Essential Plan if they are a U.S. citizen, legal permanent resident, lawfully present resident, or in a valid, nonimmigrant status, such as a visiting student with a valid visa; and

Whereas, The most common reason for enrollees' Medicaid ineligibility is that they have been in the country for less than five years; and

Whereas, Although the Affordable Care Act provided insurance to millions of Americans, roughly five percent of New Yorkers remain uninsured; and

Whereas, According to the Department of Health and Mental Hygiene, as of 2017, there are 704,000 uninsured adults in New York City; and

Whereas, According to the Mayor's Office of Immigrant Affairs, there are an estimated 560,000 undocumented individuals in the City; and

Whereas, Of those who are undocumented, only 42 percent (about 235,000) are insured, and 324,800 are without health insurance; and

Whereas, S. 3900/A. 5974, sponsored by Senator Gustavo Rivera and Assembly Member Richard Gottfried, would amend the social services law to expand coverage for health care services under the Essential Plan to individuals whose immigration status renders them ineligible for federal financial participation; and

Whereas, S. 3900/A. 5974 would build upon the current Essential Plan structure by creating a state-funded Essential Plan for all New Yorkers, regardless of immigration status, up to 200 percent of the FPL; and

Whereas, According to the New York Immigration Coalition, it would cost the state \$532 million to create such a program; and

Whereas, Health care is a human right, one that all individuals, regardless of their immigration status, possess; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State of New York to pass, and the Governor to sign, S.3900/A.5974, an act to amend the social services law, in relation to coverage for health care services under the basic health program for individuals whose immigration status renders him or her ineligible for federal financial participation.

Referred to the Committee on Health.

Int. No. 1585

By Council Members Ayala, Cumbo and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to requiring housing developers that receive public financing to assume financial responsibility for repairs required within 10 years of construction

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 6 of the administrative code of the city of New York is amended by adding a new section 6-143 to read as follows:

§ 6-143 Homeowner repairs.

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

Contracting agency. The term “contracting agency” means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution, or agency of government, the expenses of which are paid in whole or in part from the city treasury.

Covered developer. The term “covered developer” means an individual, sole proprietorship, partnership, joint venture, corporation or other entity that enters into a contract or other agreement with a contracting agency to build a homeownership construction project.

Homeownership construction project. The term “homeownership construction project” means the construction of any residential building funded in whole or in part by any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value, land value or other thing of value allocated, conveyed or expended by the city, which is to be purchased from the developer by a homeowner who will maintain the building as a primary residence.

b. Any contract or other agreement to construct a homeownership construction project executed on or after the effective date of this section shall include a provision requiring the covered developer to assume financial responsibility for repairs to the building required within 10 years of the completion of the homeownership construction project, provided that covered developers shall not be responsible for repairs that become necessary as a result of the following:

- (a) Intentional acts of destruction;*
- (b) Homeowner negligence; or*
- (c) Natural disaster.*

c. Except as otherwise specified by contract or other agreement, disputes between covered developers and homeowners with respect to financial responsibility for repairs required within 10 years of the completion of homeownership construction projects shall be adjudicated by the office of administrative trials and hearings.

§ 2. This local law takes effect 180 days after it becomes law except that the department of housing preservation and development shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Res. No. 919

Resolution calling on the Federal Government to dismiss the change to Title X funding, specifically to prohibit recipients from using Title X funds to perform, promote, refer for, or support abortion as a method of family planning.

By Council Members Ayala, Rosenthal, Chin, Adams, Koslowitz, Rivera, Gibson, Ampry-Samuel and Kallos.

Whereas, According to the U.S. Department of Health & Human Services, Title X family planning clinics ensure access to family planning and related preventative health services for millions of low-income and uninsured individuals and others; and

Whereas, According to the Kaiser Family Foundation, Title X was first enacted in 1970, and it is the only federal program specifically dedicated to supporting the delivery of family planning care; and

Whereas, In 2017, nearly 4,000 clinics across the nation relied on Title X funding to help serve four million people, and Title X was funded at \$286.5 million for Fiscal Year 2018; and

Whereas, According to National Public Radio (NPR), Planned Parenthood serves about 40 percent of Title X patients; and

Whereas, According to Planned Parenthood, Title X funding allows clinics to provide wellness exams, lifesaving cervical and breast cancer screenings, birth control, contraception education, testing and treatment for sexually transmitted diseases, HIV testing, and other services; and

Whereas, In 2016, Title X clinics were able to provide more than four million tests for sexually transmitted diseases, including HIV tests, as well as nearly one million breast exams and 720,000 pap tests; and

Whereas, According to Planned Parenthood, publicly funded birth control services, including Title X, help people avoid 1.9 million unintended pregnancies every year, 440,000 of which are teen pregnancies; and

Whereas, According to Planned Parenthood, 32 percent of Title X patients identify as Hispanic or Latino and about 21 percent identify as Black or African American; and

Whereas, According to Planned Parenthood, nearly 80 percent of patients who receive services through Title X funding are low income, with incomes less than 150 percent of the federal poverty level; and

Whereas, According to NPR, nearly half (42 percent) of Title X patients in 2017 were uninsured and 38 percent were covered by Medicaid or another public health program; and

Whereas, On March 4, 2019, the Federal Administration published new final regulations to change the way Title X funding is dispersed; and

Whereas, According to Kaiser Family Foundation, the key goal of the new regulations is to block funding from family planning providers that also offer abortion services and/or refer patients to other providers for abortion services; and

Whereas, According to Kaiser Family Foundation, the new regulations require clinics with Title X funded activities to have full physical and financial separation from abortion-related activities, bans clinics from providing pregnant patients with referrals for abortions, severely limits when a staff member at a clinic can even mention or discuss abortion as an option, amongst other things; and

Whereas, The Administration intends to implement such rules despite current policies excluding abortion services from Title X funding and limiting providers from promoting abortions, scheduling appointments for abortions, negotiating abortion rates, or arranging transportation for people desiring abortions; and

Whereas, If the changes are implemented, it would be devastating to millions of Americans, including patients and families, clinicians, and clinic staff; and

Whereas, The new regulations would significantly reduce the network of family planning providers across the country, and would limit access to preventative and reproductive health care to those who are low-income and uninsured; and

Whereas, The proposed regulations would severely limit access to family planning services for millions of people, including access to contraception and abortions; and

Whereas, The proposed regulations would disproportionately affect individuals who are Latinx, Black, uninsured, enrolled in public health insurance, and/or low income; and

Whereas, Although a federal judge in Washington state blocked the Administration's plans, the block is only temporary; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Federal Government to dismiss the change to Title X funding, specifically to prohibit recipients from using Title X funds to perform, promote, refer for, or support abortion as a method of family planning.

Referred to the Committee on Health.

Int. No. 1586

By Council Members Barron and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to scrap metal collection

Be it enacted by the Council as follows:

Section 1. Subdivision 7 of section 16-118 of the administrative code of the city of New York, as amended by local law number 50 for the year 2007, is amended to read as follows:

7. No person shall prevent, or otherwise interfere with, the sweeping or cleaning of any street, the removal of snow or ice from any street or the collection or removal of any solid waste or recyclable material from any street, by any employee of the department. *This shall not apply to any person collecting scrap metal for recycling with the written permission of the property owner or tenant.*

§ 2. Section 16-504, as added by local law number 42 for the year 1996, is amended by adding subdivision j to read as follows:

j. To issue and establish standards for the issuance, suspension and revocation of licenses and registrations authorizing the operation of businesses engaged only in the collection of scrap metal for recycling from commercial establishments.

§ 3. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1587

By Council Members Barron, Rodriguez and Yeger

A Local Law to amend the administrative code of the city of New York, in relation to requiring clearance signs

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding section 19-159.2 to read as follows:

§ 19-159.2. *Clearance Signs. The department shall post a sign indicating vehicle overhead clearance requirements at least two blocks away from an overpass, bridge or other elevated structure.*

§ 2. This local law takes effect 120 days after it becomes law, except that the department of transportation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Transportation.

Int. No. 1588

By Council Members Borelli, Brannan, Ampry-Samuel, Holden 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 elevator service outages

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 27 to read as follows:

*CHAPTER 27
ELEVATOR SERVICE OUTAGES*

§ 21-998 Reporting on elevator service outages. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Elevator. The term “elevator” means a hoisting and lowering mechanism equipped with a car or platform that moves in a substantially vertical direction, and that serves two or more floors of a building.

Elevator service outage. The term “elevator service outage” means any instance in which an elevator is out of service for 30 minutes or more.

School. The term “school” means a school of the city school district of the city of New York and includes a charter school.

b. Beginning on January 1, 2020, and every three months thereafter, on the first day of the month or within one week of such day, the department shall publicly post to its website a report consisting of all elevator service outages that occurred in its schools within the previous three month reporting period. Such report may be removed from the website no earlier than 15 years after the latest date in a reporting period.

c. The report required by subdivision b of this section shall include, at a minimum, the following information with respect to each elevator service outage:

- 1. The name of each school in which the outage occurred;*
- 2. The location of each school in which the outage occurred;*
- 3. The total number of elevators in the school building in which the outage occurred which are, if in service, available for use by the public;*
- 4. Whether, when the outage first occurred, there were any other elevators in service and available for use by the public;*
- 5. The duration, in minutes, of the outage;*
- 6. The reasons for the outage, which shall include a description, where applicable, of the elevator part that was broken or in disrepair;*
- 7. The school district in which the outage occurred;*
- 8. The borough in which the outage occurred;*
- 9. The council district in which the outage occurred; and*
- 10. The community board district in which the outage occurred.*

d. To ensure that the elevator service outage data provided pursuant to the requirement in subdivisions b and c of this section may be readily viewed in a user-friendly format, the department shall make available on their website, no later than one year from the date on which the local law that added this section became law, and thereafter updated concurrently with the data required to be publicly posted in accordance with subdivisions b and c of this section, a tool which displays the following information in a format that can be filtered by school year and by a custom time period chosen by the user, and which allows the user to compare such information by school within and across school districts, boroughs, council districts and community boards:

- 1. Total number of elevator service outages in each school;*
- 2. Total number of instances in each school in which, when the elevator service outage first occurred, there were no other elevators alternatively available for use by the public; and*
- 3. Average duration of elevator service outages in each school.*

If the elevator service outage data for a complete school year cannot yet be posted on the department’s website, the department shall display the data required by this subdivision for the period consisting of the beginning of the most recent school year to the most recent date for which data is available.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 1589

By Council Members Borelli, Brannan and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on assaults on fire and emergency medical service personnel

Be it enacted by the Council as follows:

Section 1. Title 15 of the administrative code of the city of New York is amended by adding a new section 15-140 to read as follows:

§ 15-140 Assaults on fire and emergency medical service personnel. No later than January 15, 2021, and within fifteen days after the beginning of each subsequent year, the department shall submit to council and post on its website a report relating to incidents of workplace violence reported by department personnel. All data pursuant to this section shall be reported in total and disaggregated by whether the employee who was a victim of such incident is a member of the department's division of emergency medical services. Such report shall include, but need not be limited to, the following information for the prior year: the number of incidents reported pursuant to the department's workplace violence policy or any successor policies, disaggregated by whether the perpetrator of the alleged incident was a member of the department, and the number of department personnel who took medical leave as a result of an incident of workplace violence, and the mean and median periods of such leave.

§ 2. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-181 to read as follows:

§ 14-181 Assaults on fire and emergency medical service personnel. No later than January 15, 2021, and within fifteen days after the beginning of each subsequent year, the department shall submit to council and post on its website a report relating to incidents involving assaults against on-duty fire or emergency medical service personnel. All data pursuant to this section shall be reported in total and disaggregated by whether the victim of such incident is a member of the fire department's division of emergency medical services. Such report shall include, but need not be limited to, the following information for the prior year: the number of occasions in which the department responds to or investigates an alleged assault against an on-duty member of the fire department, and the number of arrests for a violation of sections 120.08 or subdivision 3 of section 120.05 of the penal law in which the victim is a member of the fire department.

§3. Title 9 of the administrative code of the city of New York is amended by adding a new chapter 4 to read as follows:

**CHAPTER 4
DISTRICT ATTORNEYS**

*§ 9-401 Definitions. For the purposes of this chapter, the following terms have the following meanings:
Office. The term "office" means the office of any district attorney in the city of New York.*

§ 9-402 Assaults on fire and emergency medical service personnel. No later than January 15, 2021, and within fifteen days after the beginning of each subsequent year, each office shall submit to council and post on its website a report relating to the prosecution of assaults against on-duty fire and emergency service personnel. All data pursuant to this section shall be reported in total and disaggregated by whether the victim of such incident is a member of the fire department's division of emergency medical services. Such report shall include, but need not be limited to, the following information for the prior year:

a. The number of cases prosecuted in which a defendant was charged with sections 120.08 or subdivision 3 of section 120.05 in which the alleged victim was a member of the fire department, in total and disaggregated by top charge;

b. The number of cases prosecuted in which a defendant was charged with sections 120.08 or subdivision 3 of section 120.05 of the penal law in which the alleged victim was a member of the fire department, disaggregated by case outcome in the following categories: (i) dismissed; (ii) adjourned in contemplation of dismissal; (iii) convicted of a violation; (iv) convicted of a misdemeanor; and (v) convicted of a felony, in total and disaggregated by whether such felony was violent as defined in the penal law; and

c. The information in romanettes iii, iv, and v of subdivision b of this section, disaggregated by case outcome in the following categories: (a) sentenced to a conditional discharge, in total and disaggregated by whether such sentence required the completion of any form of programming; (b) sentenced to probation; (c) sentenced to a definite period of imprisonment, in total and disaggregated by whether such sentence was between zero and 15 days, 15 and 45 days, 45 days and six months, and over six months; and (d) sentenced to a determinate or indeterminate period of imprisonment, in total and disaggregated by whether such sentence was determinate or indeterminate, and also disaggregated by whether such sentence was between zero and two years, two and five years, or five and fifteen years. For the purposes of this paragraph, indeterminate sentences shall be calculated using the point at which the sentenced person would be subject to a conditional release.

§ 4. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 1590

By Council Members Chin, the Speaker (Council Member Johnson), and Council Members Levin, Powers, Rosenthal, Brannan and Ampy-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene or its designee to report information to the attorney of record for individuals in the custody of the department of corrections who are diagnosed with serious mental illness

Be it enacted by the Council as follows:

Section 1. Section 17-1801 of the administrative code of the city of New York, as added by local law number 124 for the year 2016, is amended to read as follows:

§ 17-1801 Definitions. For the purposes of this chapter, the following terms shall have the following meanings:

Arrestee. The term "arrestee" has the same meaning as set forth in subdivision a of section 14-163.

Health care provider. The term "health care provider" means any person licensed or certified under federal or New York state law to provide medical services, including but not limited to doctors, nurses and emergency personnel.

Health evaluation. The term "health evaluation" means any evaluation of an ["inmate"] *incarcerated individual's* health and mental health upon their admission to the custody of the department of correction pursuant to minimum standards of inmate care established by the board of correction.

[Inmate] *Incarcerated Individual*. The term ["inmate"] *incarcerated individual* means any person in the custody of the New York city department of correction.

Screened. The term "screened" means evaluated by a health care provider.

§ 2. Chapter 18 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1805 to read as follows:

17-1805 Short title. This section shall be known as and may be cited as "The Get Well and Get Out Act".

a. Information sharing with attorneys of individuals diagnosed with serious mental illness in the custody of the department of correction. For each incarcerated individual who is not sentenced and who is diagnosed with a serious mental illness, the department or its designee shall seek voluntary consent from such individual to share medical information with the attorney of record of such individual within 48 hours of their diagnosis, and provide such information created or obtained pursuant to sections 17-802 and 17-804 to the attorney of record for any such individual within five calendar days of obtaining consent from the individual.

b. Confidential medical condition reports for individuals diagnosed with serious mental illness. Within 5 days prior to each calendared court appearance for any incarcerated individual who is not sentenced, the department shall provide a confidential medical condition report to the attorney of record for each individual

diagnosed with serious mental illness, as permitted by law. Such report shall include the following information for each such individual:

- 1. Their psychiatric diagnosis.*
 - 2. The type of housing area in which the individual is being housed.*
 - 3. Their prescribed psychiatric medication.*
 - 4. Their record of compliance with such medication, including any factors that may have contributed to their record of compliance.*
 - 5. A detailed description of their current condition, including but not limited to any reduction in symptoms and any indication that the individual's condition has improved or diagnosis changed.*
 - 6. A description of the supportive measures and mental health treatments employed within their housing unit and the medical factors contributing to their placement in such housing unit.*
- c. Notwithstanding the requirements of subdivision b, the department shall not be required to issue a new report for a scheduled court appearance within one week of a prior scheduled court appearance.*

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

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 920

Resolution urging the United States Congress and the New York State Legislature to support a woman's right to abortion, and to oppose a ban on sex-selective abortions, which perpetuate racial stereotypes and undermine access to care.

By Council Members Chin, Rivera, Rosenthal, Adams, Ayala, Koslowitz, Cumbo, Gibson, Ampry-Samuel, Kallos and Menchaca.

Whereas, In 2013 and 2014, sex-selective abortion bans were the second-most proposed abortion ban in the United States (U.S.); and

Whereas, Bans on sex-selective abortions were introduced in 26 states to date, and passed in 10 states, including Illinois, Pennsylvania, Oklahoma, Kansas, North Carolina, North Dakota, Arizona, South Dakota, Indiana, Arkansas;; and

Whereas, In 2019, a bill to ban sex-selective abortions was introduced in the New York State Assembly; and

Whereas, A sex-selective abortion ban prohibits abortions performed on the basis of sex, and a doctor who performs such a procedure may face the threat of jail time, fines or lawsuits from a patient or the patient's spouse, parent, sibling or guardian; and

Whereas, A doctor or nurse who suspects a patient is seeking a sex-selective abortion is required to report them to authorities; and

Whereas, A sex-selective abortion ban is a restriction that scrutinizes a women's reasons for making the decision to terminate a pregnancy, thus opening the door to additional abortion bans based on a woman's personal choice; and

Whereas, Lawmakers across the country who advocate for sex-selective abortion bans perpetuate false and harmful racial stereotypes about women of color, especially Asian American women, including xenophobic claims that Asian American and Pacific Islander (AAPI) communities do not value the lives of women; and

Whereas, Sex-selective abortion bans encourage racial profiling of women by medical providers, harm the doctor-patient relationship, potentially lead to the arbitrary delay or denial of reproductive health services, and further the stigmatization of women, particularly those of Asian American descent; and

Whereas, Some versions of sex-selective abortion bans have also included a race-selective ban that would ban abortions performed on the basis of race, allowing abortion providers to act on false and racist agendas; and

Whereas, In 2008, 2009, 2011, 2013, 2015, 2017 and 2019, the Prenatal Nondiscrimination Act (PRENDA), a sex-selective abortion ban, was proposed in the U.S. Congress; and

Whereas, PRENDA highlighted India and China as countries where individuals seek out sex-selective abortions, thus implying that law enforcement would target and more closely scrutinize these communities in the U.S.; and

Whereas, New York City is home to the second-largest AAPI community in the country and they, along with reproductive health and justice advocates, have called for an end to such bans, condemning the deeply offensive, discriminatory rhetoric perpetuated by anti-choice advocates who support them; and

Whereas, With 70 percent of AAPI immigrants in the U.S. having limited English proficiency and facing a high insurance and public benefits enrollment gap, AAPI women should not have to face more barriers to reproductive health care; and

Whereas, Access to safe abortions is necessary to ensure that women can plan their lives and families without risking their health in a way that makes most sense for themselves and their families; now, therefore be it

Resolved, That the Council of the City of New York urges the United States Congress and the New York State Legislature to support a woman's right to abortion, and to oppose a ban on sex-selective abortions, which perpetuate racial stereotypes and undermine access to care.

Referred to the Committee on Women and Gender Equity.

Preconsidered State Legislation Resolution No. 2

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Ramos, S.6250-A, and Assembly Members Aubry and Cruz, A.4366-A, "AN ACT to amend chapter 450 of the laws of 2017, authorizing the city of New York to discontinue certain parkland for the purpose of construction and operation of a pre-kindergarten center with a focus on instruction in science, technology, engineering, and mathematics, in relation to adjusting the boundaries of such land to be discontinued and the reversion of such lands back to the city of New York if such land is not used for such purpose".

By Council Member Cohen.

Whereas, Bills have been introduced in the New York State Legislature by Senator Ramos, S.6250-A, and Assembly Members Aubry and Cruz, A.4366-A, "AN ACT to amend chapter 450 of the laws of 2017, authorizing the city of New York to discontinue certain parkland for the purpose of construction and operation of a pre-kindergarten center with a focus on instruction in science, technology, engineering, and mathematics, in relation to adjusting the boundaries of such land to be discontinued and the reversion of such lands back to the city of New York if such land is not used for such purpose"; and

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 3

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Addabbo, S.6442, Assembly Member Pheffer Amato, A.8238, “AN ACT to amend chapter 239 of the laws of 1995, relating to authorizing the city of New York to sell waterfront property including the land under water appurtenant thereto owned by or which may be acquired in the future by such city in the lands known as Broad channel in the borough of Queens, in relation to sale of certain land”.

By Council Member Cohen.

Whereas, Bills has been introduced in the New York State Legislature by Senator Addabbo, S.6442, and Assembly Member Pheffer Amato, A.8238, “AN ACT to amend chapter 239 of the laws of 1995, relating to authorizing the city of New York to sell waterfront property including the land under water appurtenant thereto owned by or which may be acquired in the future by such city in the lands known as Broad channel in the borough of Queens, in relation to sale of certain land”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 4

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.6324, and Assembly Member Weprin, A.8138, “AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities”.

By Council Member Cohen.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.6324, and Assembly Member Weprin, A.8138, “AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 5

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Krueger, Comrie, Gounardes, Hoylman, Liu, Ramos, Skoufis, Stavisky, S.1925-B, and Assembly Members Rozic, Epstein, Ortiz, Reyes, Simon, Gottfried, Glick, De La Rosa, Seawright, Dinowitz, Quart, Mosley, Fernandez, DenDekker, Colton, Carroll, Griffin, Steck, A.6777-B, “AN ACT to amend the vehicle and traffic law, in relation to removing caps on automated enforcement cameras for bus lanes in the city of New York and creating a graduated schedule of fines for repeat offenders and to amend part II of chapter 59 of the laws of 2010, amending the vehicle and traffic law and the public officers law relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, in relation to the effectiveness thereof”.

By Council Member Cohen.

Whereas, Bills have been introduced in the New York State Legislature by Senators Krueger, Comrie, Gounardes, Hoylman, Liu, Ramos, Skoufis, Stavisky, S.1925-B, and Assembly Members Rozic, Epstein, Ortiz, Reyes, Simon, Gottfried, Glick, De La Rosa, Seawright, Dinowitz, Quart, Mosley, Fernandez, DenDekker, Colton, Carroll, Griffin, Steck, A.6777-B, “AN ACT to amend the vehicle and traffic law, in relation to removing caps on automated enforcement cameras for bus lanes in the city of New York and creating a graduated schedule of fines for repeat offenders and to amend part II of chapter 59 of the laws of 2010, amending the vehicle and traffic law and the public officers law relating to establishing a bus rapid transit demonstration program to restrict the use of bus lanes by means of bus lane photo devices, in relation to the effectiveness thereof”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 6

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Comrie, S.3215-A, and Assembly Member Vanel, A.1658-A, “AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for tractor-trailer combinations that park on residential streets overnight”.

By Council Member Cohen.

Whereas, Bills have been introduced in the New York State Legislature by Senator Comrie, S.3215-A, and Assembly Member Vanel, A.1658-A, “AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for tractor-trailer combinations that park on residential streets overnight”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 7

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Comrie, S.2761, and Assembly Member Richardson, A.1557, “AN ACT to amend the vehicle and traffic law, in relation to a fine for parked or unattended semitrailers or trailers on streets of a city with a population of one million or more”.

By Council Member Cohen.

Whereas, Bills have been introduced in the New York State Legislature by Senator Comrie, S.2761, and Assembly Member Richardson, A.1557, “AN ACT to amend the vehicle and traffic law, in relation to a fine for parked or unattended semitrailers or trailers on streets of a city with a population of one million or more”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 8

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Liu, S.6178, and Assembly Member DenDekker, A.7776, “AN ACT to amend the domestic relations law, in relation to the designation of persons who may perform marriage ceremonies in certain cities”.

By Council Member Cohen.

Whereas, Bills have been introduced in the New York State Legislature by Senator Liu, S.6178, and Assembly Member DenDekker, A.7776, “AN ACT to amend the domestic relations law, in relation to the designation of persons who may perform marriage ceremonies in certain cities”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 9

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Hoylman, S.6010-A, and Assembly Member Gottfried, A.8191, “AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera”.

By Council Member Cohen.

Whereas, Bills have been introduced in the New York State Legislature by Senator Hoylman, S.6010-A, and Assembly Member Gottfried, A.8191, “AN ACT relating to granting retroactive eligibility to apply for enhanced Tier 3 status to former New York City police officer Mark Rivera”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 10

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Kavanagh (at request of the Metropolitan Transportation Authority), S.6312-A, and Assembly Member Glick (at request of the Metropolitan Transportation Authority), A.7772-A, “AN ACT to authorize the city of New York to discontinue the use as park land of a portion of real property in the county of New York and to grant easements”.

By Council Member Cohen.

Whereas, Bills have been introduced in the New York State Legislature by Senator Kavanagh (at request of the Metropolitan Transportation Authority), S.6312-A, and Assembly Member Glick (at request of Metropolitan Transportation Authority), A.7772-A, “AN ACT to authorize the city of New York to discontinue the use as park land of a portion of real property in the county of New York and to grant easements”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 11

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes (at request of the Citywide Administrative Services), S.6474, and Assembly Member Abbate, A.8282, “AN ACT to amend the military law, in relation to age requirements applicable to appointments or promotions of public employees in cities with a population of one million or more who have been absent on military duty”.

By Council Member Cohen.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gounardes (at request of the Citywide Administrative Services), S.6474, and Assembly Member Abbate, A.8282, “AN ACT to amend the military law, in relation to age requirements applicable to appointments or promotions of public employees in cities with a population of one million or more who have been absent on military duty”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Preconsidered State Legislation Resolution No. 12

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Gounardes, Kaminsky, and Stavisky, S.1966-A, and Assembly Members Pheffer Amato and Abbate, A.3593-A, “AN ACT to amend the administrative code of the city of New York, in relation to the medical board of the New York city employees' retirement system”.

By Council Member Cohen.

Whereas, Bills have been introduced in the New York State Legislature by Senators Gounardes, Kaminsky, and Stavisky, S.1966-A, and Assembly Members Pheffer Amato and Abbate, A.3593-A, “AN ACT to amend the administrative code of the city of New York, in relation to the medical board of the New York city employees' retirement system”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on State and Federal Legislation).

Int. No. 1591

By Council Members Constantinides, Rosenthal, Brannan, Koslowitz and Kallos.

A Local Law to direct the Commissioner of Environmental Protection to conduct a study to determine if a new wastewater treatment facility can be constructed on Rikers Island.

Be it enacted by the Council as follows:

Section 1. The Commissioner of Environmental Protection, or such other agency or city official as the mayor shall designate, shall conduct a study to assess the feasibility of constructing a wastewater treatment facility on Rikers Island. The study shall consider population projections and possible alternatives to wastewater treatment and disposal. The study shall also consider the minimum capacity a wastewater treatment facility on Rikers Island should have and how much wastewater might be able to be diverted from other facilities. Within 12 months after this local law takes, the Commissioner, or other agency or official designated by the mayor, shall submit a feasibility report including findings and recommendations and such report shall be made publicly available on the city's website.

§ 2. This local law takes effect immediately upon enactment and expires or is deemed repealed one year after enactment.

Referred to the Committee on Environmental Protection.

Int. No. 1592

By Council Members Constantinides, Rosenthal, Brannan, Koslowitz and Kallos.

A Local Law to amend the New York city charter, in relation to the department of environmental protection and Rikers Island.

Be it enacted by the Council as follows:

Section 1. Section 1403 of the New York city charter is amended by adding a new subdivision b-2 to read as follows:

b-2. Rikers Island.

(1) The commissioner shall have charge and control over the location currently known as Rikers Island, including all areas, structures and property used or formerly used as a city prison for inmate detention and all facilities used by the department of corrections located on such island.

(2) The commissioner shall have the authority and discretion to plan and coordinate the actions of city agencies with respect to future uses of Rikers Island for renewable energy generation or for other environmental purposes, including but not limited to wastewater treatment, which shall include whether the use of existing structures would best contribute to such environmental purposes or sustainability.

(3) When the population of Rikers Island is less than 5,000 inmates, any structures on Rikers Island that are not suitable for renewable energy generation or wastewater treatment purposes may be reevaluated every three years for suitability for renewable energy generation options or for demolition.

(4) Any such structures still needed for use by the commissioner of correction for the retention of inmates shall be maintained for a period of five years from the date of the enactment of the law that added this section during which time such commissioner of correction shall retain sole power and authority concerning the care, custody and control of such inmates or persons pursuant to section 623 of the charter.

(5) The commissioner shall have the authority to take such actions, including the promulgation of rules to ensure the development and coordination of infrastructure to support renewable energy generation, wastewater treatment and such other environmental purpose conducted at Rikers Island.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 1593

By Council Members Constantinides, Rosenthal, Brannan, Koslowitz and Kallos.

A Local Law to direct the mayor's office of sustainability to study the feasibility of different types of renewable energy sources combined with battery storage are practical on Rikers Island.

Be it enacted by the Council as follows:

Section 1. The Director of the Mayors' Office of Sustainability, or such other agency or city official as the mayor shall designate, shall conduct a feasibility study to evaluate the economic costs, value, rate of return and sustainability of constructing renewable energy sources combined with battery storage facilities on Rikers Island. Within 12 months after this local law takes, the Director, or other agency or official designated by the mayor, shall submit a feasibility report including findings and recommendations to the mayor and the speaker of the council and such report shall be made publicly available on the city's website.

§ 2. This local law takes effect immediately upon enactment and expires and is deemed repealed after the submission of the report due.

Referred to the Committee on Environmental Protection.

Int. No. 1594

By Council Members Cornegy, Adams, Cabrera and Levine.

A Local Law to amend the administrative code of the city of New York, in relation to eligibility of certain properties for inclusion in third party transfer

Be it enacted by the Council as follows:

Section 1. Paragraph ii of subdivision 4 of section 11-401 of the administrative code of the city of New York, as amended by local law number 152 for the year 2017, is amended to read as follows:

ii. such parcel is subject to a lien or liens for any expenses incurred by the department of housing preservation and development for the repair or the elimination of any dangerous or unlawful conditions therein, pursuant to section 27-2144 of this code, in an amount equal to or greater than [one thousand dollars] *\$100,000*.

§ 2. Subdivision a of section 11-405 of chapter 4 of title 11 of the administrative code of the city of New York, as amended by local law number 69 for the year 1997, is amended to read as follows:

a. The commissioner of finance from time to time shall prepare a list, to be known as a "list of delinquent taxes", of all parcels, or all parcels within a particular class or classes, that are within a particular borough or section of a tax map or portion of a section of a tax map of the city and on which there are tax liens subject to foreclosure pursuant to this chapter[, provided, however, that no such portion shall be smaller than a block, as defined in subdivision d of section 11-204 of subchapter one of chapter two of this title]. Every such list shall bear a caption containing the in rem action number of the city's tax foreclosure proceeding, the borough or the section of a tax map or portion of a section of a tax map, and where the action covers less than all parcels in an entire borough or section of a tax map or portion of a section of a tax map, the particular class or classes, and shall contain a statement of the rate or rates at which interest and penalties will be computed for the various liens it includes.

§ 3. This local law takes effect on the same day as local law number 152 for the year 2017 takes effect, or on the date on which this local law becomes law, whichever is later.

Referred to the Committee on Housing and Buildings.

Int. No. 1595

By Council Members Cornegy, Yeger, Adams, Cabrera and Levine.

A Local Law to amend the administrative code of the city of New York, in relation to increasing transparency for third party transfer properties submitted for council review

Be it enacted by the Council as follows:

Section 1. Section 11-412.2 of chapter 4 of title 11 of the administrative code of the city of New York is amended to read as follows:

§ 11-412.2 Council review of conveyance to a third party. The commissioner of finance shall, prior to the execution of a deed conveying full and complete title of any parcel of class one or class two real property to a third party pursuant to subdivision c of section 11-412.1 of this chapter, notify the council of the proposed conveyance. Within forty-five days of such notification, the council may act by local law disapproving the proposed conveyance. In the event the council does not act by local law within such forty-five day period, the council shall be deemed to have approved the proposed conveyance. During such forty-five day period or, if the city council acts by local law pursuant to this section, during the period of time from the notification of the council to the presentation to the mayor of such local law and during any additional period of time prescribed in section 37 of the charter, the eight-month period provided in subdivisions c and i of section 11-412.1 of this chapter shall be tolled. *Such notification shall include documentation of any and all outstanding arrears attached to the subject property which the commissioner of finance has used as the basis for bringing the in rem foreclosure action against the subject property.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 921

Resolution calling on the New York State Legislature to pass and the Governor to sign A.286, which would provide a tax credit to each taxpayer who adopts a household pet from a shelter.

By Council Member Cumbo.

Whereas, According to the American Society for the Prevention of Cruelty to Animals ("ASPCA"), millions of dogs and cats are euthanized in animal shelters across the country every year because they have not been adopted into loving homes; and

Whereas, In New York City, there is a great need to encourage more people to adopt dogs and cats from animal shelters; and

Whereas, Animal Care Centers of New York City (ACC) is a not-for-profit rescue organization in New York City under contract with the City with a mission to end animal homelessness in New York City; and

Whereas, ACC is an open admission shelter, meaning the organization will accept any animal, regardless of breed or species; and

Whereas, ACC is the largest pet organization in the northeast and had an adjusted total intake of 21,514 animals in 2018; and

Whereas, Encouraging the adoption of pets would assist ACC in its mission to find homes for the tens of thousands of pets that flow through its doors; and

Whereas, A.286, sponsored by Assemblymember Linda Rosenthal, would provide a one hundred dollar maximum tax credit to each taxpayer who adopts a dog or a cat from a shelter; and

Whereas, A.286 would cover a maximum of the three pets per tax payer; and

Whereas, The cost of adopting a dog or cat can be burdensome for many families and may prevent some people willing to open their homes to a shelter dog or cat from doing so; and

Whereas, Encouraging New Yorkers to adopt pets is not only compassionate, but would also reduce the stress on resources of the shelters that house and care for adoptable animals; and

Whereas, Owning pets also has important health and social benefits for the pet owner; and

Whereas, Several studies funded by the National Institute for Health have demonstrated that pet ownership can improve cardiovascular health, lead to lower heart rate and blood pressure, increase the amount of exercise people get, and help people make and keep social connections; and

Whereas, New York State could be a leader in animal welfare by becoming the first state in the country to provide a tax credit for the adoption of a dog or cat from an animal shelter; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign A.286, which would provide a tax credit to each taxpayer who adopts a household pet from a shelter.

Referred to the Committee on Health.

Int. No. 1596

By Council Member Diaz.

A Local Law to amend the administrative code of the city of New York, in relation to requiring conspicuous identification of high-volume for-hire transportation services

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-554 to read as follows:

§ 19-554 Identification of high-volume for-hire service. Any vehicle dispatched by a high-volume for-hire service must have a conspicuous sign identifying the high-volume for-hire service dispatching such trip. Such sign must be displayed at the time a passenger is picked up and for the duration of a trip in at least one conspicuous location in or on the vehicle such that the name of the high-volume for-hire service is easily visible to a person standing outside the vehicle. The commission may by rule establish additional requirements relating to such signs and the display of such signs.

§ 2. This local law takes effect 90 days after it becomes law, except that the taxi and limousine commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Transportation.

Int. No. 1597

By Council Members Gibson, Brannan and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to report annually on the number of staff at certain HRA centers

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-142 to read as follows::

§ 21-142 HRA centers staff person report. a. Definitions. For purposes of this section, the following terms have the following meanings:

Child support services center. The term “child support services center” means any location designated by the department as a child support services center where individuals can access services related to child support.

HASA center. The term “HASA center” means any location designated by the department as a HASA center where individuals can apply for services through the HIV/AIDS Services Administration.

Job center. The term “job center” means any location designated by the department as a job center where individuals can complete an application for cash assistance in person.

Medical assistance program center. The term “medical assistance program center” means any location designated by the department as a medical assistance program center where individuals can apply for public health insurance programs.

SNAP center. The term “SNAP center” means any location designated by the department as a SNAP center where individuals can complete an application for the supplemental nutrition assistance program.

b. No later than September 1, 2020, and no later than September 1 annually thereafter, the department shall post on its website and deliver to the speaker of the council a report on staff persons in every child support services center, HASA center, job center, medical assistance program center and SNAP center. Such report shall include the following information, disaggregated for each such center:

- 1. The total number of staff persons;*
- 2. The total number of staff persons for every job position and a brief description of every job position;*
- 3. The number of clients served per month during the preceding year at each center; and*
- 4. Any other information the department deems relevant.*

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1598

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to proper disposal of deceased animals

Be it enacted by the Council as follows:

Section 1. Chapter 8 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-816 to read as follows:

§ 17-816 Disposal of deceased animals. The department shall conduct public awareness and education campaigns in English and Spanish regarding proper disposal of deceased animals, including all city resources and services available relating to the proper disposal of deceased animals.

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

Referred to the Committee on Health.

Int. No. 1599

By Council Members Holden and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting new electronic cigarette retailers near schools

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision d of section 20-561 of the administrative code of the city of New York, as added by local law number 144 for the year 2017, is amended to read as follows:

1. A license or renewal thereof shall be issued to a person to conduct the business of an electronic cigarette retail dealer for each place of business where such person engages in the retail sale of electronic cigarettes in the city only where:

(a) an applicant for a license or renewal thereof meets all the requirements prescribed herein and any criteria in addition thereto established by the commissioner by rule as deemed necessary to effectuate the purposes of this subchapter;

(b) an applicant satisfies the commissioner that such person is fit and able to conduct the business of an electronic cigarette retail dealer;

(c) the commissioner has not received notification from the commissioner of health and mental hygiene that the applicant is not in full compliance with any provision of chapter 7 of title 17 of this code or any rules promulgated by the commissioner of health and mental hygiene to effectuate the purposes of such provisions; [and]

(d) the number of licenses in the community district in which the place of business of such applicant is located is lower than the community district electronic cigarette retail dealer cap[.]; and

(e) *the place of business for which such applicant seeks to engage in the sale of electronic cigarettes is located no less than 500 feet from any public or non-public school serving children in any grade from kindergarten through high school.*

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

Referred to the Committee on Health.

Int. No. 1600

By Council Members Holden, Brannan and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the distribution of materials to inform drivers of the protocol to follow after a collision

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 10 of the administrative code of the city of New York is amended by adding a new section 10-181 to read as follows:

§10-181 Car Collision educational materials The department of transportation and the police department shall jointly develop and distribute educational materials to inform drivers of protocols to follow if they are involved in a motor vehicle collision. Such materials shall at a minimum include information about when a driver should move a vehicle involved in a collision to a safe location.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 1601

By Council Member Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the transfer of campaign funds and the termination of authorized committees

Be it enacted by the Council as follows:

Section 1. Paragraph (a) of subdivision 14 of section 3-703 of the administrative code of the city of New York, as amended by local law number 189 for the year 2016, is amended to read as follows:

(a) Transfers that a principal committee receives from a political committee (other than [an authorized committee filing contemporaneous disclosure statements with the board in a timely manner] *another principal committee*) at any time during an election cycle shall:

(i) be attributed to previous contributions in accordance with the duly promulgated rules of the campaign finance board applicable to such transfer or use;

(ii) exclude an amount equal to the total of:

(A) such previous contributions, or portions thereof, that violate the limitations, restrictions, or prohibitions of the charter and this chapter applicable in the covered election for which the principal committee is designated; and

(B) such previous contributions, or portions thereof, for which the principal committee has not obtained and submitted to the board, prior to receipt of the transfer, evidence of the contributor's intent to designate the contribution for such covered election, and any other record, as determined by the rules of the board; and

§ 2. Subdivision 1 of section 3-703 of the administrative code of the city of New York is amended by adding a new paragraph (p) to read as follows:

(p) terminate any authorized committee authorized by the candidate that is not the candidate's principal committee for the election covered by the candidate's certification. All remaining funds held by an authorized committee must be paid to the New York city campaign finance fund established in subdivision one of section 3-709 upon termination of such committee.

§ 3. This local law takes effect 1 year after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 1602

By Council Members Koo, Brannan, Rosenthal, Grodenchik and Cornegy.

A Local Law in relation to establishing a task force to study the feasibility of using transparent billing software to verify the accuracy of time billed for work performed on computers pursuant to public contracts

Be it enacted by the Council as follows:

Section 1. Transparent billing software task force. a. For purposes of this local law, the following terms have the following meanings:

City. The term "city" means the city of New York.

Transparent billing software. The term "transparent billing software" means software designed to permit the user to verify the accuracy of time billed for work performed on a computer, whether through keystroke and mouse event tracking, screenshots or other functions that have an auditing purpose.

b. There shall be a task force to study the feasibility of using transparent billing software to verify the accuracy of time billed for work performed on computers pursuant to public contracts.

c. 1. The task force shall consist of the following members:

(a) The director of the mayor's office of contract services, or such director's designee;

(b) Three members appointed by the mayor;

(c) One member appointed by the speaker of the council; and

(d) One member appointed by the comptroller.

2. The mayor shall appoint a chair from among the members of the task force. No member of the task force shall be removed except by the appointing authority for cause. In the event of a vacancy on the task force, a successor shall be selected by the original appointing authority.

d. The task force shall meet no less than once a quarter and shall permit public access to at least one meeting.

e. The task force shall submit a report of findings and any recommendations for legislation or policy to the mayor and the speaker of the council no later than 12 months after the effective date of this local law. In formulating its findings and recommendations, the task force shall consider the following:

1. The potential of transparent billing software to improve the ability of city agencies to evaluate and monitor work performed on computers pursuant to public contracts, including the potential of such software to enhance the ability of city agencies to detect and protect against fraudulent billing;
2. Methods to acquire transparent billing software, including the development of such software to address the particular needs of city agencies;
3. Methods to implement the use of transparent billing software by city agencies, including implementation of such software on a citywide or case-by-case basis among city agencies;
4. Whether such software may be issued to contractors or subcontractors at no cost to such contractors or subcontractors, and the anti-competitive effect on the bidding process, if any, of requiring contractors and subcontractors to comply with monitoring and evaluation conducted with transparent billing software;
5. Estimated costs associated with the implementation of such software, including estimates for the cost of labor to acquire or develop such software and to implement it as an ongoing evaluation and monitoring tool, and a comparison of such costs against a projection of public funds that could be saved if such software were implemented; and
6. Any barriers to the implementation of transparent billing software.

f. The task force may consult with experts to prepare the report required by subdivision e of this section.

§ 2. This local law takes effect immediately, and all appointments required by this local law shall be made no later than 60 days after such effective date. This local law expires and is deemed repealed 2 years after such effective date.

Referred to the Committee on Technology.

Int. No. 1603

By Council Members Levine and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the use of certain credit information in rental housing applications pertaining to housing accommodations controlled, subsidized or both by the department of housing preservation and development

Be it enacted by the Council as follows:

Section 1. Section 8-102 of the administrative code of the city of New York, as amended by a local law voted on by the committee on civil rights on December 18, 2017, is amended to read as follows:

§ 8-102 Definitions. Except as otherwise expressly provided, when used in this chapter, the following terms have the following meanings:

Acts or threats of violence. The term “acts or threats of violence” includes, but is not limited to, acts, which would constitute violations of the penal law.

Affordable unit. The term “affordable unit” means a dwelling unit, as such term is defined in the New York city building code, for which the rent, sale price or resale price, as applicable to such unit, is restricted to make such unit affordable for occupants thereof pursuant to the affordability requirements of a city program, or a federal or state program administered by the city, in which city financial assistance, or any additional use as such term is used in the New York city zoning resolution or bulk as such term is defined in section 12-10 of the New York city zoning resolution, is provided. The term “affordable unit” does not include a dwelling unit that is reserved for occupancy by the superintendent of the building containing such unit. For purposes of this definition, the term “city financial assistance” means assistance that is paid for by the city, allocated by the city or allocated by another individual or entity on the city’s behalf, and includes, but is not limited to, any

loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value, land value or other thing of value.

Alienage or citizenship status. The term “alienage or citizenship status” means:

1. The citizenship of any person, or
2. The immigration status of any person who is not a citizen or national of the United States.

Caregiver. The term “caregiver” means a person who provides direct and ongoing care for a minor child or a care recipient. As used in this definition:

1. Care recipient. The term “care recipient” means a person with a disability who: (i) is a covered relative, or a person who resides in the caregiver’s household and (ii) relies on the caregiver for medical care or to meet the needs of daily living.

2. Covered relative. The term “covered relative” means a caregiver’s child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of the caregiver’s spouse or domestic partner, or any other individual in a familial relationship with the caregiver as designated by the rules of the commission.

3. Grandchild. The term “grandchild” means a child of a caregiver’s child.

4. Grandparent. The term “grandparent” means a parent of a caregiver’s parent.

5. Parent. The term “parent” means a biological, foster, step- or adoptive parent, or a legal guardian of a caregiver, or a person who stood in loco parentis when the caregiver was a minor child.

6. Sibling. The term “sibling” means a caregiver’s brother or sister, including half-siblings, step-siblings and siblings related through adoption.

7. Spouse. The term “spouse” means a person to whom a caregiver is legally married under the laws of the state of New York.

8. Child. The term “child” means a biological, adopted or foster child, a legal ward or a child of a caregiver standing in loco parentis.

9. Minor child. The term “minor child” means a child under the age of 18.

Collection amount. The term “collection account” means a debt sold or referred by a creditor to a third party, or to an internal collection department, for collection.

Commercial space. The term “commercial space” means any space in a building, structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property; and any space which is used or occupied, or is intended, arranged or designed to be used or occupied as a business or professional unit or office in any building, structure or portion thereof.

Commission. The term “commission,” unless a different meaning clearly appears from the text, means the city commission on human rights.

Consumer credit history. The term “consumer credit history” means an individual’s credit worthiness, credit standing, credit capacity, or payment history, as indicated by: (i) a consumer credit report; (ii) credit score; or (iii) information an employer obtains directly from the individual regarding (1) details about credit accounts, including the individual’s number of credit accounts, late or missed payments, charged-off debts, items in collections, credit limit, prior credit report inquiries, or (2) bankruptcies, judgments or liens. A consumer credit report shall include any written or other communication of any information by a consumer reporting agency that bears on a consumer’s creditworthiness, credit standing, credit capacity or credit history.

Consumer debt judgment. The term “consumer debt judgment” means a judgment rendered by a court relating to a debt incurred primarily for a personal, family or household purpose, but does not include a judgment of foreclosure and sale on a residential mortgage.

Cooperative dialogue. The term “cooperative dialogue” means the process by which a covered entity and a person entitled to an accommodation, or who may be entitled to an accommodation under the law, engage in good faith in a written or oral dialogue concerning the person’s accommodation needs; potential accommodations that may address the person’s accommodation needs, including alternatives to a requested accommodation; and the difficulties that such potential accommodations may pose for the covered entity.

Covered entity. The term “covered entity” means a person required to comply with any provision of section 8-107.

Disability. The term “disability” means any physical, medical, mental or psychological impairment, or a history or record of such impairment. As used in this definition:

1. Physical, medical, mental, or psychological impairment. The term “physical, medical, mental, or psychological impairment” means:

(a) An impairment of any system of the body; including, but not limited to, the neurological system; the musculoskeletal system; the special sense organs and respiratory organs, including, but not limited to, speech organs; the cardiovascular system; the reproductive system; the digestive and genito-urinary systems; the hemic and lymphatic systems; the immunological systems; the skin; and the endocrine system; or

(b) A mental or psychological impairment.

2. In the case of alcoholism, drug addiction or other substance abuse, the term “disability” only applies to a person who (i) is recovering or has recovered and (ii) currently is free of such abuse, and does not include an individual who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use.

Domestic partner. The term “domestic partner” means any person who has a registered domestic partnership pursuant to section 3-240, a domestic partnership registered in accordance with executive order number 123, dated August 7, 1989, or a domestic partnership registered in accordance with executive order number 48, dated January 7, 1993.

Educational institution. The term “educational institution” includes kindergartens, primary and secondary schools, academies, colleges, universities, professional schools, extension courses, and all other educational facilities.

Employer. For purposes of subdivisions 1, 2, 3, 11-a, and 22, subparagraph 1 of paragraph a of subdivision 21, and paragraph e of subdivision 21 of section 8-107, the term “employer” does not include any employer with fewer than four persons in the employ of such employer. For purposes of this definition, natural persons employed as independent contractors to carry out work in furtherance of an employer’s business enterprise who are not themselves employers shall be counted as persons in the employ of such employer.

Employment agency. The term “employment agency” includes any person undertaking to procure employees or opportunities to work.

Family. The term “family,” as used in subparagraph (4) of paragraph a of subdivision 5 of section 8-107, means either a person occupying a dwelling and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers. As used in this definition, a “boarder,” “roomer” or “lodger” residing with a family means a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.

Gender. The term “gender” includes actual or perceived sex, gender identity and gender expression, including a person’s actual or perceived gender-related self-image, appearance, behavior, expression or other gender-related characteristic, regardless of the sex assigned to that person at birth.

Housing accommodation. The term “housing accommodation” includes any building, structure or portion thereof that is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings. Except as otherwise specifically provided, such term includes a publicly-assisted housing accommodation.

Intelligence information. The term “intelligence information” means records and data compiled for the purpose of criminal investigation or counterterrorism, including records and data relating to the order or security of a correctional facility, reports of informants, investigators or other persons, or from any type of surveillance associated with an identifiable individual, or investigation or analysis of potential terrorist threats.

Intern. 1. The term “intern” means an individual who performs work for an employer on a temporary basis whose work:

(a) Provides training or supplements training given in an educational environment such that the employability of the individual performing the work may be enhanced;

(b) Provides experience for the benefit of the individual performing the work; and

(c) Is performed under the close supervision of existing staff.

2. The term includes such individuals without regard to whether the employer pays them a salary or wage.

Labor organization. The term “labor organization” includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning

grievances, terms and conditions of employment, or of other mutual aid or protection in connection with employment.

Lawful source of income. The term “lawful source of income” includes income derived from social security, or any form of federal, state or local public assistance or housing assistance including section 8 vouchers.

Medical debt. The term “medical debt” means a debt arising from the receipt of medical services, products or devices.

National origin. The term “national origin” includes “ancestry.”

National security information. The term “national security information” means any knowledge relating to the national defense or foreign relations of the United States, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the United States government and is defined as such by the United States government and its agencies and departments.

Occupation. The term “occupation” means any lawful vocation, trade, profession or field of specialization.

Partnership status. The term “partnership status” means the status of being in a domestic partnership, as defined by subdivision a of section 3-240.

Person. The term “person” includes one or more natural persons, proprietorships, partnerships, associations, group associations, organizations, governmental bodies or agencies, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

Person aggrieved. 1. The term “person aggrieved,” except as used in section 8-123, includes a person whose right created, granted or protected by this chapter is violated by a covered entity directly or through conduct of the covered entity to which the person’s agent or employee is subjected while the agent or employee was acting, or as a result of the agent or employee having acted, within the scope of the agency or employment relationship. For purposes of this definition, an agent or employee’s protected status is imputed to that person’s principal or employer when the agent or employee acts within the scope of the agency or employment relationship. It is irrelevant whether or not the covered entity knows of the agency or employment relationship.

2. A person is aggrieved even if that person’s only injury is the deprivation of a right granted or protected by this chapter.

3. This definition does not limit or exclude any other basis for a cause of action.

Place or provider of public accommodation. The term “place or provider of public accommodation” includes providers, whether licensed or unlicensed, of goods, services, facilities, accommodations, advantages or privileges of any kind, and places, whether licensed or unlicensed, where goods, services, facilities, accommodations, advantages or privileges of any kind are extended, offered, sold, or otherwise made available. Such term does not include any club which proves that it is in its nature distinctly private. A club is not in its nature distinctly private if it has more than 400 members, provides regular meal service and regularly receives payment for dues, fees, use of space, facilities, services, meals or beverages directly or indirectly from or on behalf of non-members for the furtherance of trade or business. For the purposes of this definition, a corporation incorporated under the benevolent orders law or described in the benevolent orders law but formed under any other law of this state, or a religious corporation incorporated under the education law or the religious corporation law is deemed to be in its nature distinctly private. No club that sponsors or conducts any amateur athletic contest or sparring exhibition and advertises or bills such contest or exhibition as a New York state championship contest or uses the words “New York state” in its announcements is a private exhibition within the meaning of this definition.

Publicly-assisted housing accommodations. The term “publicly-assisted housing accommodations” includes:

1. Publicly-owned or operated housing accommodations;
2. Housing accommodations operated by housing companies under the supervision of the state commissioner of housing and community renewal, or the department of housing preservation and development;
3. Housing accommodations constructed after July 1, 1950, and housing accommodations sold after July 1, 1991:
 - (a) That are exempt in whole or in part from taxes levied by the state or any of its political subdivisions;

(b) That are constructed on land sold below cost by the state or any of its political subdivisions or any agency thereof, pursuant to the federal housing act of 1949;

(c) That are constructed in whole or in part on property acquired or assembled by the state or any of its political subdivisions or any agency thereof through the power of condemnation or otherwise for the purpose of such construction; or

(d) For the acquisition, construction, repair or maintenance for which the state or any of its political subdivisions or any agency thereof supplies funds or other financial assistance; and

4. Housing accommodations, the acquisition, construction, rehabilitation, repair or maintenance of which is, after July 1, 1955, financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the state or any of its political subdivisions or any agency thereof.

Real estate broker. The term “real estate broker” means any person who, for another and for a fee, commission or other valuable consideration, lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale at auction, or otherwise, exchange, purchase or rental of an estate or interest in real estate or collects or offers or attempts to collect rent for the use of real estate, or negotiates, or offers or attempts to negotiate, a loan secured or to be secured by a mortgage or other incumbrance upon or transfer of real estate. In the sale of lots pursuant to the provisions of article nine-a of the real property law, the term “real estate broker” shall also include any person employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, or upon commission, or upon a salary and commission, or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange of any such lot or parcel of real estate.

Real estate salesperson. The term “real estate salesperson” means a person employed by or authorized by a licensed real estate broker to list for sale, sell or offer for sale at auction or otherwise to buy or offer to buy or to negotiate the purchase or sale or exchange of real estate or to negotiate a loan on real estate or to lease or rent or offer to lease, rent or place for rent any real estate, or who collects or offers or attempts to collect rents for the use of real estate for or on behalf of such real estate broker.

Reasonable accommodation. 1. The term “reasonable accommodation” means such accommodation that can be made that does not cause undue hardship in the conduct of the covered entity’s business. The covered entity has the burden of proving undue hardship. In making a determination of undue hardship with respect to claims filed under subdivisions 1, 2, 22 or 27 of section 8-107, the factors which may be considered include but are not limited to:

(a) The nature and cost of the accommodation;

(b) The overall financial resources of the facility or the facilities involved in the provision of the reasonable accommodation; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such accommodation upon the operation of the facility;

(c) The overall financial resources of the covered entity; the overall size of the business of a covered entity with respect to the number of its employees, the number, type, and location of its facilities; and

(d) The type of operation or operations of the covered entity, including the composition, structure and functions of the workforce of such entity; the geographic separateness, administrative or fiscal relationship of the facility or facilities in question to the covered entity.

2. In making a determination of undue hardship with respect to claims for reasonable accommodation to an employee’s or prospective employee’s religious observance filed under subdivision 3 of section 8-107, the definition of “undue hardship” set forth in paragraph b of such subdivision applies.

Sexual orientation. The term “sexual orientation” means an individual’s actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender. A continuum of sexual orientation exists and includes, but is not limited to, heterosexuality, homosexuality, bisexuality, asexuality and pansexuality.

Trade secrets. The term “trade secrets” means information that (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy; and (iii) can reasonably be said to be the end product of significant innovation. The term “trade secrets” does not include general proprietary company

information such as handbooks and policies. The term “regular access to trade secrets” does not include access to or the use of client, customer or mailing lists.

Unemployed or unemployment. The term “unemployed” or “unemployment” means not having a job, being available for work, and seeking employment.

Uniformed service. The term “uniformed service” means:

1. Current or prior service in:

(a) The United States army, navy, air force, marine corps, coast guard, commissioned corps of the national oceanic and atmospheric administration, commissioned corps of the United States public health services, army national guard or air national guard;

(b) The organized militia of the state of New York, as described in section 2 of the military law, or the organized militia of any other state, territory or possession of the United States; or

(c) Any other service designated as part of the “uniformed services” pursuant to subsection (16) of section 4303 of title 38 of the United States code;

2. Membership in any reserve component of the United States army, navy, air force, marine corps, or coast guard; or

3. Being listed on the state reserve list or the state retired list as described in section 2 of the military law or comparable status for any other state, territory or possession of the United States.

Unlawful discriminatory practice. The term “unlawful discriminatory practice” includes only those practices specified in section 8-107.

Victim of domestic violence. The term “victim of domestic violence” means a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or by a person who is or has continually or at regular intervals lived in the same household as the victim.

Victim of sex offenses or stalking. The term “victim of sex offenses or stalking” means a victim of acts that would constitute violations of article 130 of the penal law or a victim of acts that would constitute violations of sections 120.45, 120.50, 120.55, or 120.60 of the penal law.

§ 2. Subparagraph 4 of paragraph (a) of subdivision 5 of section 8-107 of the administrative code of the city of New York is renumbered to subparagraph 6 and new subparagraphs 4 and 5 are added to read as follows:

(4) To use or consider any credit score, consumer debt judgment, collection account or medical debt of a tenant or prospective tenant in the rental or lease of a housing accommodation controlled, subsidized or both by the department of housing preservation and development.

(5) In connection with the rental or lease of an affordable unit in a housing accommodation controlled, subsidized or both by the department of housing preservation and development to any tenant or prospective tenant, to (i) use the consumer credit history of any member of such tenant or prospective tenant’s household other than the member of such tenant or prospective tenant’s household designated by such household to represent such household in all matters pertaining to the rental or lease of such unit or (ii) fail to disclose, in writing, to such designee the process and criteria by which such designee’s consumer credit history will be evaluated.

§ 3. Paragraph (c) of subdivision 5 of section 8-107 of the administrative code of the city of New York is amended by adding new subparagraphs 4 and 5 to read as follows:

(4) To use or consider any credit score, consumer debt judgment, collection account or medical debt of a tenant or prospective tenant in the rental or lease of a housing accommodation controlled, subsidized or both by the department of housing preservation and development.

(5) In connection with the rental or lease of an affordable unit in a housing accommodation controlled, subsidized or both by the department of housing preservation and development to any tenant or prospective tenant, to (i) use the consumer credit history of any member of such tenant or prospective tenant’s household other than the member of such tenant or prospective tenant’s household designated by such household to represent such household in all matters pertaining to the rental or lease of such unit or (ii) fail to disclose, in writing, to such designee the process and criteria by which such designee’s consumer credit history will be evaluated.

§ 4. This local law takes effect 1 year after it becomes law, except that the chairperson of the commission on human rights may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Civil and Human Rights.

Int. No. 1604

By Council Members Miller and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to reporting of workers' compensation data

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 12-127 of chapter 1 of title 12 of the administrative code of the city of New York is hereby amended to read as follows:

c. 1. Definitions. For purposes of this subdivision, the term "occupational disease" has the same meaning as such term is defined in section 2 of the workers' compensation law.

[(1)]2. Each agency shall keep a record of any workers' compensation claim filed by an employee, the subject of which concerns an injury sustained in the course of duty while such employee was employed at such agency. Such record shall include, but not be limited to, the following data:

- (i) the name of the agency where such employee worked;
- (ii) such employee's title;
- (iii) the date such employee or the city filed such claim with the appropriate office of the state of New York, if any;
- (iv) the date the city began to make payment for such claim, or the date such claim was established by the appropriate state office and the date the city began to make payment for such claim pursuant to such establishment, if any;
- (v) the date such injury occurred *or occupational disease was contracted*;
- (vi) the location at which such injury occurred *or occupational disease was contracted*;
- (vii) the nature of such injury *or occupational disease*, including, but not limited to, the circumstances [of such injury], the type or diagnosis [of such injury] and a description of how such injury occurred *or such occupational disease was contracted*;
- (viii) the length of time such employee is unable to work due to such injury *or occupational disease*, if any; [and]
- (ix) *whether the employee was given modified assignments or was transferred because of such injury or occupational disease and whether such employee suffered a loss of income or diminution of fringe benefits as a result; and*
- [(ix)](x) a list of any expenses paid as a result of such claim, including, but not limited to, expenses relating to wage replacement, medical costs, administrative costs and any penalties.

[(2)]3. Each agency shall transmit records gathered pursuant to paragraph [(1)]2 of subdivision c of this section, as soon as practicable, to the [mayor] *law department* of the city of New York.

4. *Each agency shall collect and report to the law department, as soon as practicable, the following information:*

- (i) *the number of persons employed;*
- (ii) *the number of persons employed in each job title;*
- (iii) *the total, average and median number of days of lost time due to workers' compensation injuries within each job title;*
- (iv) *the total amount of wages and workers' compensation paid for disability to injured persons within each job title;*

(v) *the total amount of medical expenses paid for diagnosis and treatment of injuries and occupational diseases suffered by persons within each job title;*

(vi) *the number and nature of injuries and occupational diseases suffered by persons within each job title and the number of resulting workers' compensation claims filed;*

(vii) *the causal factor of the injuries and occupational diseases suffered by persons within each job title as reported in subparagraph (vi) of this paragraph by category, including but not limited to, lifting, assault, trauma, repetitive stress, infectious pathogen and chemical exposure;*

(viii) *the average and median number of days between the onset of disability and the first payment of compensation made to injured persons within each job title; and*

(ix) *the total number of workers' compensation claims.*

[(3)]5. The [mayor of the city of New York] law department, in coordination with the office of management and budget, shall ensure that an annual report is prepared utilizing the [records] data received from each city agency pursuant to paragraphs [(2)]3 and 4 of subdivision c of this section. Such report shall be transmitted to the department of records and information services pursuant to section 1133 of the charter, the mayor, the comptroller, the public advocate, and the speaker and every member of the council [of the city of New York], by the first day of May, covering the previous calendar year. *The report due in May shall include the data received from each city agency pursuant to paragraphs 3 and 4 of subdivision c of this section and analysis regarding the previous year.* Such report shall include, but not be limited to:

(i) an analysis, with respect to each agency included in the report, of expenses paid as a result of workers' compensation claims, including, but not limited to, expenses relating to wage replacement, medical costs, administrative costs and any penalties paid by an agency;

(ii) *a listing by agency, job title and location of the number, type and cost of workers' compensation claims;*

(iii) *a listing by agency, job title and location of the number, type and cost of work-related injuries and occupational diseases reported but not filed as a workers' compensation claim;*

(iv) *a report of each agency's use of modified duty assignments and disability transfers, including an assessment of any disruption to the normal work hours, job duties, or job location of workers' compensation claimants;*

[(ii)](v) a list of the occurrence of specific claims for each agency and for the city as a whole;

[(iii)](vi) a list of the specific sites where injuries occurred or where occupational diseases were contracted for each agency and for the city as a whole; and

[(iv)](vii) *a ten year year-to-year comparison[s] of [information] data compiled pursuant to this paragraph.*

6. *Each agency shall develop and implement an annual accident and illness prevention program designed to reduce injuries and illnesses identified in the report required pursuant to paragraph 5 of this subdivision. A listing and description of these programs shall be included in the annual report required by this section and made available at each agency.*

7. *No later than 90 days after submission of the report required pursuant to paragraph 5 of this subdivision, the mayor shall submit to the comptroller, the public advocate, and the speaker and every member of the council a report on steps the city will take to develop programs to mitigate injury and illness based on the data gathered pursuant to paragraphs 2 and 4 of subdivision c of this section.*

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

Referred to the Committee on Civil Service and Labor.

Int. No. 1605

By Council Members Moya, Torres, Rodriguez and the Speaker (Council Member Johnson).

A Local Law to amend the administrative code of the city of New York, in relation to the approval of a purchase or transfer of a taxicab license

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-554 to read as follows:

§ 19-554 Approval of purchase or transfer of taxicab license. a. The commission may not approve the purchase or transfer of any taxicab license or any interest in a taxicab license unless:

1. The prospective purchaser or transferee provides documentation in a form satisfactory to the commission detailing the sources of the funds such prospective purchaser or transferee intends to use for such purchase or transfer;

2. If such purchase or transfer is financed in whole or in part by a loan, the commission reviews the terms of the loan and makes a determination that the prospective purchaser or transferee could reasonably be expected to make the required payments; or

3. If such purchase or transfer is financed in whole or in part by a loan containing a confession of judgment.

b. The commission shall promulgate rules, consistent with this section, enumerating factors the commission shall consider in evaluating whether a prospective purchaser or transferee could reasonably be expected to make the required payments.

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

Res. No. 922

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.5990-A/S.4048-A, an act to amend the highway law, in relation to the rate paid by the state to a city for maintenance and repair of highways.

Council Member Powers.

Whereas, Pursuant to New York State law, the State delegates the responsibility of maintaining state arterial highways to the municipalities where the highways are located and then reimburses the local government for the costs of maintenance and repairs; and

Whereas, Since 1987, New York State has reimbursed municipalities at a rate of 85 cents per square yard of pavement for the maintenance of highways, a rate that has not been increased or adjusted for inflation over that same time period; and

Whereas, Currently, 38 out of 62 cities have an agreement with the State to maintain the state arterial highways located within their boundaries; and

Whereas, The maintenance responsibilities often performed by these municipalities includes guide rail repairs, pothole maintenance, fence repairs, road markings, and the upkeep of impact crash cushions; and

Whereas, The State's current reimbursement rate only covers approximately 55 percent of the actual costs that municipalities incur for the cost of highway maintenance and repairs; and

Whereas, This funding shortage has left these 38 municipalities with the burden of absorbing the costs of maintaining the State highways; and

Whereas, The City receives approximately \$13 million in state reimbursement for maintenance work on highways pursuant to the state law and a separate supplemental agreement with State authorities; and

Whereas, The City's actual costs for the work incurred totals approximately \$24 million - around \$11 million more than the state provides; and

Whereas, The New York State Conference of Mayors recently released a statement expressing that cities and their residents should not be punished for participating in a cooperative highway maintenance program with the state; and

Whereas, The New York State Conference of Mayors has urged the State to uphold its end of the deal by providing a reimbursement rate based on the current costs of maintaining and repairing the roads; and

Whereas, The New York State Legislature has introduced A.5990-A, sponsored by Assembly Member Nily Rozic, and S.4048-A, sponsored by Senator Timothy M. Kennedy, in relation to the rate paid by the State to a city for maintenance and repair of highways; and

Whereas, A.5990-A/S.4048-A would raise the reimbursement rate for municipalities to \$1.87 per square yard of the pavement or road area that is included in the state highway system; and

Whereas, A.5990-A/S.4048-A would also raise the payment rate for work pavement areas that are located on elevated bridges from 10 cents to 20 cents per square yard of such pavement area; and

Whereas, If A.5990-/S.4048-A were to be enacted, New York City's reimbursement for these maintenance and repair efforts would increase by several million dollars; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.5990-A/S.4048-A, an act to amend the highway law, in relation to the rate paid by the state to a city for maintenance and repair of highways.

Referred to the Committee on Transportation.

Int. No. 1606

By Council Members Richards, Brannan and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to post a map of green roofs online

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-531 to read as follows:

§ 24-531 *Green roof map.* a. *The commissioner, in collaboration with the department of buildings, shall publish on the department's website a map showing the location of every green roof, as defined in section 24-526.1, in the city.*

b. *For each green roof indicated on the map, the map shall at a minimum provide the following information:*

1. *The occupancy group of the building or structure;*
2. *The area of the roof in square feet;*
3. *The area of the portion of the roof covered by the green roof system in square feet;*
4. *The estimated amount of water such green roof has the capacity to absorb; and*
5. *Any functions of the green roof, which may include, but need not be limited to, aesthetic, water retention, recreational, farming or any other function designated by the department.*

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of environmental protection shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

Res. No. 923

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S2253-A654, which would repeal section 240.37 of the New York Penal Law, loitering for the purpose of engaging in a prostitution offense.

By Council Members Rivera and Cumbo.

Whereas, One-hundred and twenty-six people were arrested in 2018 in New York City for violating Penal Law 240.37, loitering for the purposes of engaging in prostitution, according to information provided by the New York Police Department; and

Whereas, Such arrests more than doubled from the previous year, in which only 47 people were arrested for this offense; and

Whereas, According to the Legal Aid Society of New York, Arrests under this law have disproportionately targeted black and Latina women;

Whereas, Police records have demonstrated that law enforcement officers use the manner of a person's dress as an indicator of whether they are engaging in prostitution; and

Whereas, Criminalizing the way women act and dress should have no place in state law; and

Whereas, Police records have also demonstrated that possession of contraception is used as an indicator of whether a person is engaging in prostitution; and

Whereas, According to the Human Rights Watch, using condoms as an indicator of being engaged in prostitution poses a significant threat to public health by discouraging the use of tools that address HIV prevention and sexual reproductive health; and

Whereas, The law fails to effectively identify those who are engaged in the sex trade, and instead relies on stereotypes and archaic views of sexuality; and

Whereas, Involvement in the criminal justice system can have devastating effects, including loss of employment and deportation; and

Whereas, Under section 212 of the Immigration and Nationality Act, a person is ineligible for documented status if they have engaged in prostitution within ten years of the date of application; and

Whereas, Immigration and Customs Enforcement (ICE) has patrolled human trafficking intervention courts, with the goal of deporting individuals charged with prostitution offenses; and

Whereas, S2243/A-654, sponsored by Senator Hoylman and Assembly Member Paulin, would repeal Penal Law 240.37 ; now, therefore be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the governor to sign, S2253-A654, which would repeal section 240.37 of the New York Penal Law, loitering for the purpose of engaging in a prostitution offense.

Referred to the Committee on Public Safety.

Preconsidered Int. No. 1607

By Council Member Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to reducing the commercial motor vehicle tax for medallion taxicabs

Be it enacted by the Council as follows:

Section 1. Subparagraph (C) of paragraph 2 of subdivision a of section 11-802 of the administrative code of the city of New York, as amended by local law number 60 for the year 1989, is amended to read as follows:

(C) For tax years beginning on and after June first, nineteen hundred ninety *but before May thirty-first, two thousand nineteen*, on medallion taxicabs, one thousand dollars for each such vehicle, and on all other motor vehicles for transportation of passengers, four hundred dollars for each such vehicle.

§ 2. Paragraph 2 of subdivision a of section 11-802 of the administrative code of the city of New York is amended by adding a new subparagraph (D) to read as follows:

(D) *For tax years beginning on or after June first, two thousand nineteen, on all motor vehicles for transportation of passengers, including medallion taxicabs, four hundred dollars for each such vehicle.*

§ 3. Notwithstanding any provision of chapter 8 of title 11 of the administrative code of the city of New York to the contrary, the commissioner of finance may issue a refund or credit to any person who has paid the

tax or portion thereof imposed under subparagraph (C) of paragraph 2 of subdivision a of section 11-802 of such code with respect to a medallion taxicab for the tax year beginning on June 1, 2019 to the extent such payment exceeds the tax obligation for any tax year beginning on or after June 1, 2019, and to the extent of such excess amount, such person shall not have any obligations under sections 11-807 or 11-808 of such code for any such tax year. The commissioner of finance may issue such a refund or credit without submission of a written application by the taxpayer.

§ 4. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of May 31, 2019.

Referred to the Committee on Finance (preconsidered but laid over by the Committee on Finance).

Int. No. 1608

By Council Members Rodriguez, Torres, the Speaker (Council Member Johnson) and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the taxi and limousine commission to evaluate the character and integrity of taxicab brokers, agents, and taxicab licensees

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 19-527 of the administrative code of the city of New York is amended to read as follows:

d. *Licensing application process.* 1. Applications for taxicab broker licenses and for the renewal thereof shall be filed with the commission in such form and containing such detail as the commission shall prescribe. Each application shall be subscribed by the applicant; or if made by a partnership it shall be subscribed by a member thereof; or if made by a corporation it shall be subscribed by an officer thereof. Each application shall contain an affirmation by the person so subscribing that the statements therein are true under the penalties of perjury. *In addition to any information required by the commission, each applicant shall:*

(a) *Submit to fingerprinting;*

(b) *Provide proof of payment of any outstanding penalties, fines, or fees owed to the commission, department of finance, or state department of motor vehicles;*

(c) *Provide the applicant's current mailing address and electronic mail address; and*

(d) *An applicant that is a business entity shall also provide the following:*

(1) *Partnerships. If the applicant is a partnership, it must file a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.*

(2) *Corporations. If the applicant is a corporation, it must file with its application:*

(A) *A certified copy of its certificate of incorporation;*

(B) *A list of officers and shareholders; and*

(C) *A certified copy of the minutes of the meeting at which the current officers were elected.*

(3) *Limited Liability Companies.. If the applicant is a limited liability company, it must file with its application:*

(A) *A copy of its articles of organization;*

(B) *A copy of its operating agreement; and*

(C) *A list of the members, with the percentages owned by each.*

d-1. Before issuing such a license or the renewal thereof, the commission shall investigate and assess the good character, honesty, and integrity of each applicant. The commission may refuse to issue or renew such a license upon finding that an applicant lacks good character, honesty, and integrity. As part of such assessment, the commission shall consider:

(1) *Failure by such applicant to provide truthful information in connection with the application;*

(2) *A pending indictment or criminal action against such applicant for a crime which under section 753 of the correction law would provide a basis for the refusal of such license, or a pending civil or administrative*

action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which such license is sought, in which cases the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending;

(3) Conviction of such applicant for a crime which, considering the factors set forth in section 753 of the correction law, would provide a basis under such law for the refusal of such license;

(4) A finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which such license is sought;

(5) Having been a principal in a taxicab broker business where the commission would be authorized to deny a license to such predecessor business pursuant to this subdivision;

(6) Failure to pay any tax, fine, penalty, or fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; and

(7) Any other relevant information.

d-2. Taxicab broker license period and renewal process. 1. A taxicab broker license shall be valid for a period of one year upon the expiration of which such taxicab broker shall submit an application for renewal.

2. Where an applicant is seeking to renew a taxicab broker license, the commission shall reassess the character, honesty, and integrity of such applicant pursuant to the criteria set forth in subdivision d-1. In addition, the commission shall also deny or revoke the taxicab broker license where the licensee or applicant has:

(a) Made a material misstatement or misrepresentation on an application for a taxicab broker license or the renewal thereof;

(b) Made a material misrepresentation or committed a fraudulent, deceitful, or unlawful act or omission while engaged in the business or occupation of or holding himself, herself, or itself out or acting temporarily or otherwise as a taxicab broker; or

(c) Violated any provision of this section or any rule or regulation of the commission.

3. Upon submission of an application for renewal of a taxicab broker license, the applicant shall also provide the following:

(a) The physical address of the location where the applicant will conduct business; and

(b) Information on the prior business or occupation of the individual applicant or, if a business entity, information on the applicant's business entity persons during the two years immediately before the date of the application. The information must specify the place or places of the business or occupation and the name or names of employers.

§ 2. Subdivision d of section 19-530 of the administrative code of the city of New York is amended to read as follows:

d. *Licensing application process 1.* An application for a license required by subdivision a of this section and for the renewal thereof shall be filed with the commission and shall be in such form as the commission shall prescribe. An application for such license shall be submitted on behalf of a sole proprietorship by the proprietor; on behalf of a partnership by a general partner thereof; on behalf of a corporation by an officer or director thereof; or by any other type of business entity by the chief executive officer thereof, irrespective of organizational title. The application shall contain a sworn and notarized statement by such individual that the statements therein are true under the penalties of perjury. *In addition any information required by the commission, each applicant shall:*

(a) *Submit to fingerprinting;*

(b) *Provide proof of payment of any outstanding penalties, fines or fees owed to the commission, department of finance, or state department of motor vehicles;*

(c) *Provide the applicant's current mailing address and electronic mail address; and*

(d) *An applicant that is a business entity must provide the following documents:*

(1) *Partnerships. If the applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.*

(2) *Corporations. If the applicant is a corporation, it must file with its application:*

(A) *A certified copy of its certificate of incorporation;*

(B) A list of officers and shareholders; and

(C) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) *Limited Liability Companies.* If the applicant is a limited liability company, it must file with its application:

(A) A copy of its articles of organization;

(B) A copy of its operating agreement; and

(C) A list of the members, with the percentages of the applicant owned by each.

d-1. Before issuing such a license or the renewal thereof, the commission shall investigate and make an assessment of the good character, honesty, and integrity of each applicant. The commission may refuse to issue or renew such a license upon finding that an applicant lacks good character, honesty, and integrity. As part of such assessment, the commission shall consider:

(1) *Failure by such applicant to provide truthful information in connection with the application;*

(2) *A pending indictment or criminal action against such applicant for a crime which under section 753 of the correction law would provide a basis for the refusal of such license, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which such license is sought, in which cases the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending;*

(3) *Conviction of such applicant for a crime which, considering the factors set forth in section 753 of the correction law, would provide a basis under such law for the refusal of such license;*

(4) *A finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which such license is sought;*

(5) *Having been a principal in a taxicab agent business where the commission would be authorized to deny a license to such predecessor business pursuant to this subdivision;*

(6) *Failure to pay any tax, fine, penalty, or fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; and*

(7) *Any other relevant information.*

d-2. Taxicab agent license period and renewal process. 1. A taxicab agent license shall be valid for a period of one year upon the expiration of which such taxicab agent shall submit an application for renewal.

2. Where an applicant is seeking to renew a taxicab agent license, the commission shall reassess the character, honesty, and integrity of such applicant pursuant to the criteria set forth in subdivision d-1. In addition, the commission shall also deny or revoke the taxicab agent license where the licensee or applicant has:

(a) *Made a material misstatement or misrepresentation on an application for a taxicab agent license or the renewal thereof;*

(b) *Made a material misrepresentation or committed a fraudulent, deceitful, or unlawful act or omission while engaged in the business or occupation of or holding himself, herself, or itself out or acting temporarily or otherwise as a taxicab agent; or*

(c) *Violated any provision of this section or any rule or regulation of the commission.*

3. Upon submission of an application for renewal of a taxicab agent license, the applicant shall also provide the following:

(a) *The physical address of the location where the applicant will conduct business; and*

(b) *Information on the prior business or occupation of the individual applicant or, if a business entity, information on the applicant's business entity persons during the two years immediately before the date of the application. The information must specify the place or places of the business or occupation and the name or names of employers.*

§ 3. Section 19-504 of the administrative code of the city of New York is amended to read as follows:

d-1. Taxicab licensing application process 1. An application for a taxicab license and for the renewal thereof shall be filed with the commission and shall be in such form as the commission shall prescribe. An application for such license shall be submitted on behalf of a sole proprietorship by the proprietor; on behalf of a partnership by a general partner thereof; on behalf of a corporation by an officer or director thereof; or by any other type of business entity by the chief executive officer thereof, irrespective of organizational title.

The application shall contain a sworn and notarized statement by such individual that the statements therein are true under the penalties of perjury. In addition any information required by the commission, each applicant shall:

(a) Submit to fingerprinting;

(b) Provide proof of remission of any outstanding taxes or surcharges including surcharges required to be remitted to the state pursuant to section 1281 of the tax law and article 29-C of the tax law and compliance with subdivision q of this section;

(c) Provide the applicant's current mailing address and electronic mail address; and

(d) An applicant that is a business entity must provide the following documents:

(1) Partnerships. If the applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) Corporations. If the applicant is a corporation, it must file with its application:

(A) A certified copy of its certificate of incorporation;

(B) A list of officers and shareholders; and

(C) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) Limited Liability Companies. If the applicant is a limited liability company, it must file with its application:

(A) A copy of its articles of organization;

(B) A copy of its operating agreement; and

(C) A list of the members, with the percentages of the applicant owned by each.

d-2. Before issuing such a license or the renewal thereof, the commission shall investigate and make an assessment of the good character, honesty, and integrity of each applicant. The commission may refuse to issue or renew such a license upon finding that an applicant lacks good character, honesty, and integrity. As part of such assessment, the commission shall consider:

(1) Failure by such applicant to provide truthful information in connection with the application;

(2) A pending indictment or criminal action against such applicant for a crime which under section 753 of the correction law would provide a basis for the refusal of such license, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which such license is sought, in which cases the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending;

(3) Conviction of such applicant for a crime which, considering the factors set forth in section 753 of the correction law, would provide a basis under such law for the refusal or revocation of such license;

(4) A finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant to conduct the business for which such license is sought;

(5) Having been a principal in a licensed taxicab business where the commission would be authorized to deny a license to such predecessor business pursuant to this subdivision;

(6) Failure to pay any tax, fine, penalty or fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; and

(7) Any other relevant information.

d-3. Taxicab license period and renewal process. 1. A taxicab license shall be valid for a period of one year upon the expiration of which such taxicab licensee shall submit an application for renewal.

2. Where an applicant is seeking to renew a taxicab license, the commission shall reassess the character, honesty, and integrity of such applicant pursuant to the criteria set forth in subdivision d-2. In addition, the commission shall also deny or revoke the taxicab license where the licensee or applicant has:

(a) Made a material misstatement or misrepresentation on an application for a taxicab license or the renewal thereof;

(b) Made a material misrepresentation or committed a fraudulent, deceitful or unlawful act or omission while engaged in the business or occupation of or holding himself, herself or itself out or acting temporarily or otherwise as a taxicab licensee; or

(c) Violated any provision of this section or any rule or regulation of the commission.

3. Upon submission of an application for renewal of a taxicab license, the applicant shall also provide the following:

(a) The physical address of the location where the applicant will conduct business; and

(b) Information on the prior business or occupation of the individual applicant or, if a business entity, information on the applicant's business entity persons during the two years immediately before the date of the application. The information must specify the place or places of the business or occupation and the name or names of employers.

§ 4. This local law takes effect 120 days after it becomes law, except that the taxi and limousine commission may take such measures as are necessary for its implementation, including the promulgation of rules, before such date and except that this local law shall not apply to any business that was issued a license by the taxi and limousine commission on or prior to such date until the next renewal of such license.

Referred to the Committee on Transportation.

Res. No. 924

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.2807, an act to amend the insurance law, in relation to requiring that provision be made for pregnancy termination procedures in every individual or group policy or contract which provides coverage or indemnity for hospital, surgical or medical care and which offers maternity care coverage.

By Council Members Rosenthal, Chin, Adams, Koslowitz, Rivera, Cumbo, Gibson, Ampry-Samuel and Kallos.

Whereas, Access to comprehensive reproductive health care includes abortion; and

Whereas, Barriers to abortion care are increasing at the local, regional and national levels via various institutional, legislative and regulatory restrictions; and

Whereas, States have the responsibility to regulate fully insured individual, small and large group health insurance policies issued in their state, and can choose to regulate whether abortion coverage is included or excluded in private plans that are not self-insured; and

Whereas, Part 52 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) requires all fully insured insurance policies that provide hospital, surgical, or medical expense coverage to cover “medically necessary” abortions without copayments, coinsurance, or annual deductibles; and

Whereas, While the codes, rules and regulations contained in the NYCRR have the force of law, an executive agency may take steps to change them at any time; and

Whereas, A.2807, sponsored by State Assembly Member Deborah Glick, would require every health insurance policy which provides coverage for hospital, surgical or medical care and which offers maternity care coverage, to include coverage for the cost of an abortion without any cost-sharing requirements, such as co-pays or deductibles; and

Whereas, If passed, A.2807 will effectively codify Part 52 of Title 11 of the NYCRR, and ensure a woman’s right to comprehensive reproductive health care coverage in the state of New York; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.2807, an act to amend the insurance law, in relation to requiring that provision be made for pregnancy termination procedures in every individual or group policy or contract which provides coverage or indemnity for hospital, surgical or medical care and which offers maternity care coverage.

Referred to the Committee on Health.

Int. No. 1609

By Council Members Torres and Brannan (by request of the Mayor).

A Local Law to amend the charter and administrative code of the city of New York, in relation to changing the name of the Department of Consumer Affairs to the Department of Consumer and Worker Protection, and to repeal sections 20-a and 2204 of the New York city charter, and to repeal subdivision b of section 20-9016 of chapter 1 of title 20-A of the administrative code of the city of New York in relation thereto

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision g of section 15 of chapter 1 of the New York city charter, as separately amended by local law numbers 65 and 67 for the year 2015, is amended to read as follows:

1. The office of operations shall develop a standardized customer service training curriculum to be used, to the extent practicable, by relevant agencies for training agency inspectors. Such training shall be reviewed annually and updated as needed, taking into account feedback received through the customer service survey created and maintained by the office on the city's website pursuant to subdivision h of this section. Such training shall include specific protocols for such inspectors to follow when interacting with non-English speakers to ensure that such inspectors provide language translation services during inspections. Such training shall also include culturally competent instruction on communicating effectively with immigrants and non-English speakers during inspections. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer [affairs] *and worker protection*, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, and the bureau of fire prevention of the fire department.

§ 2. Paragraph 2 of subdivision i of section 20 of chapter 1 of the New York city charter, as added by local law number 5 for the year 2010, is amended to read as follows:

2. The interagency green team shall include as members the commissioners of buildings, environmental protection, transportation, design and construction, health and mental hygiene and the chairperson of the city planning commission, or their respective designees, and such other members as the director shall designate. The director shall also designate members from among the fire commissioner and the commissioners of parks and recreation, consumer [affairs] *and worker protection*, emergency management, housing preservation and development, sanitation, and the chairperson of the landmarks preservation commission, or their respective designees, with respect to specific matters being considered by the interagency green team where the director determines it appropriate to do so.

§ 3. Section 20-a of chapter 1 of the New York city charter is hereby REPEALED.

§ 4. Paragraph 2 of subdivision c of section 20-d of chapter 1 of the charter of the New York city charter, as added by local law number 178 for the year 2017, is amended to read as follows:

2. Advise and assist the mayor and the heads of city agencies that have powers and duties relating to nightlife establishments including, but not limited to, the department of consumer [affairs] *and worker protection*, the police department, the fire department, the department of health and mental hygiene, the department of city planning, the department of buildings and the department of small business services, on issues relating to the nightlife industry;

§ 5. The opening paragraph of section 1057-a of chapter 46 of the New York city charter, as amended by local law number 139 for the year 2016, is amended to read as follows:

§ 1057-a. Agency based voter registration. Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices are hereby designated as participating voter registration agencies: The administration for children's services, the business integrity commission, the city clerk, the civilian complaint review board, the commission on human rights, community boards, the department of small business services, the department for the aging, the department of citywide administrative services, the department of city planning, the department of consumer [affairs] *and worker protection*, the department of correction, the department of cultural affairs, the department of environmental protection, the department of finance, the department of health and mental hygiene, the department of homeless services, the department of housing preservation and development, the department of parks and recreation, the department

of probation, the department of records and information services, the taxi and limousine commission, the department of transportation, the department of youth and community development, the fire department, and the human resources administration. Participating agencies shall include a mandate in all new or renewed agreements with those subcontractors having regular contact with the public in the daily administration of their business to follow the guidelines of this section. Such participating agencies shall be required to offer voter registration forms to all persons together with written applications for services, renewal or recertification for services and change of address relating to such services, in the same language as such application, renewal, recertification or change of address form where practicable; provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health, or safety of any individual or of the public. Such agencies shall provide assistance to applicants in completing voter registration forms, including the section of the form allowing for registration to become an organ donor, and in cases in which such an agency would provide assistance with its own form, such agency shall provide the same degree of assistance with regard to the voter registration and organ donor forms as is provided with regard to the completion of its own form, if so requested. Such agencies shall also receive and transmit the completed application form from any applicants who request to have such form transmitted to the board of elections for the city of New York.

§ 6. The opening paragraph of section 1057-a of chapter 46 of the New York city charter, as amended by local law number 11 for the year 2019, is amended to read as follows:

§ 1057-a. Agency based voter registration. Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices are hereby designated as participating voter registration agencies: The administration for children's services, the business integrity commission, the city clerk, the civilian complaint review board, the commission on human rights, community boards, the department of small business services, the department for the aging, the department of citywide administrative services, the department of city planning, the department of consumer [affairs] *and worker protection*, the department of correction, the department of cultural affairs, the department of environmental protection, the department of finance, the department of health and mental hygiene, the department of homeless services, the department of housing preservation and development, the department of parks and recreation, the department of probation, the department of records and information services, the taxi and limousine commission, the department of transportation, the department of youth and community development, the fire department, and the human resources administration. Participating agencies shall include a mandate in all new or renewed agreements with those subcontractors having regular contact with the public in the daily administration of their business to follow the guidelines of this section. Such participating agencies shall be required to offer voter registration forms to all persons together with written applications for services, renewal or recertification for services and change of address relating to such services, in the same language as such application, renewal, recertification or change of address form where practicable; provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health, or safety of any individual or of the public. Such agencies shall provide assistance to applicants in completing voter registration forms, including the section of the form allowing for registration to become an organ donor, and in cases in which such an agency would provide assistance with its own form, such agency shall provide the same degree of assistance with regard to the voter registration and organ donor forms as is provided with regard to the completion of its own form, if so requested. As part of such assistance, such agencies shall also, upon request by an applicant who identifies himself or herself as being on parole and when practically feasible, check publicly available information to inform such applicant if a restoration of their right to vote has been granted, provided that such assistance may be provided by a person other than the person to whom the request was made and further provided that such assistance shall not be considered an endorsement of the accuracy of any publicly available information not maintained by the city. Such agencies shall also receive and transmit the completed application form from any applicants who request to have such form transmitted to the board of elections for the city of New York.

§ 7. Subdivision b of section 1307 of chapter 56 of the New York city charter, as added by local law number 66 for the year 2015, is amended to read as follows:

b. The department shall conduct outreach and education targeted to small business owners and the general public related to the duties of such dedicated small business advocates and their role as a central point of

contact for businesses seeking assistance from city agencies. Information indicating how to contact the small business advocates established pursuant to subdivision a of this section shall be prominently posted on the websites of relevant agencies. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer [affairs] *and worker protection*, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, the bureau of fire prevention of the fire department and the department of small business services.

§ 8. Subdivision a of section 2100 of chapter 63 of the New York city charter, as amended by local law number 34 for the year 2002, is amended to read as follows:

a. There shall be a business integrity commission, which shall consist of a full-time chairperson appointed by the mayor and of the commissioners of the department of small business services, the department of consumer [affairs] *and worker protection*, the department of investigation, the police department and the department of sanitation, or their designees.

§ 9. The title of chapter 64 of the New York city charter is amended to read as follows:

Chapter 64: Department of Consumer [Affairs] *and Worker Protection*

§ 10. Sections 2201 and 2202 of chapter 64 of the New York city charter, as added by local law number 68 for the year 1968, are amended to read as follows:

§ 2201. Department; commissioner. There shall be a department of consumer [affairs] *and worker protection*, the head of which shall be the commissioner of consumer [affairs] *and worker protection*.

§ 2202. Deputies. The commissioner may appoint [two] *such* deputies as he or she deems necessary for the discharge of his or her duties.

§ 11. Subdivisions d, e, f and paragraph 1 of subdivision h of section 2203 of chapter 64 of the New York city charter, subdivision d as added by local law number 68 for the year 1968, subdivision e as amended by local law number 11 for the year 2016, subdivision f and paragraph 1 of subdivision h as relettered and amended by local law number 46 for the year 2013, are amended to read as follows:

(d) The commissioner shall enforce all laws relating to the advertising and offering for sale and the sale of all commodities, goods, wares and services[; in addition he shall receive and evaluate complaints and initiate his own investigations relating to these matters and take appropriate action, including referral to a federal or state agency].

(e) [The commissioner shall have all powers as set forth in:] *The office of labor standards shall be established within the department. Such office shall be headed by a director who shall be appointed by the commissioner.*

(1) [chapter 8 of title 20 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding earned sick time, and the power to conduct investigations regarding violation of such chapter upon his or her own initiative; and] *The commissioner shall:*

(i) *enforce municipal labor laws and other labor laws the commissioner is empowered to enforce;*

(ii) *plan, make recommendations, conduct research and develop programs for worker education, worker safety and worker protection;*

(iii) *facilitate the exchange and dissemination of information in consultation with city agencies, federal and state officials, businesses, employees, independent contractors and nonprofit organizations working in the field of worker education, safety, and protection;*

(iv) *provide educational materials to employers and develop programs, including administrative support, to assist employers with compliance with labor laws;*

(v) *implement public education campaigns to heighten awareness of employee and independent contractor rights under federal, state, and local law;*

(vi) *collect and analyze available federal, state, and local data on the city's workforce and workplaces and coordinate with federal and state officials and other city agencies to identify gaps and prioritize areas for the improvement of working conditions and practices for employees and independent contractors in the city and within particular industries, and to promote the implementation and enforcement of laws, rules and regulations designed to improve such working conditions and practices; and*

(vii) *recommend efforts to achieve workplace equity for women, communities of color, immigrants and refugees, and other vulnerable workers.*

(2) [section 22-507 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding the retention of grocery workers, and the power to conduct investigations regarding violations of such section upon his or her own initiative.] *Division of paid care. The commissioner shall establish a division of paid care within the office of labor standards and shall appoint the division head, who shall be distinct from the director of the office of labor standards.*

(f) (1) The commissioner, in the performance of said functions, [including those functions pursuant to subdivision e of this section,]shall be authorized to hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, *mediate disputes, receive and evaluate complaints, conduct investigations in response to complaints or upon his or her own initiative, and take appropriate action, including referral to a federal or state agency,* and to receive, administer, pay over and distribute monies collected in and as a result of actions brought for violations of laws relating to deceptive or unconscionable trade practices, labor standards, or of related laws, and to promulgate, amend and modify rules and regulations necessary to carry out the powers and duties of the department.

(2) *The commissioner, in the performance of said functions, shall be authorized to investigate and conduct on-site inspections into working conditions and compliance with any law that he or she has the authority to enforce. In conducting any such investigation, whether in response to a complaint or upon his or her initiative, the commissioner and his or her authorized representatives shall, consistent with applicable law and in accordance with rules of the department, have the power to enter and inspect any place of business or employment during business or working hours for the purpose of:*

(i) *examining or making copies of any papers, books, records, or other documents required to be kept or maintained under a law that the commissioner enforces;*

(ii) *speaking with any person about working conditions, practices, or any other matter the commissioner may deem necessary or appropriate to determine whether any person has violated any provision of a law that the commissioner enforces; and*

(iii) *observing any notice, posting or other document that is required to be posted or maintained at the business or workplace under a law that the commissioner enforces.*

(h) (1) *The department shall have the power to render decisions and orders.* Notwithstanding any inconsistent provision of law, the department shall be authorized, upon due notice and hearing, to impose civil penalties for, *and to order restitution or other forms of equitable relief for and payment of monetary damages in connection with,* the violation of any laws or rules the enforcement of which is within the jurisdiction of the department pursuant to this charter, the administrative code or any other general, special or local law. [The department shall have the power to render decisions and orders and to impose civil penalties for all such violations, and to order equitable relief for and payment of monetary damages in connection with enforcement of chapter 8 of title 20 of the administrative code.] Except to the extent that dollar limits are otherwise specifically provided, such civil penalties shall not exceed five hundred dollars for each violation. All proceedings authorized pursuant to this subdivision shall be conducted in accordance with rules promulgated by the commissioner. The remedies and penalties provided for in this subdivision shall be 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.

§ 12. Section 2203 of chapter 64 of the New York city charter is amended by adding a new subdivision i to read as follows:

(i) *All powers granted to the commissioner of consumer affairs, the commissioner of consumer and worker protection, or the director of the office of labor standards by this charter, the administrative code, or any other general, special, or local law shall be exercised solely by the commissioner or his or her designee.*

§ 13. Section 2204 of chapter 64 of the New York city charter is hereby REPEALED.

§ 14. Subdivision a of section 3-114 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 34 for the year 2013, is amended to read as follows:

a. The chief business operations officer, or other representative of the office of the mayor designated by the mayor, shall ensure that each relevant agency designates an employee or employees to serve as agency liaison(s) to such agency's regulated community or communities, including but not limited to relevant chambers of commerce and industry groups. Each liaison shall report to the chief business operations officer, or other representative of the office of the mayor designated by the mayor. Each liaison shall, to the extent practicable, meet regularly with such liaison's agency's regulated community or communities. For purposes of

this subdivision, relevant agencies shall include the department of buildings, the department of consumer [affairs] *and worker protection*, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, and the fire department.

§ 15. Subdivision b of section 3-116 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 23 for the year 2015, is amended to read as follows:

b. The mayor's office of operations shall report in writing to the director of the office of veterans' affairs, the veterans' advisory board, and the council the following data for the prior calendar year, to the extent practicable, disaggregated by borough: (1) the total number of Mitchell-Lama housing applications received from veterans or their surviving spouses who have identified themselves as the head of household on such applications; (2) the total number of Mitchell-Lama housing applications approved by the department of housing preservation and development for veterans or their surviving spouses who have identified themselves as the head of household on such application; (3) the total number of fee-exempt mobile food vending licenses and food vending permits issued by the department of health and mental hygiene to veterans, (4) the number of general vending licenses issued by the department of consumer [affairs] *and worker protection* to veterans; (5) the total number of veterans who submitted an application to the department of consumer [affairs] *and worker protection* for a general vending license; (6) the total number of veterans residing in the city who utilized a HUD-VASH voucher; and (7) the total number of civil service examination applications received by the department of citywide administrative services for which the applicant claimed a veterans credit as provided for in section 85 of the civil service law.

§ 16. Section 3-140 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 104 for the year 2015, is amended to read as follows:

§ 3-140 Office of Labor Standards.

a. For purposes of this section, “[director] *commissioner*” means the [director of the office of labor standards] *commissioner of consumer and worker protection*.

b. No later than February 15, 2017, and no later than every February fifteenth thereafter, the [director] *commissioner* shall post on the office’s website the following information for the prior calendar year regarding enforcement of chapter 9 of title 20 of the code:

- i. the number of complaints against employers filed with the office;
- ii. the number of investigations conducted by the [director] *commissioner*;
- iii. the results of each enforcement action undertaken by the [director] *commissioner*; and
- iv. such other information as the [director] *commissioner* may deem appropriate.

§ 17. Subdivision h of section 10-117 of chapter 1 of title 10 of the administrative code of the city of New York, as added by chapter 311 of the laws of 1992, is amended to read as follows:

h. In addition to police officers, officers and employees of the department of consumer [affairs] *and worker protection*, sanitation, environmental protection and transportation shall have the power to enforce the provisions of this section and may issue notices of violation, appearance tickets or summonses for violations thereof.

§ 18. Paragraph 1 of subdivision b of section 10-131 of chapter 1 of title 10 of the administrative code of the city of New York is amended to read as follows:

1. It shall be unlawful for any person to sell, offer to sell or have in such person's possession any air pistol or air rifle or similar instrument in which the propelling force is a spring or air, except that the sale of such instruments if accompanied by delivery to a point without the city, and possession for such purpose, shall not be unlawful if such person shall have secured an annual license from the police commissioner of the city authorizing such sale and possession. The sale and delivery of such instruments within the city from one licensee to another licensee, and the use of such instruments in connection with an amusement licensed by the department of consumer [affairs] *and worker protection* or at rifle or pistol ranges duly authorized by law shall not be considered a violation of this subdivision.

§ 19. Subparagraphs (a) and (d) of paragraph 3 of subdivision g of section 10-131 of chapter 1 of title 10 of the administrative code of the city of New York, subparagraph (a) as amended by local law number 83 for the year 2009 and subparagraph (d) as added by local law number 83 for the year 2009, are amended to read as follows:

(a) Authorized agents and employees of the department of consumer [affairs] *and worker protection*, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of this

subdivision. A proceeding to recover any civil penalty pursuant to this subdivision shall be commenced by service of a notice of hearing that shall be returnable to [the administrative tribunal of the department of consumer affairs] *a tribunal of the office of administrative trials and hearings*. [The administrative] *Such* tribunal [of such department] shall have the power to impose civil penalties for a violation of this subdivision of not less than one thousand dollars (\$1000) nor more than five thousand dollars (\$5000) for the first offense and not less than three thousand dollars (\$3000) nor more than eight thousand dollars (\$8000) for each succeeding offense occurring within two years of the first offense, without regard to whether the first offense involved a toy or imitation firearm of the same model involved in any succeeding offense. For the purposes of this subdivision, selling, offering for sale, possessing, using or attempting to use or give away any single toy or imitation firearm in violation of this subdivision shall be considered a single violation.

(d) For purposes of this paragraph:

(i) the term "department" shall refer to the department of consumer [affairs] *and worker protection*;

(ii) the term "commissioner" shall refer to the commissioner of [the department of] consumer [affairs] *and worker protection*;

(iii) the term "premises" shall refer to land and improvements or appurtenances or any part thereof; and

(iv) companies shall be deemed "related" if an officer, principal, director, or stockholder owning more than ten percent of the outstanding stock of the corporation of one company is or has been an officer, principal, director, or stockholder owning more than ten percent of the outstanding stock of the other, but companies shall not be deemed related solely because they share employees other than officers, principals, or directors.

§ 20. Subdivisions c and g of section 10-134.2 of chapter 1 of title 10 of the administrative code of the city of New York, as added by local law number 58 for the year 1998, are amended to read as follows:

c. No person who sells or offers for sale laser pointers shall place such laser pointers on open display so that such laser pointers are accessible to the public without the assistance of such seller, or his or her employee or other agent, offering such laser pointers for sale, unless: (1) such laser pointers on open display are clearly and fully visible from a place of payment for goods or services or customer information at which such seller or an employee or other agent of such seller is usually present during hours when the public is invited or (2) such laser pointers are in a package, box or other container provided by the manufacturer, importer or packager that is larger than forty-one square inches. Further, it shall be unlawful to display laser pointers in any manner or to post a sign advertising the availability of laser pointers unless a notice has been posted, in a form and manner prescribed by rule of the department of consumer [affairs] *and worker protection*, indicating that the sale or giving of laser pointers to persons eighteen years of age or younger is a misdemeanor.

g. Authorized agents and employees of the department of consumer [affairs] *and worker protection*, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of subdivisions b and c of this section. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a notice of hearing that shall be returnable to the administrative tribunal of the department of consumer [affairs] *and worker protection*. The administrative tribunal of the department shall have the power to impose civil penalties for a violation of subdivision b or c of this section as follows: not more than three hundred dollars for the first violation; not more than five hundred dollars for the [section] *second* violation by the same person within a two-year period; and not more than one thousand dollars for the third and all subsequent violations by the same person within a two-year period. For purposes of determining whether a violation of subdivision b or subdivision c of this section should be adjudicated as a second, third or subsequent violation, violations of subdivision b and violations of subdivision c of this section by the same person within a two-year period shall be aggregated.

§ 21. Subdivisions e and f of section 10-137 of chapter 1 of title 10 of the administrative code of the city of New York, as added by local law number 43 for the year 2004, are amended to read as follows:

e. The provisions of this section shall be enforced by the police department and the department of consumer [affairs] *and worker protection*.

f. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a notice of hearing that shall be returnable to [the] *an* administrative tribunal of the [department of consumer affairs] *office of administrative trials and hearings*.

§ 22. Subdivisions b, d, e, and g of section 10-160 of chapter 1 of title 10 of the administrative code of the city of New York, as added by local law number 70 for the year 1992, are amended to read as follows:

b. Security measures. A bank shall maintain the following security measures with respect to each of its automated teller machine facilities:

(1) a surveillance camera or cameras, which shall view and record all persons entering, exiting, and moving within or about an automated teller machine facility located within the interior of a building, or which shall view and record all activity occurring within a minimum of three feet in front of an automated teller machine located on an exterior wall of a building open to the outdoor air. Such camera or cameras need not view and record banking transactions made at the automated teller machine. The recordings made by such cameras shall be preserved by the bank for at least thirty days;

(2) within six months after the submission of the report of the temporary task force required by subdivision c of this section, entry doors equipped with locking devices which permit entry to such facility only to persons using an automated teller machine card or access code issued by a bank for that purpose. Provided, however, that any automated teller machine facility located within the interior of a building that is not equipped with such entry door locking devices within six months after the submission of such report shall thereafter have at least one security guard stationed therein during the period of time after regular banking hours when such automated teller machine facility is available to banking customers;

(3) entry doors equipped with fire exit bolts pursuant to paragraph two of subdivision k of section 27-371 of the code:

(4) adequate lighting;

(5) at least one exterior wall made substantially of untinted glass or other untinted, transparent material, which provides an unobstructed view of the automated teller machine or machines within the automated teller machine facility;

(6) reflective mirrors or surfaces at each automated teller machine which provide the user a rear view;

(7) a reflective mirror or mirrors placed in a manner which permits a person present in the automated teller machine facility to view areas within such facility which are otherwise concealed from plain view; and

(8) a clearly visible sign, which at a minimum, states:

(i) the activity within the automated teller machine facility is being recorded by surveillance camera;

(ii) customers should close the entry door completely upon entering if the automated teller machine facility is located within the interior of a building;

(iii) customers should not permit entrance to any unknown person at any time after regular banking hours when an automated teller machine facility located within the interior of a building is available to banking customers;

(iv) customers should place withdrawn cash securely upon their person before exiting the automated teller machine facility; and

(v) complaints concerning security in the automated teller machine facility should be directed to the bank's security department or to the department of consumer [affairs] *and worker protection*, together with telephone numbers for such complaints. Where emergency assistance is needed due to criminal activity or medical emergency, call 911 at the nearest available public telephone. Paragraphs two, three, five and seven of this subdivision shall not apply to any automated teller machine facility located on an exterior wall of a building open to the outdoor air. Paragraph five of this subdivision shall not apply to any automated teller machine facility located in (i) a landmark building or within an historic district, if compliance with paragraph five would require the approval of the landmarks preservation commission, and such approval has been sought and denied; or (ii) any building, if compliance with paragraph five would require the removal of a load-bearing wall as defined in section 27-232 of the code.

d. *List of facilities.* Any bank which operates an automated teller machine facility shall file a list of such facilities with the police department, the department of consumer [affairs] *and worker protection*, and the department of buildings, including the street addresses, intersecting streets, hours of operation, method of security, and method of surveillance at each facility, and the telephone number of the bank's security department. The police department shall distribute to each police precinct a list of all automated teller machine facilities in the precinct which are available to banking customers.

e. *Violations and penalties.*

(1) A bank found to be in violation of any provision of subdivision b of this section shall be subject to a civil penalty of not more than two hundred fifty dollars. Each violation of any provision of subdivision b of

this section with respect to a particular automated teller machine facility shall be considered a separate violation thereof.

(2) Any bank found to be in violation of any provision of subdivision b of this section shall correct the violation within three days after such finding. Failure to correct the violation within three days after such finding shall subject the bank to a civil penalty of not less than five hundred dollars or more than one thousand dollars and an additional civil penalty of two hundred fifty dollars per day for each day such violation continues.

(3) Any bank found to be in violation of subdivision h of this section shall be liable for a civil penalty of not more than one thousand dollars for each automated teller machine facility for which a report has not been filed. Any bank which makes a material false statement or material omission in any report filed pursuant to subdivision h of this section shall be liable for a civil penalty of not more than five thousand dollars for each report.

(4) A proceeding to recover any civil penalty authorized to be imposed pursuant to this section shall be commenced by the service of a notice of violation which shall be returnable to [the commissioner of consumer affairs] *any tribunal established within the office of administrative trials and hearings*. Such commissioner, after due notice and an opportunity for a hearing, shall be authorized to impose the civil penalties prescribed by this section.

g. Enforcement; statistics.

(1) The police department, the department of consumer [affairs] *and worker protection*, and the department of buildings shall be authorized to enforce this section.

(2) Statistics of crimes associated with the use of automated teller machines compiled and maintained by the police department shall be made available upon the request of any bank.

(3) Notwithstanding the provisions of section six hundred sixty-six of the charter, a notice of violation issued by the department of buildings pursuant to this section shall not be subject to review by the board of standards and appeals.

§ 23. Subdivision a of section 11-139 of chapter 1 of title 11 of the administrative code of the city of New York, as added by local law number 10 for the year 2017, is amended to read as follows:

a. Each agency designated as a participating agency under the provisions of this section shall, in coordination with the department of finance, implement and administer a program of distribution of information about the senior citizen rent increase exemption program pursuant to the provisions of this section. The following offices are hereby designated as participating agencies: the department for the aging, the city clerk, community boards, the department of consumer [affairs] *and worker protection*, the commission on human rights, the department of housing preservation and development, the department of health and mental hygiene, the human resources administration/department of social services, and the department of parks and recreation; provided, however, that the department of finance, as it deems appropriate, may designate additional agencies to be participating agencies. The department of finance shall further make such information available to city hospitals and public libraries.

§ 24. Subdivision c of section 11-245.8 of chapter 2 of title 11 of the administrative code of the city of New York, as added by local law number 4 for the year 2017, is amended to read as follows:

c. The notice that is required, pursuant to this section, to be provided by the commissioner of finance or his or her designee no later than October thirty-first of each year shall include contact information for the office of financial empowerment at the department of consumer [affairs] *and worker protection*.

§ 25. Subdivisions b, c, and d of section 11-1303 of chapter 13 of title 11 of the administrative code of the city of New York, subdivisions b and d as amended by local law number 145 for the year 2017 and subdivision c as amended by local law number 2 for the year 2000, are amended to read as follows:

b. Application for license.

1. *Wholesale tobacco license.* In order to obtain a license to engage in business as a wholesale dealer, a person shall file application with the commissioner of finance for one license for each place of business that he or she desires to have for the sale of cigarettes or tobacco products in the city. Every application for a wholesale tobacco license shall be made upon a form prescribed and prepared by the commissioner of finance and shall set forth such information as the commissioner shall require. The commissioner of finance may, for cause, refuse to issue a wholesale tobacco license. Upon approval of the application, the commissioner of finance shall grant and issue to the applicant a wholesale tobacco license for each place of business within the

city set forth in the application. Wholesale tobacco licenses shall not be assignable and shall be valid only for the persons in whose names such licenses have been issued and for the transaction of business in the places designated therein and shall at all times be conspicuously displayed at the places for which issued.

2. *Retail tobacco license.* In order to obtain a license to engage in business as a retail dealer, a person shall file an application with the commissioner of consumer [affairs] *and worker protection* in accordance with the provisions of section 20-202.

c. *Duplicate licenses.* Whenever any license issued by the commissioner of finance under the provisions of this section is defaced, destroyed or lost, the commissioner of finance shall issue a duplicate license to the holder of the defaced, destroyed or lost license upon the payment of a fee of fifteen dollars. A duplicate retail dealer license may be obtained from the commissioner of consumer [affairs] *and worker protection* as provided in section 20-204 of this code.

d. *Suspension or revocation of licenses.*

1. After a hearing, the commissioner of finance may suspend or revoke a wholesale tobacco license and the commissioner of consumer [affairs] *and worker protection*, upon notice from the commissioner of finance, may suspend or revoke a retail tobacco license whenever the commissioner of finance finds that the holder thereof has failed to comply with any of the provisions of this chapter or any rules of the commissioner of finance prescribed, adopted and promulgated under this chapter.

2. The commissioner of finance may also suspend or revoke a wholesale tobacco license in accordance with the requirements of any other sections of this code or any rules promulgated thereunder which authorizes the suspension or revocation of a wholesale tobacco license.

3. The commissioner of consumer [affairs] *and worker protection* may also suspend or revoke a retail tobacco license in accordance with the requirements of any other section of this code or any rules promulgated thereunder that authorize suspension or revocation of a retail tobacco license.

4. Upon suspending or revoking any wholesale tobacco license, the commissioner of finance shall direct the holder thereof to surrender to the commissioner of finance immediately all wholesale tobacco licenses or duplicates thereof issued to such holder and the holder shall surrender promptly all such licenses to the commissioner of finance as directed. Before the commissioner of finance suspends or revokes a wholesale tobacco license or notifies the commissioner of consumer [affairs] *and worker protection* of a finding of a violation of this chapter with respect to a retail tobacco license pursuant to paragraph (1) of this subdivision, the commissioner of finance shall notify the holder and the holder shall be entitled to a hearing, if desired, if the holder, within ninety days from the date of such notification, or if the commissioner of finance has established a conciliation procedure pursuant to section 11-124 and the taxpayer has requested a conciliation conference in accordance therewith within ninety days from the mailing of a conciliation decision or the date of the commissioner's confirmation of the discontinuance of the conciliation proceeding, both (A) serves a petition upon the commissioner of finance and (B) files a petition with the tax appeals tribunal for a hearing. After such hearing, the commissioner of finance, good cause appearing therefor, may suspend or revoke the wholesale tobacco license, and, in the case of a retail tobacco license, notify the commissioner of consumer [affairs] *and worker protection* of a violation of this chapter or any rules promulgated thereunder. Upon such notification, the commissioner of consumer [affairs] *and worker protection* may suspend or revoke a retail tobacco license as provided in subdivision b of section 20-206. The commissioner of finance may, by rule, provide for granting a similar hearing to an applicant who has been refused a wholesale tobacco license by the commissioner of finance.

§ 26. Subdivision d of section 11-1307 of chapter 13 of title 11 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

d. Without limiting the powers granted the commissioner of consumer [affairs] *and worker protection* pursuant to title 20 and any rules promulgated thereunder, the commissioner of finance or the commissioner's duly authorized representatives are hereby authorized to examine the books, papers, invoices and other records, and stock of cigarettes or tobacco products in and upon any premises where the same are placed, stored and sold, and equipment of any such agent or dealer pertaining to the sale and delivery of cigarettes or tobacco products taxable under this chapter. To verify the accuracy of the tax imposed and assessed by this chapter, each such person is hereby directed and required to give to the commissioner of finance or the commissioner's duly authorized representatives, the means, facilities and opportunity for such examinations as are herein provided for and required.

§ 27. Paragraph 2 of subdivision b of section 15-205 of chapter 2 of title 15 of the administrative code of the city of New York, as amended by local law number 149 for the year 2016, is amended to read as follows:

2. No newsstand may be located within ten feet from either side of a fire hydrant, except that this prohibition shall not apply to any newsstand which was first licensed by the department of consumer [affairs] *and worker protection* before August 1, 1979, where the person who held the license for such newsstand on August 1, 1991 continues to be the licensee for such newsstand; provided, however, that where a newsstand which was first licensed before August 1, 1979 is reconstructed in its entirety or in substantial part, which reconstruction was commenced on or after August 1, 1991, such newsstand shall be subject to such prohibition.

§ 28. Subdivision a of section 16-205 of chapter 2 of title 16 of the administrative code of the city of New York, as added by local law number 39 for the year 1986, is amended to read as follows:

a. There shall be in the department a solid waste management board consisting of the commissioner, the commissioner of consumer [affairs] *and worker protection* and the executive director of the office for economic development, all of whom shall serve on the board without compensation and all of whom shall have the power to exercise or delegate any of their functions, powers and duties as members of the board. Such board may grant variances from a regulation or modify assignments or rates of the commissioner involving the transportation, storage, processing or disposal of solid waste when such board finds that such regulation or order would impose unreasonable economic hardship. The specific terms of any variance granted shall be determined by such board on a case by case basis. Any person seeking a variance shall do so by filing with such board a petition for variance in a form prescribed by such board. Such forms shall document the need for a variance.

§ 29. Subdivisions e and f of section 16-306.1 of chapter 3 of title 16 of the administrative code of the city of New York, as added by local law number 146 for the year 2013, are amended to read as follows:

e. The provisions of this section relating to private carters shall be enforced by the business integrity commission. The provisions of this section relating to covered establishments shall be enforced by the department, the department of health and mental hygiene, and the department of consumer [affairs] *and worker protection*.

f. The department, the business integrity commission, the department of health and mental hygiene, and the department of consumer [affairs] *and worker protection* may promulgate any rules necessary to implement this section, including, but not limited to, rules establishing reporting requirements sufficient to demonstrate compliance with this chapter.

§ 30. Subdivisions e and f of section 16-324 of chapter 3 of title 16 of the administrative code of the city of New York, subdivision e as added by local law number 146 for the year 2013 and subdivision f as added by local law number 142 of 2013, are 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] *and worker protection* 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] *and worker protection*, or in a proceeding returnable before [the environmental control board, the health tribunal at] *any tribunal established within* 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] *and worker protection* 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 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.

(3) Any private carter that violates section 16-306.1 of this chapter or rules of the business integrity commission promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the chair of the business integrity commission, or in a proceeding brought by the chair of the business integrity commission held in accordance with title 16-A of this code, except that the chair of the business integrity commission 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.

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] *and worker protection*, or in a proceeding before the environmental control board, [the health] *or any* tribunal [at] *established within* 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] *and worker protection* 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.

§ 31. Subdivisions f and g of section 16-329 of chapter 3 of title 16 of the administrative code of the city of New York, as added by local law number 142 for the year 2013, are amended to read as follows:

f. On and after January first, two thousand fifteen, the department shall provide outreach and education as follows:

(1) if expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, the department, in consultation with the department of health and mental hygiene and the department of consumer [affairs] *and worker protection*, shall conduct outreach and education to food service establishments, mobile food commissaries, and stores to inform them of the provisions of this section and provide assistance with identifying replacement material, and such outreach and education shall be offered in multiple languages; and

(2) if expanded polystyrene single service articles are designated as a recyclable material pursuant to subdivision b of this section, the department shall provide instruction and materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, for the purpose of improving compliance with such new recycling designation.

g. The department, the department of health and mental hygiene and the department of consumer [affairs] *and worker protection* shall have the authority to enforce the provisions of this section.

§ 32. Subdivision a of section 16-427 of chapter 4-A of title 16 of the administrative code of the city of New York, as added by local law number 13 for the year 2008, is amended to read as follows:

a. The department and the department of consumer [affairs] *and worker protection* 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, which shall have the power to impose civil penalties as provided herein.

§ 33. Subdivision h of section 16-455 of chapter 4-B of title 16 of the administrative code of the city of New York, as added by local law number 1 for the year 2008, is amended to read as follows:

h. The department shall have the authority to enforce all provisions of this chapter. The department of consumer [affairs] *and worker protection* also shall have the authority to enforce paragraphs one, two and five of subdivision a of section 16-453 of this chapter.

§ 34. Subdivision a section 16-463 of chapter 4-C of title 16 of the administrative code of the city of New York, as added by local law number 56 for the year 2013, is amended to read as follows:

a. 1. Notwithstanding any other provision of law, the commissioners of sanitation and consumer [affairs] *and worker protection*, and the chairperson of the business integrity commission, shall be authorized to adopt

rules providing for the licensing or registration, supervision and inspection of the operation and activities relating to the purchase and sale, acceptance and storage of recyclable material, including but not limited to scrap metal facilities located within the city of New York. This paragraph shall not apply to a redemption center, dealer or distributor as defined in section 27-1003 of the environmental conservation law.

§ 35. Subdivision h of section 16-464 of chapter 4-C of title 16 of the administrative code of the city of New York, as added by local law number 56 for the year 2013, is amended to read as follows:

h. The provisions of this chapter may be enforced by the department, the police department, the department of consumer [affairs] *and worker protection* and the business integrity commission.

§ 36. Subdivision e of section 16-476 of chapter 4-D of title 16 of the administrative code of the city of New York, as added by local law number 57 for the year 2013, is amended to read as follows:

e. The provisions of this chapter may be enforced by the department, the police department, the department of consumer [affairs] *and worker protection* and the business integrity commission.

§ 37. Section 16-502 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-502. New York city trade waste commission.

There is hereby created a New York city trade waste commission. Such commission shall consist of the commissioner of investigation, the commissioner of *small* business services, the commissioner of consumer [affairs] *and worker protection*, the commissioner of sanitation, and one member who shall be appointed by the mayor and shall serve as chair with compensation therefor; provided that if the chair holds other city office or employment, no additional compensation shall be received. The chair shall have charge of the organization of the commission and have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of this chapter.

§ 38. Subdivision e of section 16-504 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

e. To appoint, within the appropriations available therefor, such employees as may be required for the performance of the duties prescribed herein. In addition to such employees appointed by the commission, the commissioners of *small* business services, investigation, consumer [affairs] *and worker protection*, transportation, sanitation, health, finance, environmental protection and police may, at the request of the chair, provide staff and other assistance to the commission in all matters under its jurisdiction;

§ 39. Subdivision a of section 16-505 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. It shall be unlawful for any person to operate a business for the purpose of the collection of trade waste from the premises of a commercial establishment required to provide for the removal of such waste pursuant to the provisions of section 16-116 of this code, or the removal or disposal of trade waste from such premises, or to engage in, conduct or cause the operation of such a business, without having first obtained a license therefor from the commission pursuant to the provisions of this chapter. Notwithstanding the provisions of this subdivision, a business solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation shall be exempt from the licensing provisions of this subdivision where, except in regard to the principals of a business solely in either or both of the class seven or the class three category of licensees as defined in rules previously promulgated by the commissioner of consumer [affairs] *and worker protection* pursuant to subchapter eighteen of chapter two of title twenty of this code, no principal of such applicant is a principal of a business or a former business required to be licensed pursuant to this chapter or such former subchapter eighteen. Grant of such exemption shall be made by the commission upon its review of an exemption application, which shall be in the form and contain the information prescribed by rule of the commission and shall be accompanied by a statement by the applicant describing the nature of the applicant's business and listing all principals of such business.

§ 40. Subdivision a of section 16-513 of chapter 1 of title 16-A of the administrative code of the city of New York, as amended by local law number 56 for the year 2015, is amended to read as follows:

a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its principals, employees and/or agents:

(i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto;

(ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the transportation and disposal of waste containing asbestos;

(iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof;

(iv) has failed to pay, within the time specified by a court, the department of consumer [affairs] *and worker protection* or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto;

(v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer [affairs] *and worker protection* pursuant to section 16-306 or former subchapter eighteen of title twenty of this code;

(vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the handling of trade waste, or any laws prohibiting deceptive, unfair, or unconscionable trade practices;

(vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant as a trade waste broker lacks good character, honesty and integrity;

(viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based;

(ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration, or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known;

(x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto; or

(xi) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 16-526 of the code, or any rule promulgated pursuant thereto.

§ 41. Subdivisions a, b, and c of section 16-515 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, are amended to read as follows:

a. Except as otherwise provided in subdivision b or subdivision c of this section, any person who violates any provision of this chapter or any of the rules promulgated 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 or may be returnable to the department of consumer [affairs] *and worker protection* or other administrative tribunal of competent jurisdiction;

b. (i) Any person who violates subdivision a of section 16-505 or section 16-524 of this chapter shall, upon conviction thereof, be punished for each violation by a criminal fine 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 returnable to the department of consumer [affairs] *and worker protection* or other administrative tribunal of competent jurisdiction; and

c. Any person who violates subdivision b of section 16-505 of this chapter or any rule pertaining thereto shall, upon conviction thereof, be punished by a civil penalty not to exceed one thousand dollars for each such violation to be recovered in a civil action or returnable to the department of consumer [affairs] *and worker protection* or other administrative tribunal of competent jurisdiction.

§ 42. Section 16-517 of chapter 1 of title 16-A of the administrative code of the city of New York, as amended by local law number 34 for the year 2002, is amended to read as follows:

§ 16-517. Enforcement.

Notices of violation for violations of any provision of this chapter or any rule promulgated hereunder may be issued by authorized employees or agents of the commission. In addition, such notices of violation may be issued by the police department, and, at the request of the commission and with the consent of the appropriate commissioner, by authorized employees and agents of the department of consumer [affairs] *and worker protection*, the department of small business services, the department of transportation, and the department of sanitation.

§ 43. Subdivision b of section 16-518 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

b. Notwithstanding the provisions of subdivision a of this section, the commission may provide by rule that hearings or specified categories of hearings pursuant to this chapter may be conducted by the department of consumer [affairs] *and worker protection*. Where the department of consumer [affairs] *and worker protection* conducts such hearings, the commissioner of consumer [affairs] *and worker protection* shall make the final determination.

§ 44. Subdivision e of section 17-177 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 67 for the year 1990, is amended to read as follows:

e. *Enforcement*. The department shall enforce the provisions of this section. In addition, designated enforcement employees of the department of buildings, the department of consumer [affairs] *and worker protection*, the department of environmental protection, the fire department and the department of sanitation shall have the power to enforce the provisions of this section.

§ 45. Subdivision d of section 17-189 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 49 for the year 2005, is amended to read as follows:

d. *Enforcement*. The department and the department of consumer [affairs] *and worker protection* shall enforce the provisions of this section. A proceeding to recover any civil penalty authorized pursuant to subdivision c of this section shall be commenced by the service of a notice of violation returnable to the administrative tribunal established by the board of health where the department issues such a notice or, *where the department of consumer and worker protection issues such a notice*, to [the adjudication division of the department of consumer affairs] *any tribunal established within the office of administrative trials and hearings* [where such department issues such a notice]. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged. The administrative tribunal of the board of health and [the adjudication division of the department of consumer affairs] *tribunals established within the office of administrative trials and hearings* shall have the power to render decisions and to impose the remedies and penalties provided for in subdivision c of this section, 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.

§ 46. Subparagraph (b) of paragraph 3 of subdivision b of section 17-307 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

(b) Preferences shall be given in the issuance of permits pursuant to this paragraph and in the placement on such waiting list to the following categories of persons in the following order:

(i) Veterans who on August second, nineteen hundred ninety-one held a valid general vendor's license issued by the department of consumer [affairs] *and worker protection* pursuant to subchapter twenty-seven of chapter two of title twenty of the code by virtue of having claimed a disability.

(ii) Disabled veterans.

(iii) Disabled persons.

(iv) Veterans.

§ 47. Subdivision d of section 17-327 of chapter 3 of title 17 of the administrative code of the city of New York, as amended by local law number 22 for the year 2002, is amended to read as follows:

d. Application for a license or the renewal of a license shall be made to the department of health and mental hygiene. Such application shall contain the name and address of the owner of the horse and of the owner of the rental horse business in which such horse is to be used if such person is not the owner of the horse, the age, sex, color, markings and any other identifying marks such as brands or tattoos of the horse, the location of the stable where the horse is to be kept and any other information which the commissioner of health and mental hygiene may require. An application with respect to a horse which is used in the operation of a "horse drawn cab" as defined in subchapter twenty-one of chapter two of title twenty of this code shall include

the identification number required to be inscribed on such horses hoof pursuant to the rules and regulations of the department of consumer [affairs] *and worker protection*. The application shall be accompanied by the license or renewal fee.

§ 48. Subdivision b of section 17-328 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

b. The certificate of license shall at all times remain at the stable where the horse is kept and shall be available for inspection by any police officer, agent of the department and the ASPCA, or to veterinarians employed or retained by the department or the ASPCA or employees of the department of consumer [affairs] *and worker protection* or any persons designated by the commissioner to enforce this subchapter.

§ 49. Subdivision j of section 17-330 of chapter 3 of title 17 of the administrative code of the city of New York, as repealed and added by local law number 2 for the year 1994, is amended to read as follows:

j. Stables in which horses used in a rental horse business are kept shall be open for inspection by authorized officers, veterinarians and employees of the department, and any persons designated by the commissioner to enforce the provisions of this subchapter, agents of the ASPCA, police officers, and employees of the department of consumer [affairs] *and worker protection*.

§ 50. Subdivision a of section 17-334 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

a. The provisions of this subchapter shall not be construed to supersede or affect any of the provisions of subchapter twenty-one of chapter two of title twenty of the code relating to a "horse drawn cab" as defined therein or any of the regulations of the commissioner of consumer [affairs] *and worker protection* promulgated thereunder.

§ 51. Subdivision h of section 17-504 of chapter 5 of title 17 of the administrative code of the city of New York, as amended by local law number 152 for the year 2013, is amended to read as follows:

h. A copy of the smoking and electronic cigarette use policy shall be provided to the department, the department of buildings, the department of consumer [affairs] *and worker protection*, the department of environmental protection, the fire department and the department of sanitation upon request.

§ 52. Subdivision a of section 17-507 of chapter 5 of title 17 of the administrative code of the city of New York, as added by local law number 2 for the year 1988, is amended to read as follows:

a. The department shall enforce the provisions of this chapter. In addition, designated enforcement employees of the department of buildings, the department of consumer [affairs] *and worker protection*, the department of environmental protection, the fire department and the department of sanitation shall have the power to enforce the provisions of this chapter.

§ 53. Section 17-709 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

§ 17-709. Enforcement.

The department of health and mental hygiene and the department of finance shall enforce the provisions of this subchapter. The department of consumer [affairs] *and worker protection* shall enforce sections 17-703, 17-703.1, 17-704, 17-704.1, 17-705 and 17-706. In addition, designated enforcement employees of any authorizing agency shall have the power to enforce the provisions of this subchapter.

§ 54. Subdivision b of section 17-710 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

b. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-704.1, 17-705 or 17-706 shall be commenced by the service of a notice of violation which shall be returnable to the office of administrative trials and hearings acting pursuant to section 558 and subdivision 2 of section 1048 of the charter where the department of health and mental hygiene issues such notice, the office of administrative trials and hearings acting pursuant to section 2203 and subdivision 2 of section 1048 of the charter where the department of consumer [affairs] *and worker protection* or a designated employee of any authorizing agency issues such notice, or an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance where the department of finance issues such notice. Such notice shall contain a statement that any hearing for a second violation or subsequent violation of any of the provisions described in paragraph (5) of subdivision a of this section at the same place of business within a three-year period shall also constitute a hearing for the revocation of a retail dealer's tobacco license where the retail dealer is found to be

in violation of any such sections. The department of health and mental hygiene, the department of consumer [affairs] *and worker protection* and the department of finance shall notify each other within thirty days of a final determination that a retail dealer has been found to be in violation of section 17-703, 17-703.2, 17-704, 17-704.1, 17-705 or subdivision a or b of section 17-706. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-708 shall be returnable to the office of administrative trials and hearings acting pursuant to section 558 and subdivision 2 of section 1048 of the charter. Such tribunal shall have the power to impose the civil penalties prescribed by subdivision a of this section. The office of administrative trials and hearings acting pursuant to section 558 or section 2203 of the charter, in addition to subdivision 2 of section 1048 of the charter and an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance shall have the power to impose the civil penalties prescribed by subdivision a of this section for a violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-704.1, 17-705 or 17-706.

§ 55. Section 17-717 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 146 for the year 2017, is amended to read as follows:

§ 17-717. Enforcement.

The department, the department of consumer [affairs] *and worker protection* and the department of finance shall enforce the provisions of this subchapter. A proceeding to recover any civil penalty authorized pursuant to section 17-716 shall be commenced by the service of a notice of violation returnable to the office of administrative trials and hearings acting pursuant to section 558 and subdivision 2 of section 1048 of the charter where the department issues such a notice or to the office of administrative trials and hearings acting pursuant to section 2203 and subdivision 2 of section 1048 of the charter where the department of consumer [affairs] *and worker protection* issues such a notice or to an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance where the department of finance issues such notice. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged. Such notice shall contain a statement that any hearing for a third violation or subsequent violation of section 17-715 at the same place of business within a three-year period shall also constitute a hearing for the suspension of a retail dealer's license where the retail dealer is found to be in violation of such section. The office of administrative trials and hearings acting pursuant to section 558 and subdivision 2 of section 1048 of the charter, the office of administrative trials and hearings acting pursuant to section 2203 and subdivision 2 of section 1048 of the charter and an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance shall have the power to render decisions and to impose the remedies and penalties provided for in section 17-716, 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. The department, the department of consumer [affairs] *and worker protection* and the department of finance shall notify each other within 30 days of finding that a retail dealer has been found liable for any section of this subchapter.

§ 56. Section 17-718 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 97 for the year 2013, is amended to read as follows:

§ 17-718. Rules.

The commissioner of the department, the commissioner of consumer [affairs] *and worker protection* and the commissioner of finance shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this subchapter.

§ 57. Subdivisions a and b of section 17-1103 of chapter 11 of title 17 of the administrative code of the city of New York, as added by local law 36 for the year 2005, are amended to read as follows:

b. Pursuant to section 33-1004 of the environmental conservation law, the department of consumer [affairs] *and worker protection* shall have concurrent authority with the department, the department of environmental protection and the state of New York to enforce the provisions of subdivision a of section 17-1102 of this chapter, provided that all penalties, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in section 17-1104 of this chapter and shall be payable to and deposited with New York city.

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 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] *and worker protection* 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 and the [adjudication division] *tribunal* of the department of consumer [affairs] *and worker protection at the office of administrative trials and hearings* 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.

§ 58. Section 17-1409 of chapter 14 of title 17 of the administrative code of the city of New York, as added by local law number 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] *and worker protection*. 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 [the administrative tribunal of the department of consumer affairs and worker protection] *any tribunal established within the office of administrative trials and hearings* 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] *and worker protection*. 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.

§ 59. Subdivisions a and c of section 19-124 of chapter 1 of title 19 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, are amended to read as follows:

a. *Permit required.* It shall be unlawful to erect or maintain a canopy over the sidewalk without a permit granted by the commissioner, and unless such canopy is erected and maintained in accordance with this section and the rules of the department. Such canopies may be erected and maintained: 1. In connection with the entrance to a building or place of business within a building by or with the consent of the owner of the building. 2. In connection with a sidewalk cafe licensed by the commissioner of consumer [affairs] *and worker protection*. Such canopies shall be constructed of a noncombustible frame, covered with flameproof canvas or cloth, approved slow-burning plastic, sheet metal or other equivalent material, securely fastened to the face of the building and supported by posts in the ground or in the sidewalk, located between the building line and the curb line, and not less than eight feet above the sidewalk.

c. *Permit fees.* Prior to the issuance of such permit, each applicant shall pay to the commissioner an annual fee as set forth in the rules of the department, except that the fee for a permit for a canopy in connection with a sidewalk cafe licensed by the commissioner of consumer [affairs] *and worker protection* shall be twenty-five dollars.

§ 60. Subdivision h and paragraph 4 of subdivision j of section 19-136 of chapter 1 of title 19 of the administrative code of the city of New York, subdivision h as amended by local law number 22 for the year 2002 and subdivision j as amended by local law number 78 for the year 2001, are amended to read as follows:

h. In addition to police officers, officers and authorized employees of the department, the department of consumer [affairs] *and worker protection*, the department of health and mental hygiene, and the department of sanitation shall have the power to enforce the provisions of this section, other than subdivision j of this section, relating to the sale and display of goods, wares or merchandise in the public space.

4. If a fixed stand coin operated ride is placed on the sidewalk in violation of the provisions of this subdivision, any authorized officer or employee of the department or the department of consumer [affairs] *and worker protection*, or member of the police department, is authorized to provide for the removal of such fixed

stand coin operated ride to any garage, automobile pound or other place of safety, and such ride may be subject to forfeiture upon notice and judicial determination. If a forfeiture hearing is not commenced, the owner or other person lawfully entitled to the possession of such ride may be charged with reasonable costs for removal and storage payable prior to the release of such device; provided, however, that a fixed stand coin operated ride that is not claimed within thirty days after its removal shall be deemed to be abandoned and may be sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund or such unclaimed fixed stand coin operated ride may be used or converted for use by the department or by another city agency or by a not-for-profit corporation.

§ 61. Subdivision b of section 19-169 of chapter 1 of title 19 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

b. Where the owner of such property, or his or her lessee, requests a police officer to arrange for removal of any such unlawfully parked vehicle, such vehicle shall be removed at the direction of the police department by the next available towing company participating in the rotation tow program established pursuant to section 20-519 of the code. Nothing in this section shall be construed to preclude an owner of such property, or his or her lessee, acting pursuant to this section, from arranging for the removal of such unlawfully parked vehicle by a tow operator of such person's choice. The commissioner of consumer [affairs] *and worker protection* shall promulgate a regulation establishing performance standards for licensees in order to insure that vehicles summonsed under this section are towed as expeditiously as possible.

§ 62. Subdivisions l and m of section 19-169.1 of chapter 1 of title 19 of the administrative code of the city of New York, as added by local law number 94 for the year 1997, are amended to read as follows:

l. Authorized officers and employees of the department and the department of consumer [affairs] *and worker protection* and members of the police department shall have the power to enforce the provisions of this section and any rules promulgated hereunder.

m. The commissioner of consumer [affairs] *and worker protection* is authorized to promulgate such rules as the commissioner deems necessary to effectuate the provisions of this section.

§ 63. Subdivisions b, c, f, j, and k of section 19-169.2 of chapter 1 of title 19 of the administrative code of the city of New York, subdivisions b, f, j, and k as added by local law number 24 for the year 1995, paragraph 1 of subdivision c as amended by local law number 90 for the year 1997, and paragraphs 4 and 5 of subdivision c as added by local law number 88 for the year 1997, are amended to read as follows:

b. Except as provided in paragraph two of subdivision a of section 20-531 of this code, no person shall engage in booting unless such person is licensed by the department of consumer [affairs] *and worker protection* pursuant to subchapter 32 of chapter 2 of title 20 of this code and any rules promulgated pursuant thereto.

c. 1. No motor vehicle may be booted unless a sufficient number of signs is conspicuously posted and maintained by the owner of the property in the form, manner and location prescribed by rule of the commissioner of consumer [affairs] *and worker protection* and this subdivision. Such signs shall contain such information as the commissioner of consumer [affairs] *and worker protection* shall prescribe in such rule including, but not limited to, the word "warning," the name, business address, business telephone number and license number of the person authorized by the property owner to boot the vehicle, the hours during which and the circumstances under which vehicles are prohibited from parking on such property and are subject to booting or towing, if applicable, the fees to be charged for booting and the telephone number of the office within the department of consumer [affairs] *and worker protection* responsible for receiving complaints regarding booting. The word "warning" on such signs shall be in letters not less than five inches high and shall be in the color red and the lettering on such signs stating the hours during which and the circumstances under which vehicles are prohibited from parking on such property and are subject to booting shall be not less than two inches high. The lettering on such signs which provides the name, business address, business telephone number, and license number of the person authorized to boot the vehicle, the fees to be charged for booting and the department of consumer [affairs] *and worker protection* telephone complaint number, shall be not less than three-fourths of an inch high.

4. No motor vehicle shall be booted by a person licensed by the department of consumer [affairs] *and worker protection* pursuant to subchapter thirty-two of chapter two of title twenty of this code and any rule promulgated pursuant thereto unless such licensee has been authorized to boot such motor vehicle pursuant to a written contract between such licensee and the owner, lessee, managing agent or other person in control of

the property on which such motor vehicle is parked. Such contract shall also provide that such owner, lessee, managing agent or other person in control of the property shall be liable for any violation by such licensee or his or her employees or agents of any of the provisions of this section or of subchapter thirty-two of chapter two of title twenty of this code or of any rules promulgated pursuant to this section or such subchapter.

5. An owner, lessee, managing agent or other person in control of property who has entered into a written contract with a person licensed by the department of consumer [affairs] *and worker protection* pursuant to subchapter thirty-two of chapter two of title twenty of this code authorizing such licensee to boot motor vehicles parked on such property shall be liable for any violation by such licensee or such licensee's employees or agents of the provisions of this section, of subchapter thirty-two of chapter two of title twenty of this code or of any rules promulgated pursuant to this section or such subchapter.

f. No release or waiver of any kind purporting to limit or avoid liability for damages to a vehicle that has been booted shall be valid. In addition, any person who booted a vehicle, or other person authorized to accept payment of any charges for such booting, shall provide a signed receipt to the individual paying the booting charges at the time such charges are paid. Such receipt shall state the name, business address, business telephone number and license number of the person who has booted such vehicle as such information appears on the license to engage in booting, and such receipt shall also include a telephone number for the office within the department of consumer [affairs] *and worker protection* responsible for receiving complaints with respect to booting.

j. Authorized employees of the department, or the department of consumer [affairs] *and worker protection*, or any police officer, shall have the power to enforce the provisions of this section and any rules promulgated pursuant thereto and the department of consumer [affairs] *and worker protection* shall be authorized to impose the civil penalties provided for in this section, may arrange for the redress of any injuries caused by violations of this section and may otherwise provide for compliance with the provisions and purposes of this section.

k. The commissioner of consumer [affairs] *and worker protection* is authorized to promulgate such rules as the commissioner deems necessary to effectuate the provisions of this section.

§ 64. Section 19-551 of chapter 5 of title 19 of the administrative code of the city of New York, subdivision a as added by local law number 220 for the year 2018 and subdivision b as added by local law number 218 for the year 2018, is amended to read as follows:

§ 19-551. Driver Assistance.

a. Driver assistance services. The commission, in consultation with the department of consumer [affairs] *and worker protection*, the department of small business services and any other agencies designated by the mayor, shall provide services and information to assist drivers, or owners of vehicles, licensed by the commission including but not limited to financial counseling, mental health services and referrals to non-profit organizations or other entities that may provide additional assistance to such drivers or owners. The commission may provide such services and information through the unit that issues licenses, the website of the commission, or such other means as the commission deems appropriate.

b. Financial education for drivers. The commission, in consultation with the department of consumer [affairs] *and worker protection* and any other agencies designated by the mayor, shall engage in outreach and education efforts that are intended to inform individuals who are considering whether to enter into purchase, rental, lease or loan agreements for the purpose of obtaining vehicles for use as for-hire vehicles, and individuals who are considering whether to purchase, refinance or lease a taxicab license, about the costs and benefits of entering into such arrangements and transactions. Such outreach and education efforts may include written materials describing the common terms of such arrangements and transactions and identifying resources intended to help an individual understand the terms of such arrangements and transactions. The commission shall make any materials designed for the purposes of conducting such outreach and education available in English and in the six languages most commonly spoken by drivers, as those languages are determined by the commission, and in any other languages the commission determines to be appropriate. The commission shall make such materials available on the commission's website.

§ 65. The title of title 20 of the administrative code of the city of New York is amended to read as follows:

Title 20. Consumer [Affairs] *and Worker Protection*.

§ 66. Section 20-101 of chapter 1 of title 20 of the administrative code of the city of New York is amended to read as follows:

§ 20-101. Legislative intent.

The council finds that for the protection and relief of the public from deceptive, unfair and unconscionable practices, for the maintenance of standards of integrity, honesty and fair dealing among persons and organizations engaging in licensed activities, for the protection of the health and safety of the people of New York city and for other purposes requisite to promoting the general welfare, licensing by the department of consumer [affairs] *and worker protection* is a necessary and proper mode of regulation with respect to certain trades, businesses and industries. The council finds further that, in order to secure the above-mentioned purposes, and generally to carry out responsibilities for supervising and regulating licensed activities, trades, businesses and industries, the commissioner of consumer [affairs] *and worker protection* requires powers, remedies and sanctions which are equitable, flexible and efficient. Finally, the council finds that sanctions and penalties applied by the commissioner and by the courts for the violation of laws and regulations by individuals and organizations engaging in various licensed activities, trades, businesses and industries, must be sufficient to achieve these above-mentioned purposes of licensing.

§ 67. Section 20-102 of chapter 1 of title 20 of the administrative code of the city of New York is amended to read as follows:

§ 20-102. Definitions.

Wherever used in this title:

- a. "Commissioner" shall mean the commissioner of consumer [affairs] *and worker protection*.
- b. "Department" shall mean the department of consumer [affairs] *and worker protection*.
- c. "License" shall mean an authorization by the department of consumer [affairs] *and worker protection* to carry on various activities within its jurisdiction, which may take the form of a license, permit, registration, certification or such other form as is designated under law, regulation or rule.
- d. "Organization" shall mean a business entity, including but not limited to a corporation, trust, estate, partnership, cooperative, association, firm, club or society.
- e. "Person" shall mean a natural person or an organization.
- f. "Trade name" shall mean that name under which an organization or person solicits, engages in, conducts or transacts a business or activity.

§ 68. Paragraph 1 of subdivision h of section 20-231 of chapter 2 of title 20 of the administrative code of the city of New York, as repealed and added by local law number 64 of 2003, is amended to read as follows:

1. After November first, nineteen hundred seventy-nine, no newsstand may be operated unless its design has been approved by the art commission. The art commission shall evaluate newsstand designs in conformity with guidelines to be established by the department [of consumer affairs]. Approval or disapproval of a design submission shall be issued within thirty days of filing an application with the commission.

§ 69. Subdivisions f and g of section 20-259 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, are amended to read as follows:

f. If there are exceptional circumstances, the police commissioner, in consultation with the commissioners of the departments of consumer [affairs] *and worker protection* and transportation, shall be authorized, upon notice, to restrict or prohibit any pedicab driver from operating his or her pedicab on any street, avenue or other location for a specified period of time. Such specified period of time shall not exceed fourteen days except, during the period that commences November 12 and concludes January 7 of the following year, in and around the area of Manhattan bound on the north by Fifty-ninth Street, on the south by Thirty-ninth Street, on the east by Lexington Avenue and on the west by Eighth Avenue, the fourteen day time limit shall not be in effect.

1. For the purposes of this subdivision, exceptional circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, a parade, demonstration or other such event or occurrence at or near such location.

g. Every affected community board may, at any time subsequent to enactment of this local law, conduct public hearings hereon and submit written recommendations to the department [of consumer affairs], the department of transportation, the police department and the council. Such recommendations may include, but not be limited to, methods to address any impact this law may have on such community with respect to pedestrian and vehicle traffic flow.

§ 70. Paragraph 1 of subdivision c of section 20-260 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 59 for the year 2012, is amended to read as follows:

1. The department shall create a pedicab information card in a size and style to be determined by the commissioner that states in substance: (i) all pedicabs shall display a sign disclosing the price to be charged per minute per ride on the exterior of the pedicab and the rear of the bike seat of the pedicab; (ii) drivers are not permitted to charge tax; (iii) gratuity is not required; (iv) it shall be unlawful for a pedicab driver to charge any added fee, including fees for additional passengers; (v) passengers may call 311 if they have a complaint regarding a pedicab driver or business; and (vi) such additional information as required by the commissioner. Each such document shall include an area where each pedicab driver shall insert: (i) his or her name and pedicab driver's license number, which shall be clearly identified as a [New York city] department [of consumer affairs] license number; (ii) the pedicab business name, address, telephone number and pedicab business license number, which shall be clearly identified as a [New York city] department [of consumer affairs] license number; (iii) the rate per ride as indicated on the exterior of the pedicab and the rear of the bike seat of the pedicab pursuant to paragraphs 14 and 15 of subdivision a of section 20-254 of this subchapter; (iv) the date; (v) the total number of minutes and/or fraction of a minute of the pedicab ride; and (vi) the total charge of the pedicab ride.

§ 71. Section 20-529 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 41 for the year 2011, is amended to read as follows:

§ 20-529. Reporting on industry compliance.

Beginning on November 15, 2011 and annually on that date thereafter, the [New York city] department [of consumer affairs] shall submit a report to the council concerning violations issued to tow truck licensees. Such annual report shall contain data from the preceding twelve months that includes but is not limited to: (a) the total number of violations issued, disaggregated by section of the administrative code violated; (b) the total number of violations issued to each licensee; (c) the number of license suspensions, disaggregated by licensee; (d) the number of license revocations, disaggregated by licensee; and (e) the total number of meetings of the tow advisory board.

§ 72. Section 20-779.1 of chapter 5 of title 20 of the administrative code of the city of New York, as renumbered and amended by local law number 63 for the year 2017, is amended to read as follows:

§ 20-779.1. Penalties.

a. (1) Criminal Penalties. Any provider who violates any provision of this subchapter shall be guilty of a class A misdemeanor.

(2) Civil Penalties. Any provider of immigration assistance services who violates any provision of this subchapter or any rule or regulation promulgated hereunder shall be liable for a civil penalty of not less than five hundred dollars nor more than five thousand dollars for the first violation and for each succeeding violation a civil penalty of not less than one thousand dollars nor more than ten thousand dollars.

b. A proceeding to recover any civil penalty authorized pursuant to the provisions of this section shall be commenced by the service of a notice of violation that shall be returnable to [the administrative tribunal of the department of consumer affairs] *any tribunal established within the office of administrative trials and hearings*.

§ 73. Section 20-782 of chapter 5 of title 20 of the administrative code of the city of New York, as added by local law number 15 for the year 2005, is amended to read as follows:

§ 20-782. Consumer information.

Not later than the first day of February of the year two thousand and five and on a quarterly basis thereafter, not later than February first, May first, August first, and November first of each year, any person offering, providing, or facilitating a payday loan in New York city shall submit to the department [of consumer affairs] and the council the residential zipcode of each consumer who lives within the city boundaries and has entered into a payday loan during the immediately preceding quarter.

§ 74. The definitions of "commissioner" and "department" in section 20-912 of chapter 8 of title 20 of the administrative code of the city of New York, as added by local law number 199 for the year 2017, are amended to read as follows:

"**Commissioner**" shall mean the [head of such office or agency as the mayor shall designate pursuant to section 20-a of the charter] *commissioner of consumer and worker protection*.

"**Department**" shall mean [such office or agency as the mayor shall designate pursuant to section 20-a of the charter] *the department of consumer and worker protection*.

§ 75. Subdivision e of section 20-926 of chapter 9 of title 20 of the administrative code of the city of New York, as added by local law number 104 for the year 2015, is amended to read as follows:

e. For the purposes of this chapter, “department” shall mean [such office or agency as the mayor shall designate pursuant to section 20-a of the charter] *the department of consumer and worker protection* and “commissioner” shall mean [the head of such office or agency] *the commissioner of consumer and worker protection*.

§ 76. The definitions of “director” and “office” in section 20-927 of the administrative code of the city of New York are REPEALED and such section is amended by adding new definitions of “commissioner” and “department” in alphabetical order to read as follows:

Commissioner. *The term “commissioner” means the commissioner of consumer and worker protection.*

Department. *The term “department” means the department of consumer and worker protection.*

§ 77. Subdivision c of section 20-928 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

c. The [director] *commissioner* may by rule require additional terms to ensure that the freelance worker and the hiring party understand their obligations under the contract.

§ 78. Section 20-931 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

§ 20-931 Complaint procedure; jurisdiction of [director] *commissioner*.

a. *Complaint.* A freelance worker who is aggrieved by a violation of this chapter may file a complaint with the [director] *commissioner* within two years after the acts alleged to have violated this chapter occurred. The [director] *commissioner* shall prescribe the form of the complaint, which shall include, at a minimum:

1. The name and mailing address of the freelance worker and of the hiring party alleged to have violated this chapter;

2. A statement detailing the terms of the freelance contract, including a copy of such contract if available;

3. The freelance worker's occupation;

4. A statement detailing the alleged violations of this chapter; and

5. A signed affirmation that all facts alleged in the complaint are true.

b. *Referral to navigation program.* At the time the [director] *commissioner* receives a complaint alleging a violation of this chapter, the [director] *commissioner* shall refer the freelance worker to the navigation program identified in section 20-932.

c. *Jurisdiction.*

1. The [director] *commissioner* does not have jurisdiction over a complaint if:

(a) Either party to the contract has initiated a civil action in a court of competent jurisdiction alleging a violation of this chapter or a breach of contract arising out of the contract that is the subject of the complaint filed under subdivision a of this section, unless such civil action has been dismissed without prejudice to future claims; or

(b) Either party to the contract has filed a claim or complaint before any administrative agency under any local, state or federal law alleging a breach of contract that is the subject of the complaint filed under subdivision a of this section, unless the administrative claim or complaint has been withdrawn or dismissed without prejudice to future claims.

2. Where the [director] *commissioner* lacks jurisdiction over a complaint, the [director] *commissioner* shall notify the following, in writing, within 10 days of discovering the lack of jurisdiction:

(a) The freelance worker; and

(b) The hiring party, if the [director] *commissioner* discovered the lack of jurisdiction after sending a notice to the hiring party pursuant to subdivision d of this section.

d. *Notice to hiring party.* Within 20 days of receiving a complaint alleging a violation of this chapter, the [director] *commissioner* shall send the hiring party named in the complaint a written notice of complaint. Such notice shall inform the hiring party that a complaint has been filed alleging violations of this chapter, detail the remedies available to a freelance worker for violations of this chapter by a hiring party and include a copy of the complaint and notice that failure to respond to the complaint creates a rebuttable presumption in any civil action commenced pursuant to this chapter that the hiring party committed the violations alleged in the complaint. The [director] *commissioner* shall send such notice by certified mail and shall bear the cost of sending such notice.

e. *Response.*

1. Within 20 days of receiving the notice of complaint, the hiring party identified in the complaint shall send the [director] *commissioner* one of the following:

- (a) A written statement that the freelance worker has been paid in full and proof of such payment; or
- (b) A written statement that the freelance worker has not been paid in full and the reasons for the failure to provide such payment.

2. Within 20 days of receiving the written response, the [director] *commissioner* shall send the freelance worker a copy of:

- (a) The response;
- (b) Any enclosures submitted to the [director] *commissioner* with the response;
- (c) Materials informing the freelance worker that he or she may bring an action in a court of competent jurisdiction;
- (d) Any other information about the status of the complaint; and
- (e) Information about the navigation program described in section 20-932.

3. If the [director] *commissioner* receives no response to the notice of complaint within the time provided by paragraph 1 of this subdivision, the [director] *commissioner* shall mail a notice of non-response to both the freelance worker and the hiring party by regular mail and shall include with such notice proof that the [director] *commissioner* previously mailed the notice of complaint to the hiring party by certified mail. Upon satisfying the requirements of this paragraph, the [director] *commissioner* may close the case.

§ 79. Section 20-932 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

§ 20-932 Navigation program.

a. The [director] *commissioner* shall establish a navigation program that provides information and assistance, as set forth in subdivision c of this section, relating to the provisions of this chapter. Such program shall include assistance by a natural person by phone and e-mail and shall also include online information.

b. The [director] *commissioner* shall make available model contracts on the website of the [office] *department* for use by the general public at no cost. Such model contracts 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.

c. The navigation program shall provide the following:

- 1. General court information and information about procedures under this chapter;
- 2. Information about available templates and relevant court forms;
- 3. General information about classifying persons as employees or independent contractors;
- 4. Information about obtaining translation and interpretation services and other courtroom services;
- 5. A list of organizations that can be used for the identification of attorneys; and
- 6. Other information, as determined by the [director] *commissioner*, related to the submission of a complaint by a freelance worker or the commencement of a civil action pursuant to this chapter by a freelance worker.

d. The navigation program shall include outreach and education to the public on the provisions of this chapter.

e. The navigation program shall not provide legal advice.

§ 80. Paragraph 4 of subdivision a of section 20-933 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

4. Within 10 days after having commenced a civil action pursuant to subdivision a of this section, a plaintiff shall serve a copy of the complaint upon an authorized representative of the [director] *commissioner*. Failure to so serve a complaint does not adversely affect any plaintiff's cause of action.

§ 81. Subparagraph b of paragraph 3 of subdivision a of section 20-934 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

(b) The [director] *commissioner* from sending a notice of complaint pursuant to section 20-931, unless otherwise barred from doing so.

§ 82. Section 20-936 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

§ 20-936 Follow-up; data collection; reporting.

a. No later than six months after the [director] *commissioner* sends to a freelance worker either a hiring party's response and accompanying materials or a notice of non-response pursuant to paragraph 2 or 3 of subdivision e of section 20-931, the [director] *commissioner* shall send the freelance worker a survey requesting additional information about the resolution of the freelance worker's claims. Such survey shall ask whether or not the freelance worker pursued any such claims in court or through an alternative dispute resolution process and whether or not the hiring party ultimately paid any or all of the compensation the freelance worker alleged was due or if the matter was resolved in a different manner. Such survey shall state clearly that response to the survey is voluntary.

b. The [director] *commissioner* shall collect and track information about complaints alleging violations of this chapter. The information collected shall include, at minimum:

1. The identity of the hiring party alleged to have violated this chapter;
2. The freelance worker's occupation;
3. The section of this chapter that was alleged to have been violated;
4. The value of the contract;
5. The response or non-response from the hiring party; and
6. Information from a completed survey identified in subdivision a of this section.

c. One year after the effective date of the local law that added this chapter, and every fifth year thereafter on November 1, the [director] *commissioner* shall submit to the council and publish on its website a report regarding the effectiveness of this chapter at improving freelance contracting and payment practices. That report shall include, at a minimum:

1. The number of complaints the [director] *commissioner* has received pursuant to this chapter;
2. The value of the contracts disaggregated into ranges of \$500 and by section of this chapter alleged to have been violated;
3. The numbers of responses and non-responses received by the [director] *commissioner* disaggregated by contract value into ranges of \$500 and by section of this chapter alleged to have been violated;
4. The proportion of surveys received from freelance workers that indicate that they pursued their claims in court and the proportion of surveys received from freelance workers that indicate that they pursued their claims through an alternative dispute resolution process and a summary of the outcomes of such cases; and
5. Legislative recommendations for this chapter, including consideration of whether certain occupations should be exempted from the scope of the definition of freelance worker in section 20-927.

§ 83. The definitions of "director" and "office" in section 20-1201 of the administrative code of the city of New York are REPEALED and such section is amended by adding new definitions of "commissioner" and "department" in alphabetical order to read as follows:

Commissioner. *The term "commissioner" means the commissioner of consumer and worker protection.*

Department. *The term "department" means the department of consumer and worker protection.*

§ 84. Section 20-1202 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1202 Outreach and education.

The [director] *commissioner* shall conduct outreach and education about the provisions of this chapter. Such outreach and education shall be provided to employers, employees and members of the public who are likely to be affected by this law.

§ 85. The opening paragraph of section 20-1203 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1203 Reporting.

The [director] *commissioner* shall report annually on the city's website, without revealing identifying information about any non-public matter or complaint, on the effectiveness of its enforcement activities under this chapter. The report shall include the following information:

§ 86. Section 20-1205 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1205 Notice and posting of rights.

a. The [director] *commissioner* shall publish and make available notices for employers to post in the workplace or at any job site informing employees of their rights protected under each subchapter of this

chapter before the effective date of the local law that added each corresponding subchapter. Such notices shall be made available in a downloadable format on the city's website in accordance with the requirements for language access as described in chapter 11 of title 23. The [director] *commissioner* shall update such notices if any changes are made to the requirements of this chapter or as otherwise deemed appropriate by the director.

b. In accordance with the rules of the [office] *department*, every employer shall conspicuously post at any workplace or job site where any employee works the notices described in subdivision a of this section that are applicable to the particular workplace or job site. Such notices shall be in English and any language spoken as a primary language by at least five percent of employees at that location if the [director] *commissioner* has made the notice available in that language.

§ 87. Section 20-1206 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1206 Recordkeeping

a. Employers shall retain records documenting their compliance with the applicable requirements of this chapter for a period of three years and shall allow the [office] *department* to access such records and other information, *consistent with applicable law and in accordance with rules of the department* and with appropriate notice, in furtherance of an investigation conducted pursuant to this chapter.

b. An employer's failure to maintain, retain or produce a record or other information required to be maintained by this chapter and requested by the [office] *department* in furtherance of an investigation conducted pursuant to this chapter that is relevant to a material fact alleged by the [office] *department* in a notice of violation issued pursuant to this subchapter creates a rebuttable presumption that such fact is true.

§ 88. Section 20-1207 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1207 Administrative enforcement; jurisdiction and complaint procedures.

a. *Jurisdiction.* The [director] *commissioner* shall enforce the provisions of this chapter.

b. *Complaints and investigations.*

1. Any person, including any organization, alleging a violation of this chapter may file a complaint with the [office] *department* within two years of the date the person knew or should have known of the alleged violation.

2. Upon receiving such a complaint, the [office] *department* shall investigate it.

3. The [office] *department* may open an investigation on its own initiative.

4. A person or entity under investigation shall, in accordance with applicable law, provide the [office] *department* with information or evidence that the [office] *department* requests pursuant to the investigation. If, as a result of an investigation of a complaint or an investigation conducted upon its own initiative, the [office] *department* believes that a violation of this chapter has occurred, the [office] *department* may attempt to resolve it through any action authorized by [section 20-a] *chapter 64* of the charter. Adjudicatory powers pursuant to this subchapter may be exercised by the [director] *commissioner* or by the office of administrative trials and hearings pursuant to [section 20-a] *chapter 64* of the charter.

5. The [office] *department* shall keep the identity of any complainant confidential unless disclosure is necessary to resolve the investigation or is otherwise required by law. The [office] *department* shall, to the extent practicable, notify such complainant that the [office] *department* will be disclosing the complainant's identity before such disclosure.

§ 89. Subdivision a of section 20-1208 of chapter 12 of title 20 of the administrative code of the city of New York, as amended by local law number 69 for the year 2018, is amended to read as follows:

a. For violations of this chapter, the [office] *department* may grant the following relief to employees or former employees:

1. All compensatory damages and other relief required to make the employee or former employee whole;

2. An order directing compliance with the notice and posting of rights and recordkeeping requirements set forth in sections 20-1205 and 20-1206; and

3. For each violation of:

(a) Section 20-1204,

(1) Rescission of any discipline issued, reinstatement of any employee terminated and payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204;

- (2) \$500 for each violation not involving termination; and
- (3) \$2,500 for each violation involving termination;
- (b) Section 20-1221, \$200 and an order directing compliance with section 20-1221;
- (c) Section 20-1222, payment of schedule change premiums withheld in violation of section 20-1222 and \$300;
- (d) Section 20-1231, payment as required under section 20-1231, \$500 and an order directing compliance with section 20-1231;
- (e) Section 20-1241, \$300 and an order directing compliance with section 20-1241;
- (f) Subdivision a of section 20-1251, the greater of \$500 or such employee's actual damages;
- (g) Subdivisions a and b of section 20-1252, \$300; and
- (h) Subdivision a or b of section 20-1262, \$500 and an order directing compliance with such subdivision, provided, however, that an employer who fails to provide an employee with the written response required by subdivision a of section 20-1262 may cure the violation without a penalty being imposed by presenting proof to the satisfaction of the [office] *department* that it provided the employee with the required written response within seven days of the [office] *department* notifying the employer of the opportunity to cure.

§ 90. Section 20-1210 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1210 Enforcement by the corporation counsel.

The corporation counsel or such other persons designated by the corporation counsel on behalf of the [office] *department* may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to sections 20-1207 through 20-1209, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter or such other relief as may be appropriate.

§ 91. Subdivision d of section 20-1211 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

d. *Relationship to [office] department action.*

1. Any person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the [office] *department*. Failure to so serve a notice does not adversely affect any plaintiff's cause of action.

2. An employee need not file a complaint with the [office] *department* pursuant to subdivision b of section 20-1207 before bringing a civil action; however, no person shall file a civil action after filing a complaint with the [office] *department* unless such complaint has been withdrawn or dismissed without prejudice to further action.

3. No person shall file a complaint with the [office] *department* after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.

4. The commencement or pendency of a civil action by an employee does not preclude the [office] *department* from investigating the employer or commencing, prosecuting or settling a case against the employer based on some or all of the same violations.

§ 92. Paragraph 4 of subdivision a of section 20-1212 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

4. Nothing in this section prohibits (i) the [office] *department* from exercising its authority under section 20-1207 through 20-1209, or (ii) a person alleging a violation of this chapter from filing a complaint pursuant to section 20-1207 or a civil action pursuant to section 20-1211 based on the same facts pertaining to such a pattern or practice, provided that a civil action pursuant to this section shall not have previously been commenced.

§ 93. Paragraphs 1 and 3 of subdivision c of section 20-1221 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, are amended to read as follows:

1. Provide fast food employees with written notice of the work schedule as required by subdivision b of this section by (i) posting the schedule in a conspicuous place at the workplace that is readily accessible and visible to all employees and (ii) transmitting the work schedule to each fast food employee, including by electronic means, if such means are regularly used to communicate scheduling information. The [office]

department may by rule establish requirements or exceptions necessary to ensure the privacy and safety of employees in connection with such posting and transmittal;

3. Upon request by any fast food employee, and in accordance with the rules of the [office] *department*, provide such employee with (i) such employee's work schedule in writing for any previous week worked for the past three years and (ii) the most current version of work schedules of all fast food employees who work at the same fast food establishment as the requesting employee, whether or not changes to the work schedule have been posted.

§ 94. Subdivisions b and j of section 20-1241 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 106 for the year 2017, are amended to read as follows:

b. When shifts become available that must be offered to current fast food employees pursuant to subdivision a, a fast food employer shall post a notice that states the number of shifts being offered; the schedule of the shifts; whether the shifts will occur at the same time each week; the length of time such fast food employer anticipates requiring coverage of the shifts; the number of fast food employees needed to cover the shifts; the process, date and time by which fast food employees may notify such fast food employer of their desire to work the shifts; the criteria such fast food employer will use for the distribution of the shifts; an advisement that a fast food employee may accept a subset of the shifts offered but that shifts will be distributed according to the criteria described in the notice; and an advisement that while fast food employees working at all locations owned by the fast food employer may accept offered shifts immediately, shifts will be distributed first to fast food employees currently employed at the location where the shifts will be worked. The fast food employer shall post such notice for three consecutive calendar days in a conspicuous and accessible location where notices to fast food employees are customarily posted, unless a shorter posting period is necessary in order for the work to be timely performed as may be prescribed by the rules of the [director] *commissioner*. The fast food employer shall also provide the notice in writing directly to each fast food employee electronically.

j. The [director] *commissioner* may promulgate rules regarding how and to which fast food employees offers of shifts pursuant to subdivision g shall be made by fast food employers that own at least 50 fast food establishments in the city based on the geographic distribution of such establishments.

§ 95. Subdivision b of section 20-1252 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 99 for the year 2017, is amended to read as follows:

b. A retail employer shall conspicuously post in a location that is accessible and visible to all retail employees at the work location the work schedule of all the retail employees at that work location at least 72 hours before the beginning of the scheduled hours of work and shall update the schedule and directly notify affected retail employees after making changes to the work schedule. Retail employers shall also transmit the work schedule by electronic means, if such means are regularly used to communicate scheduling information. The [office] *department* may by rule establish requirements or exceptions necessary to ensure the privacy and safety of employees.

§ 96. Subdivision b of section 20-1262 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 69 for the year 2018, is amended to read as follows:

b. An employee may request, and in so doing is protected by the provisions of subchapter 1 of this chapter, and an employer may grant or deny, a change to a work schedule other than the temporary changes an employer is required to grant under subdivision a of this section. An employee request for such other change to a work schedule and an employer response to such a request shall follow the procedure in paragraphs 2 and 3 of subdivision a of this section to the extent applicable and as set forth in rules promulgated by the [director] *commissioner*.

§ 97. The definitions of “director” and “office” in section 20-1301 of chapter 13 of title 20 of the administrative code of the city of New York are REPEALED and the definitions of “commissioner” and “department” in such section, as added by local law number 98 for the year 2017, are amended to read as follows:

§ 20-1301 Definitions.

Commissioner. The term “commissioner” means the commissioner of consumer and worker protection.

Department. The term “department” means the department of consumer and worker protection.

§ 98. Subdivisions a, c, g, and h of section 20-1302 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, are amended to read as follows:

§ 20-1302 Requirement to deduct and remit voluntary contributions to not-for-profits.

a. A fast food employer shall, upon authorization from a fast food employee and upon receipt of a registration letter as provided in subdivision b of section 20-1303 pertaining to the relevant not-for-profit, deduct voluntary contributions from such fast food employee's paycheck and remit them to the not-for-profit designated by such fast food employee. An authorization shall be written, whether on paper or by an electronic or other method prescribed by the [director] *commissioner*, and shall include:

c. An authorization is in effect until the fast food employee revokes the authorization in writing, whether on paper or by an electronic or other method prescribed by the [director] *commissioner*, to the not-for-profit. The not-for-profit shall transmit the revocation to the fast food employer.

g. *Processing fee.* Upon request by a fast food employer, the not-for-profit shall reimburse the fast food employer for the costs associated with deduction and remittance, as calculated pursuant to rules of the [office] *department*.

h. *Written notice of rights and obligations.* A fast food employer shall provide written notice to its fast food employees of their rights and of the fast food employer's obligations under this section on a form provided by the [office] *department*. Such notice shall be posted in a conspicuous place in the fast food establishment. Such notice shall include a statement that labor organizations as defined by the national labor relations act, employee organizations as defined by subdivision 5 of section 201 of the civil service law, and labor organizations as defined in subdivision 5 of section 701 of the labor law are not permitted to seek remittances under this chapter pursuant to subdivision b of section 20-1310.

§ 99. Section 20-1303 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

§ 20-1303 Registration by not-for-profits required.

a. Before it may accept deductions pursuant to this chapter, a not-for-profit shall register with the [office] *department* by providing the following in the manner prescribed by the [office] *department*:

b. The [office] *department* shall issue a registration letter to the registered not-for-profit confirming that it has met the conditions required to trigger the requirements of this chapter. A not-for-profit or fast food employee seeking to have a fast food employer make payroll deductions pursuant to this chapter must provide a copy of the [office's] *department's* registration letter to the relevant fast food employer along with the request for such deductions authorization.

§ 100. Paragraph 4 of subdivision a of section 20-1304 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

4. When prescribed by the [director] *commissioner*, a list of the not-for-profit's employees;

§ 101. Section 20-1307 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

§ 20-1307 Enforcement.

a. The [office] *department* shall investigate potential violations and enforce the provisions of this chapter consistent with section[s 20-a and] 2203 of the charter and with all powers and duties described therein and according to rules and policies of the [office] *department*.

b. *Violations by fast food employers.*

1. Except as provided in subdivision c of this section, an aggrieved fast food employee or duly authorized representative thereof or an aggrieved not-for-profit may file a complaint with the [office] *department* regarding violations of this chapter by a fast food employer. Except for an allegation of retaliation in violation of section 20-1306, the [office] *department* shall only investigate such a complaint if the relevant not-for-profit demonstrates that it has complied with sections 20-1303 and 20-1304 by providing a copy of the registration letter.

2. Except as otherwise provided in subdivision c of this section, if a fast food employer is found to have violated this chapter, including by retaliation, the [office] *department* may award any of the following, in addition to any other remedy provided in the charter or other law:

(a) Deductions and remittances as authorized by the fast food employee and the payment of interest to the not-for-profit from the date of the failure to deduct or remit based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year; and

(b) Payment of a further sum as a civil penalty in an amount not exceeding \$500 for each violation of this chapter. However, in cases where a final disposition has been entered against a fast food employer twice within any consecutive three-year period determining that such fast food employer has willfully failed to deduct or remit funds in accordance with this chapter, or has retaliated against a fast food employee in violation of section 20-1306, the [office] *department* may impose a civil penalty in an amount not exceeding \$1,000 for each violation of this chapter.

(c) Reinstatement, back pay and other appropriate relief for any fast food employee found to have been subject to retaliation in violation of section 20-1306.

3. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, and the good faith of the fast food employer. No procedure or remedy set forth in this section is exclusive of or a prerequisite for asserting a claim for relief to enforce any rights under this chapter in a court of competent jurisdiction.

c. *Failure to honor a revocation.* A fast food employer or a not-for-profit that the [office] *department* finds has failed to honor the revocation of a fast food employee of voluntary deductions and instead has retained contributions after revocation shall refund the fast food employee the amount of the contribution wrongfully retained. If the refund to the fast food employee is not made within 60 days of receipt of the revocation by the party that retained the contribution, the [office] *department* may require the payment of interest on the amount of the refund owed based on the rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year.

d. *False or misleading disclosures to fast food employees.* It is a violation of this chapter for a not-for-profit intentionally to make materially false or misleading disclosures to fast food employees under subdivision a of section 20-1304, and as set forth in rules prescribed by the [director] *commissioner*. Where a violation is established, such not-for-profit shall cure the false or misleading statements to fast food employees within 30 days. Upon establishing a second such violation within two years of a previous violation, the [director] *commissioner* shall revoke any previously issued letter of registration as set forth in subdivision b of section 20-1303.

e. The [office] *department* shall make rules establishing a process for such interested parties as the [office] *department* may identify by rule to petition the [director] *commissioner* to re-examine or revoke a not-for-profit's registration pursuant to this chapter.

f. Any party with rights under this chapter may bring an action pursuant to article 78 of the civil practice law and rules to enforce, vacate or modify an order, determination or other disposition of the [office] *department*, the office of administrative trials and hearings or other relevant tribunal.

§ 102. Subdivisions a and b of section 20-1308 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, are amended to read as follows:

a. Except as otherwise provided by law, any person claiming to be aggrieved by a fast food employer's violation of this chapter has a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, if the relevant not-for-profit demonstrates that it has complied with sections 20-1303 and 20-1304 by providing a copy of the registration letter from the [office] *department* unless such person has filed a complaint with the [office] *department* with respect to such claim. If the court finds in favor of the plaintiff, it shall award such person, in addition to other relief, reasonable attorney's fees and costs.

b. Notwithstanding any inconsistent provision of subdivision a of this section, if the [office] *department* dismisses a complaint or the complaint is withdrawn, an aggrieved person maintains all rights to commence a civil action pursuant to this section.

1. An employee need not file a complaint with the [office] *department* before bringing a civil action; however, no person shall file a civil action after filing a complaint with the [office] *department* unless such complaint has been withdrawn or dismissed without prejudice to further action.

2. No person shall file a complaint with the [office] *department* after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.

§ 103. Section 20-1309 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

§ 20-1309 Limitations period.

The [office] *department* shall not investigate violations of this chapter committed more than two years before the filing of a complaint or the commencement of such investigation, whichever is earlier. Each failure to comply with this chapter constitutes a separate violation; a pattern of such violations is a continuing violation for purposes of assessing the limitations period.

§ 104. Subdivision c of section 20-1310 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

c. The [office] *department* shall promulgate rules necessary to ensure that this law will be applied in a manner consistent with federal or state labor law and will not affect the relationship among workers or employees and employers, and the entities described in subdivision b, except as specifically provided in this chapter.

§ 105. Subdivisions a and b of section 20-9011 of chapter 1 of title 20-A of the administrative code of the city of New York, as renumbered and amended by local law number 107 for the year 2017, 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 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 or may be returnable to [the department of consumer affairs or other] *another* administrative tribunal of competent jurisdiction;

b. Any person who violates subdivision a of section 20-9004 shall, upon conviction thereof, be punished for each violation by a criminal fine 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 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 or returnable to [the department of consumer affairs or other] *another* administrative tribunal of competent jurisdiction; and

§ 106. Section 20-9013 of chapter 1 of title 20-A of the administrative code of the city of New York, as renumbered and amended by local law number 107 for the year 2017, is amended to read as follows:

§ 20-9013 Enforcement.

Notices of violation for violations of any provision of this chapter or any rule promulgated hereunder may be issued by authorized employees or agents of the commission or the police department. In addition, such notices of violation may, at the request of the commission and with the consent of the appropriate commissioner, be issued by authorized employees and agents of the department of consumer [affairs] *and worker protection* or the department of investigation.

§ 107. Subdivision b of section 20-9016 of chapter 1 of title 20-A of the administrative code of the city of New York is hereby REPEALED.

§ 108. The definition of “department” in subdivision a of section 22-507 of chapter 5 of title 22 of the administrative code of the city of New York, as added by local law number 11 for the year 2016, is amended to read as follows:

Department. The term "department" means the department of consumer [affairs] *and worker protection* or any other agency or office designated by the mayor.

§ 109. Subdivisions e and g of section 24-163.6 of chapter 1 of title 24 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, are amended to read as follows:

e. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered sight-seeing bus where the department of consumer [affairs] *and worker protection* makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such bus, in which case the owner or operator of such bus shall be required to use the technology for reducing the emission of pollutants that would be the next best best available retrofit technology and that is available for purchase for such bus. Any waiver issued pursuant to this subdivision shall expire after three years. The commissioner shall not renew any waiver issued pursuant to this subdivision after January 1, 2014.

g. Not later than January 1, 2008, and not later than January 1 of each year thereafter, the commissioner shall submit a report to the comptroller and the speaker of the council regarding, among other things, the use of the best available retrofit technology by diesel fuel-powered sight-seeing buses during the immediately preceding fiscal year. This report shall include, but not be limited to: (i) the total number of diesel fuel-powered sight-seeing buses licensed pursuant to subchapter 21 of chapter 2 of title 20 of the administrative

code; (ii) the number of such buses that utilized the best available retrofit technology, including a breakdown by vehicle model, engine year and the type of technology used for each vehicle; (iii) the number of such buses that utilized other authorized technology in accordance with this section, including a breakdown by vehicle model, engine year and the type of technology used for each vehicle; (iv) the number of such buses that are equipped with an engine certified to the applicable United States environmental protection agency standard for particulate matter in accordance with subdivision f of this section; (v) the locations where such buses that utilized the best available retrofit technology, utilized such other authorized technology in accordance with this section or were equipped with an engine certified to the applicable United States environmental protection agency standard for particulate matter were used; (vi) the age of the engine with which each bus that did not utilize the best available retrofit technology is equipped; and (vii) all waivers issued pursuant to subdivision e of this section, which shall include, but not be limited to, all findings and specific information submitted by the department of consumer [affairs] *and worker protection* or the owner or operator of a diesel fuel-powered sight-seeing bus upon which such waivers are based and the type of other authorized technology utilized in accordance with this section in relation to each waiver, instead of the best available retrofit technology.

§ 110. Subdivision b of section 24-529 of chapter 5 of title 24 of the administrative code of the city of New York, as added by local law number 62 for the year 2015, is amended to read as follows:

b. Prior to filing an application for a license or renewal of a license to operate a car wash pursuant to subchapter 33 of chapter 2 of title 20 of this code, an applicant shall certify to the commissioner that the following information, in a form and method prescribed by the commissioner, will be maintained by the applicant at its principal place of business for a minimum of three years, and such information shall be made available to the department or the department of consumer [affairs] *and worker protection* upon request:

1. The source from which the applicant draws or will draw its water, whether from the public water supply, well water or other source;

2. For renewal applicants, the amount of water drawn from public sources each month since the applicant last filed an application;

3. Construction drawings and as-built plans, meaning the final set of drawings produced at the completion of construction, of any oil/water separator system or sand interceptor, attesting to the volume of the system and to the maximum flow of wastewater that the system can filter and otherwise clarify efficiently;

4. Written certification that the applicant has regularly removed, in accordance with the respective manufacturer's specifications, oil, sediment and other residues that may be regulated by the commissioner pursuant to department rules regarding sewer use from its oil/water separator system and sand interceptor, as well as the method or methods used to remove and dispose of such oil, sediment and other residues, and for renewal applicants, the frequency of such removal and disposal since the applicant last filed an application;

5. Written certification that the applicant has complied with the rules of the department regarding testing and reporting with respect to all backflow prevention devices;

6. A logbook of monitoring and inspection results and repair and maintenance activities with regard to oil/water separators, sand interceptors and other pretreatment devices or systems, and backflow prevention devices, since the applicant last filed an application, provided that an applicant for a new car wash shall begin maintaining such information between sixty and ninety days of commencement of operations after receiving a license from the department of consumer [affairs] *and worker protection* pursuant to section 20-541 of this code; and

7. Material safety data sheets or safety data sheets that indicate the chemicals used in the operation of the car wash, where such material safety data sheets or safety data sheets are required by federal, state or local law, rule or regulation.

§ 111. Subdivision h of section 27-525.1 of chapter 1 of title 27 of the administrative code of the city of New York, as added by local law number 35 for the year 2006, is amended to read as follows:

h. In addition to employees of the department, employees of the police department and the department of consumer [affairs] *and worker protection* shall have the authority to enforce the provisions of this section regarding security guards.

§ 112. Paragraph 3 of subdivision b of section 27-848.04 of chapter 1 of title 27 of the administrative code of the city of New York, as added by local law number 80 for the year 1989, is amended to read as follows:

(3) For retrofit installations in occupied residential dwellings, the installer shall have a home improvement contractor's license from the department of consumer [affairs] *and worker protection*.

§ 113. Section 28-103.1.3 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 5 for the year 2010, is amended to read as follows:

§ 28-103.1.3 Innovation review board.

There is hereby established within the department an innovation review board which shall include as members in addition to the commissioner, the commissioners of environmental protection, health and mental hygiene and design and construction and the chairperson of the city planning commission, or their respective designees. The commissioner shall also designate members from among the fire commissioner and the commissioners of transportation, parks and recreation, consumer [affairs] *and worker protection*, emergency management, housing preservation and development and sanitation and the chairperson of the landmarks preservation commission, and non-governmental organizations and individuals, or their respective designees, with respect to specific matters being considered by the board where the commissioner determines it appropriate to do so.

§ 114. Section 28-103.22 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 75 for the year 2009, is amended to read as follows:

The commissioner shall, through or in cooperation with the department of small business services, the department of consumer [affairs] *and worker protection*, and other city agencies deemed appropriate, develop an outreach program to manufacturers and installers of security grilles, business improvement districts, local development corporations, chambers of commerce and community boards to alert these groups and the businesses that utilize security grilles of the permit requirements and the requirements of this section, the penalties associated with violation thereof and the availability of any business loans, grants or tax subsidies related to the installation or use of such security grilles.

§ 115. Section 28-103.32 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 190 for the year 2018, is amended to read as follows:

The department, in conjunction with (i) the mayor's office of immigrant affairs, (ii) the commission on human rights, (iii) the department of consumer [affairs] *and worker protection*, (iv) the department of health and mental hygiene, (v) the department of small business services, (vi) the department of citywide administrative services and (vii) any other office or agency designated by the mayor, shall conduct education and outreach to increase awareness of sections 403.2.1 and 403.4 of the New York city plumbing code, regarding single-occupant toilet room requirements. Such education and outreach shall be tailored to business owners, and shall, at a minimum, include educational materials concerning such single-occupant toilet room requirements and the related posting and signage requirements, including samples of acceptable signage. Such materials and sample signage shall be available in the designated citywide languages as defined in section 23-1101. Information concerning such requirements shall also be made available on the department's website.

§ 116. Section 28-117.4.3 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 8 for the year 2008, is amended to read as follows:

In addition to employees of the department, employees of the police department and the department of consumer [affairs] *and worker protection* shall have the authority to enforce the provisions of this article regarding security guards.

§ 117. Section BC 3111.1 of the New York city building code, as renumbered by local law 141 for the year 2013, is amended to read as follows:

3111.1 General.

Sidewalk cafes provided beyond the building line shall comply with the requirements of this section, the New York City Zoning Resolution, the Commissioners of the Department of Consumer [Affairs] *and Worker Protection* and Department of Transportation, and with the projection limitations of Chapter 32 of this code.

§ 118. Section BC 3111.3 of the New York city building code, as renumbered by local law number 141 for the year 2013, is amended to read as follows:

3111.3. Awnings.

Awnings supported entirely from the building may be placed over unenclosed sidewalk cafes provided they are at least 8 feet (2438 mm) clear above the sidewalk and within the limits specified by the Commissioner of the Department of Consumer [Affairs] *and Worker Protection*. Such awnings shall be in compliance with Section 3105 of this code.

§ 119. Section BC 3202.2.1.4.7 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3202.2.1.4.7 Other agency approvals

An applicant wishing to erect a marquee shall provide proof that the Commissioners of the Departments of Transportation, Consumer [Affairs] *and Worker Protection*, and Environmental Protection have not permitted the use of a space or structure on or under the sidewalk beneath the proposed marquee in such a manner that the construction of the proposed marquee shall interfere with the removal or repair of any such permitted use or structure. § 120. Section BC 3202.4.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

3202.4.1 Sidewalk cafes

Enclosures for sidewalk cafes, where permitted by the Commissioner of the Department of Consumer [Affairs] *and Worker Protection* pursuant to applicable law and constructed in compliance with Section 3111, may be constructed beyond the street line.

§ 121. Section FC 316.4.1 of the New York city fire code, as added by local law number 26 for the year 2008, is amended to read as follows:

316.4.1 Licensing.

Department permits and other approvals shall be issued to an automotive salvage and wrecking facility only if such facility is licensed and maintained in accordance with requirements of the New York State Department of Motor Vehicles and the New York City Department of Consumer [Affairs] *and Worker Protection*.

§ 122. The definition of “director” in section 32-201 of chapter 2 of title 32 of the administrative code of the city of New York, is REPEALED, the definition of “division” in such section, as added by local law number 98 for the year 2016, is amended, and such section is amended by adding a new definition of “commissioner” in alphabetical order to read as follows:

Commissioner. *The term “commissioner” means the commissioner of consumer and worker protection.*

Division. The term “division” means the division of paid care established pursuant to subdivision [h] e of section [20-a] 2203 of the charter.

§ 123. Subdivision a of section 32-202 of chapter 2 of title 32 of the administrative code of the city of New York, as added by local law number 98 for the year 2016, is amended to read as follows:

a. The division shall assist the [director] *commissioner* in developing policies and programs that apply to paid care workers.

§ 124. This local law takes effect immediately; provided that the amendments to sections 20-1301 through 20-1304, and sections 20-1307 through 20-1310 of the administrative code of the city of New York made by sections 97 through 104 of this local law, shall not affect the expiration of such sections pursuant to local law 98 for the year 2017 and shall expire therewith.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1610

By Council Members Torres, Rodriguez, the Speaker (Council Member Johnson) and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an office of financial stability within the taxi and limousine commission

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-555 to read as follows:

§ 19-555 *Office of Financial Stability a. The commission shall establish an office of financial stability. Such office, in collaboration with the department of investigation, shall monitor and evaluate the financial stability of the taxicab industry. In conducting such monitoring and evaluation, the office shall consider, at a minimum:*

- 1. the long and short-term financial stability of the market for taxicab licenses;*
- 2. the method for calculating the minimum bid price for taxicab licenses;*

3. *potential market manipulation, speculation, and/or collusion in taxicab license auctions and transfers;*
 4. *the number of bankruptcy proceedings involving taxicab licensees;*
 5. *the number of purchases or transfers of taxicab licenses not approved by the commission due to a determination that prospective purchaser or transferee could not reasonably be expected to make required loan payments;*
 6. *common terms and conditions of loans used to finance a taxicab license purchase or transfer, including the number of loans that did not require a down payment, utilized interest-only payments, or included a confession of judgment;*
 7. *the annual financial disclosures from each person who has any interest in any taxicab license; and*
 8. *income and expenses associated with operating a taxicab.*
- b. Beginning February 1, 2020 and no later than every February 1 thereafter, the office shall submit to the speaker of the council and mayor and post on the commission's website, a report including, but not limited to, details of the office's activities pursuant to subdivision a of this section conducted during the prior calendar year, an assessment of the financial stability of the taxicab industry, and any recommendations regarding the financial stability of the taxicab industry.*
- c. The office shall conduct any investigation relating to the financial stability of the taxicab industry directed by the council. Such direction shall be submitted to the office by the speaker of the council.*
- § 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Transportation.

Int. No. 1611

By Council Members Torres, Reynoso and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to the review by the business integrity commission of certain permittees and applicants for permits and requiring labor unions representing employees of waste transfer stations to register with the business integrity commission

Be it enacted by the Council as follows:

Section 1. The first paragraph of section 16-131.1 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-131.1. Issuance, renewal, suspension and revocation of permits. The commissioner shall be responsible for the issuance, renewal, suspension and revocation of permits required by section 16-130 of this chapter. An application for such a *permit and certain renewals of such a permit as specified pursuant to subdivisions c and c-1 of this section* shall also be presented by the department to the New York city trade waste commission for review by such commission. The commissioner shall consider the recommendations of such commission in making a determination pursuant to this section.

§ 2. Subdivision c of section 16-131.1 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

c. [Where the commissioner or] *In addition to providing the information required by the rules promulgated pursuant to paragraph 2 of subdivision a of section 16-131, each permittee or applicant for a permit shall:*

1. *comply with the fingerprinting requirements set forth in paragraph (i) of subdivision b of section 16-508;*
2. *provide to the trade waste commission and the commissioner all information required pursuant to paragraph (ii) of subdivision b and subdivision c of section 16-508, paragraphs (1), (2), (6), (7) and (8) of subdivision (a) of section 2-05, subdivision (c) of section 2-05 and section 5-07 of title 17 of the rules of the city of New York and any other rules of the New York city trade waste commission that such commission may designate or establish to apply to permittees or applicants for a permit;*

3. *comply with the requirements regarding its employees set forth in section 16-510; and*

4. *pay all applicable fees for such investigations set forth in the rules of the New York city trade waste commission.*

c-1. At the time of the initial application for a permit required by section 16-130 and the renewal of such permit every second year thereafter, the New York city trade waste commission shall investigate and make an assessment of the good character, honesty and integrity of each applicant or permittee and shall deliver its recommendation to the commissioner. If, at any other time, the New York city trade waste commission has reasonable cause to believe that a permittee [or an applicant for a permit required by section 16-130 of this code] may lack good character, honesty and integrity, [such applicant or permittee shall, in addition to providing the information required by the rules promulgated pursuant to paragraph two of subdivision a of section 16-131 of this code, also comply with the fingerprinting and disclosure requirements set forth in subdivision b of section 16-508 of this code and pay the fee for the investigation thereof set forth in the rules of the New York city trade waste commission] the New York city trade waste commission shall deliver to the commissioner its assessment and the basis for such assessment. The commissioner may, after consideration of [the results of such investigation] the assessment, recommendation or information provided by the New York city trade waste commission, refuse for the reasons set forth in section 16-509 of this code to issue a permit required by section 16-130 of this chapter and, after notice and opportunity to be heard, may revoke or suspend any such permit upon a finding that the applicant or the permittee lacks good character, honesty and integrity.

§ 3. Section 16-503 of the administrative code of the city of New York, as amended by local law number 55 for the year 2019, is amended to read as follows:

§ 16-503 Functions. The commission shall be responsible for the licensing, registration and regulation of businesses that remove, collect or dispose of trade waste, trade waste brokers, and labor unions or labor organizations that represent or seek to represent employees directly involved in the collection, removal, receipt, transfer, transportation or disposal of trade waste.

§ 4. Subdivision j of section 16-504 of the administrative code of the city of New York, as added by local law number 55 for the year 2019, is amended to read as follows:

j. To issue and establish standards for the registration of labor unions or labor organizations representing or seeking to represent employees directly involved in the collection, removal, receipt, transfer, transportation or disposal of trade waste and for suspending or disqualifying officers of such unions or organizations.

§ 5. Subdivision c of section 16-505 of the administrative code of the city of New York, as added by local law number 55 for the year 2019, is amended to read as follows:

c. A labor union or labor organization representing or seeking to represent employees directly involved in the collection, removal, receipt, transfer, transportation or disposal of trade waste shall, within the time period prescribed by the commission, register with the commission and shall disclose information to the commission as the commission may by rule require, including but not limited to the names of all officers and agents of such union or organization; provided, however, that no labor union or labor organization shall be required to furnish information pursuant to this section which is already included in a report filed by such labor union or labor organization with the secretary of labor pursuant to 29 U.S.C. § 431, et seq., or § 1001, et seq., if a copy of such report, or of the portion thereof containing such information, is furnished to the commission; and provided further that this section shall not apply (i) to a labor union or labor organization representing or seeking to represent clerical or other office workers, or (ii) to affiliated national or international labor unions of local labor unions that are required to register pursuant to this provision.

§ 6. This local law takes effect 120 days after it becomes law, except that the department of sanitation and the business integrity commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date, and except that section two of this local law shall not apply to any business that was issued a permit by the department of sanitation on or prior to such date until the next renewal of such permit.

Referred to the Committee on Sanitation and Solid Waste Management.

Res. No. 925

Resolution recognizing June 20, 2019 as Lesandro “Junior” Guzman-Feliz Day, in an effort to honor his life and encourage gang violence prevention efforts in New York City.

By Council Member Torres.

Whereas, Born on November 11, 2002, Lesandro Guzman-Feliz was a 15-year-old teenager from the Bronx with a dream of one day becoming a New York City Police Department (NYPD) detective; and

Whereas, The New York City teen, also known as “Junior” by friends and family, was a sophomore attending Dr. Richard Izquierdo Health & Science Charter School when he was fatally stabbed multiple times outside of a bodega on East 183rd Street in Belmont in the Bronx on June 20, 2018; and

Whereas, According to prosecutors, the case was one of mistaken identity, as Junior was savagely attacked and stabbed by members the Trinitarios gang because the gang members believed the teen was a member of a rival gang; and

Whereas, Although mistakenly identified as part of a gang, Junior was far from it, having been a member of the NYPD’s Explorers program, a program that provides New York City teens and young adults with an introduction to a career in law enforcement or a related field, and teaches youth the importance of higher education, self-discipline and respect through training and community service projects; and

Whereas, In addition, Junior was described by his high school in a statement released, as “a kind, sweet, respectful young man, always smiling, who had so much potential;” and

Whereas, The NYPD arrested 14 suspects in relation to Junior’s murder, five of whom have been charged with first-degree murder, and nine of whom are accused of taking part in the assault, and whose trials are currently ongoing; and

Whereas, As Junior leaves behind a large number of family and friends, including his mother, Leandra Feliz, and father, Lisandro Guzman, it is important to remember and celebrate his life; and

Whereas, Thus, in February 2019, a Bronx street located at 183rd Street and Bathgate Avenue in Belmont was renamed to “Lesandro Junior Guzman-Feliz Way” in honor of Junior; and

Whereas, A scholarship fund has also been established by the NYPD in memory of Junior to grant two NYPD Explorers with a monetary award to be used for tuition and/or school expenses at an accredited college or academic institution; and

Whereas, In addition to honoring this young man, it is important to emphasize public policy decisions that help reduce gang violence within the City, as crime, and the social and economic costs it engenders, seriously damage the quality of life in New York City, according to the Citizens Crime Commission of New York City; and

Whereas, Dedicating a day to remember Junior’s life, his innocence, and his dedication to becoming successful and helping others, as well as ensuring that gang violence prevention is emphasized in public policy decisions, would honor his memory and provide his family and friends with relief during this difficult time, as the trials for his murder are ongoing, while also ensuring that incidents like this do not happen again; now, therefore be it

Resolved, That the Council of the City of New York recognizes June 20, 2019 as Lesandro “Junior” Guzman-Feliz Day, in an effort to honor his life and encourage gang violence prevention efforts within New York City.

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 439

By Council Member Dromm:

Stagg 1 – Amanda’s Cove, Block 4595, Lots 4, 114, and 115; Block 4611, Lots 60, 156, 157, 158, 159, and 160; Block 4671, Lots 73 and 75; Block 4672, Lot 40; Block 4708, Lots 5, 8, 181, and 182; Block 4796, Lots 137, 138, 139, and 140; Block 4879, Lots 71 and 171; Block 4883, Lots 124, 125, 126, and 227; Block 4901, Lots 17, 18, and 20 Block 4903, Lots 20, 21, and 22 Block 5263, Lots 176, 177, 178, 179, 182, 183, 184, and 185; Bronx, Community District Nos. 12, Council District Nos. 12 and 15.

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

Preconsidered L.U. No. 440

By Council Member Dromm:

Stagg 2 – Justin’s Corner, Block 4447, Lot 36; Block 4450, Lots 14, 112, and 113; Block 4544, Lots 140, 142, and 144; Block 4596, Lot 51; Block 4669, Lots 71 and 72; Block 4685, Lots 161 and 162; Block 4716, Lot 118; Block 4723, Lots 140, 141, 142, 143, and 144; Block 4762, Lots 160 and 161; Block 4870, Lots 40 and 41; Block 4958, Lot 12; Block 4982, Lots 89, 90, 91, and 92; Block 5099, Lots 19 and 108; Block 5107, Lot 58; Bronx, Community District Nos. 11 and 12, Council District Nos. 11, 12, 13, and 15.

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

Preconsidered L.U. No. 441

By Council Member Dromm:

Stagg 3 – Mickey’s Corner, Block 4667, Lots 65 and 66; Block 4699, Lot 1; Block 4755, Lots 65 and 66; Block 4840, Lots 69 and 70; Block 4852, Lot 62; Block 4865, Lots 169 and 174; Block 5028, Lot 15; Block 5107, Lot 54; Bronx, Community District No. 12, Council District Nos. 11 and 12.

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

Preconsidered L.U. No. 442

By Council Member Dromm:

Stagg 4 – Tyler’s Bronx, Block 4434, Lots 10 and 11; Block 4667, Lot 74 and 75; Block 4668, Lots 42 and 44; Block 4834, Lots 44 and 46; Block 4860, Lots 26, 27, 167, 168, 169, and 170; Bronx, Community District No. 11 and 12, Council District Nos. 12 and 15.

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

Preconsidered L.U. No. 443

By Council Member Dromm:

Taino Towers – Building 1, Block 1787, Lot 60; Manhattan, Community District No. 8, Council District No. 11.

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

Preconsidered L.U. No. 444

By Council Member Dromm:

Taino Towers – Building 1 (Retroactive), Block 1787, Lot 60; Manhattan, Community District No. 8, Council District No. 11.

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

Preconsidered L.U. No. 445

By Council Member Dromm:

Taino Towers – Building 2, Block 1787, Lot 1; Manhattan, Community District No. 8, Council District No. 11.

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

Preconsidered L.U. No. 446

By Council Member Dromm:

Taino Towers – Building 2 (Retroactive), Block 1787, Lot 1; Manhattan, Community District No. 8, Council District No. 11.

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

Preconsidered L.U. No. 447

By Council Member Dromm:

Taino Towers – Building 3, Block 1787, Lot 80; Manhattan, Community District No. 8, Council District No. 11.

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

Preconsidered L.U. No. 448

By Council Member Dromm:

Taino Towers – Building 3 (Retroactive), Block 1787, Lot 80; Manhattan, Community District No. 8, Council District No. 11.

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

Preconsidered L.U. No. 449

By Council Member Dromm:

Taino Towers – Building 4, Block 1787, Lot 70 Manhattan, Community District No. 8, Council District No. 11.

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

Preconsidered L.U. No. 450

By Council Member Dromm:

Taino Towers – Building 4 (Retroactive), Block 1787, Lot 70; Manhattan, Community District No. 8, Council District No. 11.

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

Preconsidered L.U. No. 451

By Council Member Dromm:

2316-2322 Andrews Avenue North, Block 3218, Lot 24; Bronx, Community District No. 7, Council District No. 14.

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

Preconsidered L.U. No. 452

By Council Member Dromm:

CB WHCO Portfolio.YR15.FY19, Block 1599, Lot 1; Block 1823, Lots 37 and 38; Block 1831, Lot 53; Block 1904, Lot 6, Block 1926, Lots 8 and 61; Manhattan, Community District No. 10, Council District No. 9.

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

Preconsidered L.U. No. 453

By Council Member Dromm:

157 West 119 Street HDFC (Retroactive), Block 1904, Lot 6; Manhattan, Community District No. 10, Council District No. 9.

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

Preconsidered L.U. No. 454

By Council Member Dromm:

1520 Sedgwick Avenue, Block 2880, Lot 17; Bronx, Community District No. 5, Council District No. 16.

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

Preconsidered L.U. No. 455

By Council Member Dromm:

293 & 301 Hooper Street, Block 2463, Lots 21 and 24; Brooklyn, Community District No. 1, Council District No. 34.

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

Preconsidered L.U. No. 456

By Council Member Dromm:

311 Tenth Ave HDFC, Block 699, Lot 37; Manhattan, Community District No. 4, Council District 3.

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

Preconsidered L.U. No. 457

By Council Member Dromm:

Capitol Apartments, Block 1022, Lot 61; Manhattan, Community District No. 5, Council District 3.

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

Preconsidered L.U. No. 458

By Council Member Dromm:

Highbridge House, Block 2526, Lots 83E, 90, and 90E; Bronx, Community District No. 4, Council District 16.

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

Preconsidered L.U. No. 459

By Council Member Salamanca:

Application No. 20185131 SCK (650-Seat Intermediate School Facility/21-31 and 35 Delevan Street) submitted by the New York School Construction Authority, pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 650-Seat Primary School Facility to be located on Block 523, Lots 1 and 13R, Borough of Brooklyn, Council District 38, Community School District 15.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting & Maritime Uses).

Preconsidered L.U. No. 460

By Council Member Salamanca:

Application No. 20185333 SCX (458-Seat Primary School Facility/1560 Boone Avenue) submitted by the New York School Construction Authority, pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 458-Seat Intermediate School Facility to be located on Block 3014, Lot 16, Borough of the Bronx, Council District 17, Community School District 12.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting & Maritime Uses).

Preconsidered L.U. No. 461

By Council Member Salamanca:

Application No. 20195177 SCX (458-Seat Primary School Facility/1302 Edward L Grant Highway) submitted by the New York School Construction Authority, pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 458-Seat Primary School Facility to be located on Block 2871, Lot 61 and 140, Borough of the Bronx, Council District 16, Community School District 9.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting & Maritime Uses).

Preconsidered L.U. No. 462

By Council Member Salamanca:

Application No. 20195464 SCK (592-Seat Primary School Facility/650 86th Street) submitted by the New York School Construction Authority, pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 592-Seat Primary School Facility to be located on Block 6056, Lots 12 and 15, Borough of Brooklyn, Council District 43, Community School District 20.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting & Maritime Uses).

L.U. No. 463

By Council Member Salamanca:

Application No. 20195713HAX (Brook 156) submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law for approval of the disposition of city-owned property located at Block 2360, Lot 1, Borough of the Bronx, Council District 17, Community District 1.

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

L.U. No. 464

By Council Member Salamanca:

Application No. C 190202 ZMQ (Kissena Center Rezoning) submitted by Kimco Kissena Center LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 10d: eliminating from within an existing R3-2 District a C2-2 District, changing from an R3-2 District to an R7A District, establishing within the proposed R7A District a C2-3 District, for property located at Block 5208, Lots 1, 32, 45 and p/o Lot 5, and Block 5200, Lots 39, 49, 50, and p/o Lot 151, Borough of Queens, Council District 20, Community District 7.

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

L.U. No. 465

By Council Member Salamanca:

Application No. N 190203 ZRQ (Kissena Center Rezoning) submitted by Kimco Kissena Center LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located on Blocks 5200 and 5208, Borough of Queens, Council District 20, Community District 7.

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

L.U. No. 466

By Council Member Salamanca:

Application No. C 190213 ZSM (515 West 18th Street Garage) submitted by 18th Highline Associates, L.L.C., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of special permits pursuant to Section 13-45 (Special Permits for additional parking spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an attended accessory parking garage on portions of the ground floor and cellar of a proposed mixed-use building on property located at 515 West 18th Street (Block 690, Lots 12, 20, 29, 40, 54 and 1001-1026), in C6-2 and C6-3 Districts, within the Special West Chelsea District, Borough of Manhattan, Council District 3, Community District 4.

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

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Monday, June 17, 2019

Committee on Fire and Emergency Management

Joseph Borelli, Chairperson

Oversight - NYC Private Ambulances and Citywide Access to Emergency Medical Services.

Int 825 - By Council Members Borelli, Rivera and Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the fire department to report on ambulance tour coverage by private ambulances.

Int 1517 - By Council Member Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the fire department to report on the income distribution of areas covered by private ambulance and emergency medical services.

Committee Room – City Hall.....10:00 a.m.

Committee on Housing and Buildings

Robert Cornegy, Jr., Chairperson

Committee on Oversight and Investigations

Ritchie Torres, Chairperson

Oversight - Taking Stock: A Look Into the Third Party Transfer Program in Modern Day New York.

Council Chambers – City Hall.....10:00 a.m.

Committee on Criminal Justice jointly with the
Committee on Justice System and the

Keith Powers, Chairperson

Committee on Mental Health, Disabilities & Addiction

Rory Lancman, Chairperson

Diana Ayala, Chairperson

Oversight - Preventing Recidivism for Individuals with Mental Illness.

Int 903 - By Council Members Richards, Adams, Miller, Holden, Ampry-Samuel, Powers and Rose - **A Local Law** to amend the administrative code of the city of New York, in relation to funds remaining in inmate accounts when inmates are released.

Int 1590 - By Council Member Chin, the Speaker (Council Member Johnson), and Council Members Levin and Powers - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene or its designee to report information to the attorney of record for individuals in the custody of the department of corrections who are diagnosed with serious mental illness.

Committee Room – City Hall.....1:00 p.m.

Tuesday, June 18, 2019

Committee on Health

Mark Levine, Chairperson

Int 870 - By Council Members Borelli, Levine and Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to shelter animal adoptions.

Int 1202 - By Council Members Rivera, Brannan, Cohen, Dromm, Maisel and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting the trafficking of wild birds.

Int 1378 - By Council Members Rivera, Lander, Brannan, Holden, Rodriguez, Cabrera, Cohen, Rosenthal, Salamanca, Ayala, Espinal, the Public Advocate (Mr. Williams), Levine, Constantinides, Levin, Chin, Ampry-Samuel, Maisel, Menchaca, Grodenchik, Koslowitz, Reynoso and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to banning the sale of certain poultry products that are the result of force-feeding birds.

Int 1425 - By Council Members Powers, Rosenthal, Richards, Cabrera, Holden, Levine, Chin, Ayala, Gjonaj, Vallone, Brannan, Yeger, the Public Advocate (Mr. Williams), Rivera, Reynoso, Rodriguez, Cumbo, Koslowitz, Adams and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to making it unlawful to work carriage horses whenever the heat index reaches or exceeds 90.

Int 1477 - By Council Members Brannan, the Speaker (Council Member Johnson), Rosenthal, Holden and Lander - **A Local Law** to amend the administrative code of the city of New York, in relation to the prohibition of non-therapeutic, elective or convenience declawing of healthy cats and kittens.

Int 1478 - By Council Members Brannan, Holden, Koslowitz, Lander, Powers, Kallos, Adams, Dromm and Rosenthal - **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 department of animal welfare.

Int 1496 - By Council Members Brannan, Holden, Moya and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to retrieval of companion animals by an animal shelter after an eviction or legal possession.

Int 1498 - By Council Members Cabrera, Brannan, Holden and Moya - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the New York City Police Department to report data regarding animal cruelty complaints.

Int 1502 - By Council Members Holden and Moya - **A Local Law** to amend the administrative code of the city of New York, in relation to the welfare of shelter animals.

Int 1567 - By Council Member Gjonaj - **A Local Law** to amend the administrative code of the city of New York, in relation to increased fines and penalties for animal abuse.

Int 1570 - By Council Member Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to the bordetella vaccination for dogs.

Int 1598 - By Council Member Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to proper disposal of deceased animals.

Res 379 – By Council Members Rosenthal, Cabrera, Brannan, Salamanca and Ulrich - **Resolution** to recognize “Meatless Monday” in New York City.

Res 798 – By Council Members Brannan, Rosenthal, Holden and Koslowitz - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign A6298/S4234, an act to amend the agriculture and markets law and the general business law, in relation to the sale of dogs, cats and rabbits.

Res 921 - By Council Member Cumbo - **Resolution** calling on the New York State Legislature to pass and the Governor to sign A.286, which would provide a tax credit to each taxpayer who adopts a household pet from a shelter.

Council Chambers – City Hall.....10:00 a.m.

Wednesday, June 19, 2019

Committee on Mental Health, Disabilities & Addiction jointly with the
Committee on Youth Services

Diana Ayala, Chairperson
Deborah Rose, Chairperson

Oversight - Mental Health Services for LGBTQ+ Youth.

Committee Room – City Hall.....10:00 a.m.

Thursday, June 20, 2019

Subcommittee on Zoning & Franchises
See Land Use Calendar

Francisco Moya, Chairperson

Committee Room – City Hall.....9:30 a.m.

Committee on Civil Service and Labor

I. Daneek Miller, Chairperson

Proposed Int 1321-A - By Council Members Espinal, Cumbo, Salamanca, Brannan, Adams, Moya, Lancman, Kallos, Treyger, Rose, Menchaca, Ampry-Samuel, Levine, Ayala, Grodenchik, Rodriguez, Powers, Van Bramer, Lander, Levin, Eugene, Koslowitz, Miller, Chin, Cabrera, Cohen, Rosenthal, Reynoso, Holden, Gibson, King, Richards, Rivera, Vallone, Maisel and Torres - **A Local Law** to amend the administrative code of the city of New York, in relation to expanding the prevailing wage law for building service employees at city development projects.

Int 1604 - By Council Member Miller - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting of workers’ compensation data.

Res 40 - By Council Members Cornegy and Koslowitz - **Resolution** calling upon the New York City Employee Retirement System to determine that members are disabled for purposes of accidental disability pensions, if both the New York State Workers’ Compensation Board and U.S. Social Security Administration determine that a member is disabled.

Res 867 - By Council Members Moya, Koslowitz, Ampry-Samuel, Salamanca, King, Rivera, Ayala, Cabrera, Constantinides, Kallos, Espinal, Gibson and Grodenchik - **Resolution** calling on the New York State Legislature to pass, and the New York State Governor to sign, S.1947/A.1261, in relation to hours, wages and supplements in contracts for public work.

Res 898 - By Council Members Miller, Menchaca and Kallos - **Resolution** calling upon the New York State Legislature to pass, and the New York State Governor to sign, S.2837/A.2750, enacting The Farmworkers Fair Labor Practices Act.

Committee Room – 250 Broadway, 14th Floor.....10:00 a.m.

Committee on Contracts

Ben Kallos, Chairperson

Int 346 - By Council Members Rosenthal, Brannan, Salamanca, Ayala, Reynoso and Lander - **A Local Law** to amend the New York city charter, in relation to establishing auditing requirements for minority and women-owned business enterprise procurement.

Int 1293-A - By Council Members Rose, Cornegy, Brannan, Ayala, Levin, Rosenthal and Adams - **A Local Law** to amend the administrative code of the city of New York, in relation to minority and women-owned business enterprises.

Int 1379 - By Council Members Rosenthal, the Public Advocate (Mr. Williams) and Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a minority and women-owned business enterprise consultant for city projects with budgets in excess of ten million dollars.

Int 1452 - By Council Member Cornegy (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York in relation to minority and women-owned business enterprises.

Committee Room – 250 Broadway, 14th Floor.....1:00 p.m.

Committee on Governmental Operations

Fernando Cabrera, Chairperson

Int 747 - By Council Members Cabrera, Brannan, Holden and Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting the distribution of public matching funds to candidates previously convicted of certain felonies.

Int 773 - By Council Member Powers - **A Local Law** to amend the administrative code of the city of New York, in relation to amending the definition of business dealings with the city to include certain uncertified applications to the department of city planning.

Int 774 - By Council Members Powers, Ayala, Levine and Brannan - **A Local Law** to amend the

administrative code of the city of New York, in relation to the per contributor amount of the public funding threshold for eligibility.

Committee Room – City Hall.....1:00 p.m.

Subcommittee on Landmarks, Public Siting & Maritime Uses

Adrienne Adams, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor..... 1:00 p.m.

Monday, June 24, 2019

Committee on Transportation jointly with the

Ydanis Rodriguez, Chairperson

Committee on Oversight and Investigations

Ritchie Torres, Chairperson

Oversight - TLC’s Role in the Taxi Medallion Crisis.

Int 1584 - By Council Members Adams, Torres, Rodriguez and the Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring annual financial disclosure from each person who has any interest in any taxicab license.

Int 1605 - By Council Members Moya, Torres, Rodriguez and the Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to the approval of a purchase or transfer of a taxicab license.

Int 1608 - By Council Members Rodriguez, Torres and the Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the taxi and limousine commission to evaluate the character and integrity of taxicab brokers, agents, and taxicab licensees.

Int 1610 - By Council Members Torres, Rodriguez and the Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of an office of financial stability within the taxi and limousine commission.

Council Chambers – City Hall.....10:00 a.m.

Committee on Environmental Protection

Costa Constantinides, Chairperson

Oversight - Renewable Energy.

Int 49 - By Council Members Constantinides, Espinal and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to installation of utility-scale battery storage systems on city buildings and conducting a feasibility study on installation of such systems throughout the city.

Int 51 - By Council Members Constantinides, Espinal and Perkins - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a pilot program for a district-scale geothermal system.

Int 140 - By Council Members Levin, Constantinides, Reynoso, Richards, Rosenthal and Rivera - **A Local Law** in relation to a study and plan relating to community choice aggregation programs.

Committee on Environmental Protection

Costa Constantinides, Chairperson

Int 269 - By Council Members Richards and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to a solar power pilot program.

Int 426 – By Council Members Constantinides, Maisel and Kallos - **A Local Law** to amend the administrative code of the city of New York in relation to the installation of solar water heating and thermal energy systems on city-owned buildings.

Int 1076 - By Council Members Richards and Holden - **A Local Law** in relation to studying and identifying locations for district-scale geothermal systems and encouraging installation and operation of such systems.

Int 1375 - By Council Members Richards, Rosenthal and Levine - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring creation of a database of subsurface conditions to support better engineering of geothermal heat pumps.

Res 864 – By Council Members Kallos, Constantinides, Lander, Reynoso, Levin and Espinal – **Resolution** declaring a climate emergency and calling for an immediate emergency mobilization to restore a safe climate.

Committee Room – City Hall.....1:00 p.m.

[Committee on Hospitals](#)

Carlina Rivera, Chairperson

Oversight - Safe staffing ratios in hospitals.

Int 1351 - By Council Members Gjonaj, Rivera, Holden, King, Cabrera, Cumbo, Cohen, Torres, Adams, Brannan, Salamanca, Gibson, Ayala, Rodriguez, Chin and Maisel - **A Local Law** in relation to information about health care services.

Proposed Int 1352-A - By Council Members Gjonaj, Rivera, Holden, King, Cabrera, Cumbo, Cohen, Powers, Torres, Adams, Brannan, Salamanca, Gibson, Ayala, Rodriguez, Chin and Maisel - **A Local Law** in relation to a study by the department of health and mental hygiene on the causes of rising wait times in emergency departments.

Res 396 - By Council Members Cabrera, Salamanca, Rivera, Ayala, Lancman, Rose, King, Holden, Koo, Brannan, Maisel, Levine, Adams, Espinal, Moya, Miller, Powers, Reynoso, Perkins, Eugene, Barron, Cumbo, Rosenthal, Kallos, Richards, Cornegy, Chin, Cohen, Constantinides and Treyger - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign A.1532/S.3330, collectively known as the "Safe Staffing for Quality Care Act," to ensure that acute care facilities and nursing homes meet the appropriate staffing ratios for nurses and unlicensed direct care staff.

Res 723 – By Council Members Gjonaj, Rivera, Holden, King, Cabrera, Cohen, Torres, Adams, Brannan, Grodenchik, Salamanca, Gibson, Ayala, Rodriguez and Maisel - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, legislation requiring hospital emergency departments to improve their services to better inform patients of their potential wait time and other care options.

Council Chambers – City Hall.....1:00 p.m.

[Committee on Women and Gender Equity](#)

Helen Rosenthal, Chairperson

Oversight - Annual Report on Domestic Violence Initiatives, Indicators & Factors.

Committee Room – 250 Broadway, 14th Floor.....1:00 p.m.

Tuesday, June 25, 2019

[Committee on General Welfare](#)

Stephen Levin, Chairperson

Oversight - The Nicholas Scoppetta Children’s Center.

Council Chambers – City Hall.....10:00 a.m.

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

[All items reported out of the Subcommittees](#)

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....11:00 a.m.

[Committee on Civil Service and Labor](#)

I. Daneek Miller, Chairperson

Oversight - Pay inequity issues within the New York City Probation Department and the New York City Fire Department.

Committee Room – City Hall.....1:00 p.m.

[Committee on Education](#) jointly with the

Mark Treyger, Chairperson

[Committee on Higher Education](#)

Inez Barron, Chairperson

Oversight - Teacher Preparation and Training.

Council Chambers – City Hall.....1:00 p.m.

Wednesday, June 26, 2019

Subcommittee on Zoning & Franchises
See Land Use Calendar

Francisco Moya, Chairperson

Committee Room – City Hall.....10:00 a.m.

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....10:15 a.m.

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*
.....*Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) thanked retired NYPD Detective and 9/11 responder Luis Alvarez for his Congressional testimony advocating continued funding of the September 11th Victim Compensation Fund. At the time of his testimony, Detective Alvarez was about to begin his sixty-ninth round of chemotherapy for liver cancer which he developed while working at Ground Zero. He also thanked activist John Stewart and all of the other advocates who testified in Washington, D.C. on this matter. The Speaker (Council Member Johnson) additionally thanked the entire New York Congressional delegation for their bi-partisan efforts in securing this funding.

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged that this month of June was a very special Pride month marking the fiftieth anniversary of the Stonewall uprising. On behalf of Council Members Torres, Van Bramer, Menchaca, and Dromm, the Speaker (Council Member Johnson) pointed to the need of helping prepare the next generation of LGBT activists.

Additionally during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) commended the response of the FDNY and NYPD to a helicopter crash in Council Member Power’s mid-town Manhattan district on June 10, 2019.

Finally during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged that General Counsel staff member Elizabeth Guzman was departing the Council for a similar position in the Office of the Public Advocate. He noted that Ms. Guzman had been with the Council’s Office of General Counsel since December 2016 and had served as counsel to the Rules committee and parliamentarian to the Council. The Speaker (Council Member Johnson) praised her for the legal acumen that she brought to complex issues and commended her for the levity that she displayed to ease stressful situations. He thanked Ms. Guzman for her service to the Council as those assembled in the Chambers applauded and cheered.

At the request of the Speaker (Council Member Johnson), the Public Advocate (Mr. Williams) **recessed the Meeting subject to call.**