

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
THURSDAY, NOVEMBER 3, 2011

THE COUNCIL

*Minutes of the Proceedings for the
STATED MEETING
of*

Thursday, November 3, 2011, 2:50 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Cabrera and Ferreras.

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

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

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

INVOCATION

The Invocation was delivered by Rabbi Gerald Sussman, Temple Emmanuel, 984 Post Avenue, Staten Island, NY 10302.

Oh, Lord,
we ask your blessings
upon the leaders of this City

and especially for the members of this City Council who are assembled here this day.
We pray that in a world where the path is often unclear and confusing and full of shades of gray rather than black and white We ask that you grant them always clarity of vision and steadfastness of purpose Help them in deciding which path to follow on all of the complex issues that they face. May they never lose the vision of public service and doing good for the community that brought them to these positions in which they now serve. Extend your blessings to all the people of this City and to all of their diversity and help them to appreciate the democracy and freedom under which they live. May they never lose faith in our political system and bodies such as this even if at times it disappoints them. May they look at those who serve them with understanding and love realizing that they too have all the struggles and frailties and strength that are part of the human condition. May all of us all work together so that this City may be called the faithful city whose streets bound in peace, in justice and hope Amen.

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

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

Alice Cardona, 81, a leader in the city, state and international struggle for Latina and Women's Rights, died on November 1, 2011. Ms. Cardona was raised in Spanish Harlem/ El Barrio and began a lifelong devotion to helping Latinas and those in need. She was active in New York State's first Head Start program, the National Conference of Puerto Rican Women and was co-founder of the Hispanic Women's Center. From 1983 to 1994, Ms. Cardona served in the Cuomo administration as assistant director for the New York State Division for Women where she advocated bilingual education, and fought against HIV, breast cancer, and domestic violence. In 1983, she became the first Latina to receive the Susan B. Anthony prize from the National Organization of Women. After retirement, she volunteered and became active in various organizations. She had recently worked for Queens Assemblywoman Cathy Nolan.

At this point, the Speaker (Council Member Quinn) yielded the floor to Council Members Mark-Viverito and Van Bramer who both spoke in memory of Ms. Cardona.

ADOPTION OF MINUTES

Council Member Levin moved that the Minutes of the Stated Meetings of October 5, 2011 and October 17, 2011 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-689

Communication from the Mayor - Submitting the name of Kenneth J. Knuckles to the Council for its advice and consent regarding his appointment as a member of the New York City Planning Commission, pursuant to Sections 31 and 192 of the City Charter.

October 20, 2011

The Honorable Christine C. Quinn
Council Speaker
City Hall
New York, NY 10007
Dear Speaker Quinn:

Pursuant to Sections 31 and 192 of the New York City Charter, I hereby present the name of Kenneth J. Knuckles to the City Council for advice and consent regarding his appointment to the City Planning Commission.

Mr. Knuckles is President and Chief Executive Officer of the Upper Manhattan Empowerment Zone. He will succeed Nathan Leventhal on the Commission and serve for the remainder of a five-year term expiring on June 30, 2015.

Thank you for reviewing the appointment of Mr. Knuckles.

Sincerely,

Michael R. Bloomberg
Mayor

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-690

Communication from the Public Advocate – Submitting Annual Report, pursuant to Sections 24(n) of the City Charter, Dated October 31, 2011.

Received, Ordered, Printed and Filed.

Preconsidered M-691

Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2012 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter. (MN-1)

November 2, 2011

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2012 to implement changes in the City's expense budget.

As requested by the City Council, this modification (MN-1) reallocates appropriations that were reflected in the FY 2012 Adopted Budget to fund City Council local initiatives as well as other discretionary programs.

Your approval of modification MN—1 is respectfully requested.

Yours truly,

Mark Page

(For MN-1 numbers and Appendix A numbers, please see the attachment to Res. No. 1106 which follows the Report of the Committee on Finance for M-691 printed in these Minutes.)

Referred to the Committee on Finance.

M-692

Communication from the Department of Housing Preservation and Development - Submitting a request for the removal of property from the Third Party Transfer Program, Manhattan, In Rem Action No. 48, located at 142 East 126 Street, New York, NY (Part of M-655)

October 19, 2011

Honorable Christine Quinn
Speaker of the Council
250 Broadway, 15th Floor
New York, New York 10007

Attention: Gary Altman

Re: Third Party Transfer Program
142 East 126 Street, New York, New York

Dear Madame Speaker:

On behalf of the New York City Department of Housing Preservation and Development, I hereby request the removal of property located at 142 East 126 Street, New York, New York, In Rem Action # 48 from the Third Party Transfer Program, which are presently before the Housing and Buildings Committee for consideration.

HPD wishes to move forward with the balance of properties incorporated in HPD's TPT In-Rem Action # 48 New York, New York.

Thank you for your assistance in the matter.

Sincerely,

RuthAnne Visnauskas

Received, Ordered, Printed and Filed.

M-693

Communication from the Department of Housing Preservation and Development - Submitting a request for the removal of property from the Third Party Transfer Program, Manhattan, In Rem Action No. 49, located at 724 St. Nicholas Avenue, New York, NY (Part of M-655)

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October 19, 2011

Honorable Christine Quinn
Speaker of the Council
250 Broadway, 15th Floor
New York, New York 10007

Attention: Gary Altman

Re: Third Party Transfer Program
724 St. Nicholas Avenue, New York, New York

Dear Madame Speaker:

On behalf of the New York City Department of Housing Preservation and Development, I hereby request the removal of property located at 724 St. Nicholas Avenue, New York, New York, In Rem Action # 49 from the Third Party Transfer Program, which is presently before the Housing and Buildings Committee for consideration.

HPD wishes to move forward with the balance of properties incorporated in HPD's TPT In-Rem Action # 49 New York, New York.

Thank you for your assistance in the matter.

Sincerely,

RuthAnne Visnauskas

Received, Ordered, Printed and Filed.

M-694

Communication from the Department of Housing Preservation and Development - Submitting a request for the removal of property from the Third Party Transfer Program, Manhattan, In Rem Action No. 49, located at 40 West 119 Street, New York, NY (Part of M-655)

October 19, 2011

Honorable Christine Quinn
Speaker of the Council
250 Broadway, 15th Floor
New York, New York 10007

Attention: Gary Altman

Re: Third Party Transfer Program
40 West 119 Street, New York, New York

Dear Madame Speaker:

On behalf of the New York City Department of Housing Preservation and Development, I hereby request the removal of property located at 40 West 119 Street, New York, New York, In Rem Action # 49 from the Third Party Transfer Program, which is presently before the Housing and Buildings Committee for consideration.

HPD wishes to move forward with the balance of properties incorporated in HPD's TPT In-Rem Action # 49 New York, New York.

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Thank you for your assistance in the matter.

Sincerely,

RuthAnne Visnauskas

Received, Ordered, Printed and Filed.

M-695

Communication from the Department of Housing Preservation and Development - Submitting a request for the removal of property from the Third Party Transfer Program, Manhattan, In Rem Action No. 49, located at 504 East 11 Street, New York, NY (Part of M-655)

October 19, 2011

Honorable Christine Quinn
Speaker of the Council
250 Broadway, 15th Floor
New York, New York 10007

Attention: Gary Altman

Re: Third Party Transfer Program
504 East 11 Street, New York, New York

Dear Madame Speaker:

On behalf of the New York City Department of Housing Preservation and Development, I hereby request the removal of property located at 504 East 11 Street, New York, New York, In Rem Action # 49 from the Third Party Transfer Program, which is presently before the Housing and Buildings Committee for consideration.

HPD wishes to move forward with the balance of properties incorporated in HPD's TPT In-Rem Action # 49 New York, New York.

Thank you for your assistance in the matter.

Sincerely,

RuthAnne Visnauskas

Received, Ordered, Printed and Filed.

M-696

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license 54 Car Service Inc., Council District 38, pursuant to Section 19-511(i), of the administrative code of the city of New York.

October 24, 2011

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

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

Dear Speaker Quinn:

Please be advised that on October 20, 2011 the Taxi & Limousine Commission voted to approve the following for-hire vehicle base license applications:

NEW (3):	LICENSE #	COUNCIL DISTRICT
54 Car Service Inc.	B02497	38
Frontier Car & Limo.	B02495	26
Sandra Car & Limo. Service, Inc.	B02485	32
RENEWAL (4):	LICENSE #	COUNCIL DISTRICT
Best Deal Private Car Service Inc.	B01239	12
Mexicana Car Service Inc.	B00889	25
Porttal Car Service, Corp.	B01963	42
Norwood Car & Limo. Inc.	B02308	37
RENEWAL & OWNERSHIP CHANGE (1):	LICENSE #	COUNCIL DISTRICT

Raja Car & Limousine Service Inc.	B01973	20
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The complete application package compiled for each of the above bases is available for your review upon request.

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

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

Very truly yours,

Christopher Tormey
Director
Licensing & Standards
Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-697

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

(For text of the TLC letter, please see M-696 printed in this Communications from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-698

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Sandra Car & Limo. Service, Inc., Council District 32, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-696 printed in this Communications from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-699

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Best Deal Private Car Service Inc., Council District 12, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-696 printed in this Communications from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-700

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Mexicana Car Service Inc., Council District 25, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-696 printed in this Communications from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-701

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Porttal Car Service, Corp., Council District 42, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-696 printed in this Communications from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-702

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Norwood Car & Limo. Inc., Council District 37, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-696 printed in this Communications from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-703

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Raja Car & Limousine Service Inc., Council District 20, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC letter, please see M-696 printed in this Communications from City, County, and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

LAND USE CALL UPS

M-704

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 195 Spring Street, CB 2, Application no. 20125179 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-705

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications no. C 110375 ZSK, C 110376 ZSK, C 110377 ZSK, C110378 ZSK, special permits, and C 110380 POK and C 110381 PPK, an acquisition and a disposition respectively, shall be subject to Council review. This application is related to application nos. C 110382 ZMK and N 110383 ZRK that is subject to Council review pursuant to Section 197-d of the New York City Charter

Coupled on Call – Up Vote

M-706

By Council Member Mendez:

Pursuant to Rule 11.20(b) of the Council and Sections 20-226 or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed/enclosed sidewalk café located at 342 East 11th Street, Council District no. 2 Application no. 20125046 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-707

By Council Member Mendez:

Pursuant to Rule 11.20(b) of the Council and Sections 20-226 or 20-225(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 151 2nd Ave., Council District no. 2 Application no. 20125058 TCM, shall be subject to review by the Council.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

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

At this point, the President Pro Tempore (Council Member Rivera) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Finance

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

Report for Preconsidered Res. No. 1101

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

The Committee on Finance, to which the annexed resolution was referred on November 3, 2011, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 29, 2011, the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the “Fiscal 2012 Expense Budget”). On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2011 Expense Budget”).

Analysis. This Resolution, dated November 3, 2011, amends the agency designation for Jewish Community Council of Greater Coney Island, Inc., an

organization originally receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$65,000 within the budget of the Department of Youth and Community Development. The Resolution now designates the Department for the Aging as the agency through which the organization will receive funding. The Resolution also amends the Description/Scope of Services. The Description/Scope of services for this funding listed in the Fiscal 2012 expense budget read: “NonProfit HelpDesk Capacity Building/Technical Assistance for NonProfits: To provide technical assistance in the areas of fiscal management, technology, organizational development, program development, fundraising, marketing, and board development training and consulting to small-to-medium-sized New York City non-profit organizations.” This Resolution now changes the Description/Scope of services to read: “Funds to support services for Seniors.”

Also, this Resolution amends the Description/Scope of Services for One Community Center, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The previous Description/Scope of services for this funding read: “Funding for administrative costs, including salaries and fringe benefits for Program Director, Assistant Director/Receptionist, Maintenance person, and 2 teachers, as well as for operating costs (utilities, insurance, supplies, rent, CPA, postage, etc.) related to Mommy Me classes for local residents.” This Resolution now changes the Description/Scope of services to read: “Funding for administrative costs, including salaries and fringe benefits for Program Director, Receptionist, Maintenance person, and 2 teachers for the Mommy & Me classes and 2 teachers for the Videoconferencing classes, as well as operating costs (utilities, insurance, supplies, rent, CPA, postage, etc.) for local residents.”

Additionally, this Resolution amends the Description/Scope of Services for One Stop Richmond Hill Community Center, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The previous Description/Scope of services for this funding read: “Funding for administrative costs, including salaries and fringe benefits for Program Director, Assistant Director/Receptionist, Maintenance person, and 2 teachers, as well as for operating costs (utilities, insurance, supplies, rent, CPA, postage, etc.) related to Mommy Me classes for local residents.” This Resolution now changes the Description/Scope of services to read: “Funding for administrative costs, including salaries and fringe benefits for Program Director, Receptionist, Maintenance person, and 2 teachers for the Mommy & Me classes and 2 teachers for the Videoconferencing classes, as well as operating costs (utilities, insurance, supplies, rent, CPA, postage, etc.) for local residents.”

Also, this Resolution amends the Description/Scope of Services for Bobbi and the Strays, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The previous Description/Scope of services for this funding read: “In an effort to educate the public about animal cruelty, and the responsibilities and benefits of having a pet, Roberta (Bobbi) Giordano, gives talks at citywide elementary and middle schools on a regular basis, after normal school hours. Some of the schools include PS63, PS60, PS97, PS105, PS100, PS206, PS47, PS96, IS285, PS112, IS68, 42Q, 155Q, 144Q, ISPS327,122,155Q,114Q MS210Q, IS68, and PS58, Aviation High and more each year. These talks are usually given in an informal classroom setting so that the children can ask questions. Pamphlets and booklets are handed out for the students to take home, concerning her talk. She also usually shows a video presentation. To the best of our knowledge we are the only rescue group doing this within the five boroughs of New York City. She discusses real life situations/stories of stray animals from our neighborhood and shelter that had a wonderful outcome because people cared about them. She explains the problem of overpopulation of unwanted animals, in addition to animal cruelty, such as illegal dog fighting. This behavior and its outcome can be greatly reduced by educating these impressionable young minds. These youngsters can better understand that animal cruelty is not in some faraway place, but right here where they live and go to school. They will gain a sense that their actions of kindness, responsible pet care, etc. can have a positive effect on the life of an animal; just like in the presentation. We feel this is a good way of educating, motivating and inspiring these youngsters. The availability for these presentations is on our Website, www.BobbiantheStrays.org. Approximately 2500-3000 students are reached by this program.” This Resolution now changes the Description/Scope of services to read: “To support medical/ veterinary costs for an animal protection and spay/neutering service open to all residents of Queens.”

Also, this Resolution amends the Description/Scope of Services for Bobbi and the Strays, Inc., an organization receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The previous Description/Scope of services for this funding read: “To educate the public about animal cruelty, and the responsibilities and benefits of having a pet, after normal school hours.” This Resolution now changes the Description/Scope of services to read: “To support medical / veterinary costs for an animal protection and spay/neutering service open to all residents of Queens.”

Additionally, this Resolution amends the Description/Scope of Services for Prospect Park Alliance, Inc., an organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The previous Description/Scope of services for this funding read: "The Prospect Park Alliance, in partnership with the City of New York and the community, restores, develops, and operates the Park for the enjoyment of all New Yorkers. The Alliance is dedicated to serving visitors through its facilities and programs, caring for the Parks natural environment, and preserving its historic design. Prospect Park's 585 acres of meadows, waterfalls, forest, lakes, and athletic facilities comprise a masterwork of urban green space. The Alliance requests Member Expense items to support Youth and Environmental Programs in the Park. Specifically, with this funding, school groups from the members district can come to educational programs at the Prospect Park Audubon Center or Lefferts Historic House." This Resolution now changes the Description/Scope of services to read: "Funds to support free public education programs at the Prospect Park Audubon Center and the Lefferts Historic House."

Also, this Resolution amends the Description/Scope of Services for Flatbush Development Corporation, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$20,000 within the budget of the Department of Youth and Community Development. The previous Description/Scope of services for this funding read: "Youth: FDC provides 3 afterschool programs for 350 youth and a summer camp for an additional 120. We are requesting funds from our local council members to support the work FDC does in the community and specifically during afterschool hours". The Resolution changes the Description/Scope of services to read: "Funds to support the Project Sweep supplemental sanitation program and provide assistance to other community-based projects in the Ditmas Park and greater Flatbush area."

In addition, this Resolution amends the Description/Scope of Services for In the Spirit of the Children, Inc, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$4,000 within the budget of the Department of Youth and Community Development. The previous Description/Scope of services for this funding read: "ITSOCs Youth Transition Empowerment program works to reduce the re-entry of children and youth into the foster care system and facilitates exit from the foster care by (1) offering a continuum of services to youth exiting care in order to prevent homelessness and promote successful independent adulthood, and (2) working with families to prevent the re-entry of their children into foster care. During 2010 January through December, ITSOC received 14 new unduplicated referrals. We serviced 34 youth in total. Of the 34 youth served, 31 were active participants. In the past eight years, we have assisted a total of 177 young people of which 60 are males, 117 are females and 91 children ages 0-10. The recent integration of the New York City Department of Juvenile Justice with the Administration for Children Services ACS) created a new need for service provisions for the Juvenile Justice youth population. This organization was approached in the spring of 2010 to assist in the service delivery of juvenile justice youth, specifically to provide prevention/intervention aftercare services to youth who are first time offenders and their families. ITSOC has become a critical community resource for a number of youth and their families that seek to take control of their futures and become participating members of our society. We see both a need and an opportunity to make a bigger impact by providing services to more youth, over the course of the next year. Additional funding will further our goal to provide a growing number of youth transitioning from foster care as well as youth exiting the juvenile justice system with supportive services. Accomplishments: In May 2010, we are pleased to announce that another of our program participants graduated from college. This is the third young person in the past year; she graduated from Norwalk Community College with an associate degree in legal administration." The Resolution changes the Description/Scope of services to read: "In the last year In the Spirit of the Children experienced an increase in the number of calls from child welfare service providers working with youth preparing for their exit from foster care. This demonstrated a need for increased knowledge in how to effectively prepare youth in foster care for discharge, and based on the number of youth that are aging out of foster care and into homelessness. In the spirit of the children is seeking to respond through the offering of training during FY12 to Child Welfare Staff working with older youth. In addition, separate training sessions will be provided to the youth."

Also, this Resolution amends the Description/Scope of Services for Mind Builders Creative Arts Center, Inc., an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: "Funds to support Mind-Builders Positive Youth Troupe (teen musical theater training program with academic and counseling support services for 20 youth and 1000 live/20000 broadcast audience members benefitting). The program is being conducted from October 1, 2011 thru April 30, 2012."

Also, this Resolution amends the Description/Scope of Services for Mind Builders Creative Arts Center, Inc., an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: "Funds to support Mind-Builders Positive Youth Troupe (teen musical theater training program with academic and counseling support services for 20 youth and 1000 live/20000

broadcast audience members benefitting). The program is being conducted from October 1, 2011 thru April 30, 2012."

Also, this Resolution amends the Description/Scope of Services for Mind Builders Creative Arts Center, Inc., an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$7,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: "Funds to support Mind-Builders Positive Youth Troupe (teen musical theater training program with academic and counseling support services for 20 youth and 1000 live/20000 broadcast audience members benefitting). The program is being conducted from October 1, 2011 thru April 30, 2012."

Further, this Resolution amends the Description/Scope of Services for Sunnyside Chamber of Commerce, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$39,500 within the budget of the Department of Small Business Services. The Resolution changes the Description/Scope of services to read: "\$30,000 - to be used to continue a district-wide graffiti cleaning program in the 26th Council District which began in FY11. \$9,500 - Assist in paying overhead expenses and provide support for marketing of Sunnyside. This will include maintenance and improvements of the website a new blog and maintaining a calendar and photographic record of events as well as updated membership lists. Working with other community groups, the Queens Chamber of Commerce, the Queens Overall Economic Development Corp. for events to assist and promote businesses. Staffing at events to improve profile of Sunnyside and Sunnyside's businesses and to generally promote Sunnyside raising awareness of the businesses and opportunities in Sunnyside."

Additionally, this Resolution amends the Description/Scope of Services for Staten Island NFP Association, Inc., an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$3,500 within the budget of the Department of Small Business Services. The Resolution changes the Description/Scope of services to read "The Staten Island NFP Association will engage in a series of activities designed specifically to address the needs of the targeted population of community-minded individuals wishing to start not-for-profit organizations on Staten Island's North Shore, to include professional development activities, unlimited one-on-one consulting, access to a full library of resources, and participation in the only Borough-wide network of not-for-profit professionals operating on Staten Island."

Also, this Resolution amends the Description/Scope of Services for Bobbi and the Strays, Inc, an organization receiving discretionary funding in accordance with the Fiscal 2011 Expense Budget in the amount of \$1,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: "To support medical / Veterinary costs for an animal protection and spay/neutering service open to all residents of Queens."

Additionally, this Resolution amends the Description/Scope of Services for United Chinese Association of Brooklyn, an organization receiving discretionary funding in accordance with the Fiscal 2011 Expense Budget in the amount of \$20,000 within the budget of the Department for the Aging. The Resolution changes the Description/Scope of services to read: "To support a Senior Service Program which includes a senior center space rental cost and its direct social services expenses. The center provides the following available services for more than 600 registered members: educational classes: ESL, voter registration, naturalization, health enhancement, crime prevention, Tai Chi; direct services –translation, government welfare application; recreation – Chess, card, Mahjong, Chinese Folk Opera and monthly birthday party celebration; meal – hot lunch."

Also, this Resolution amends the Description/Scope of Services for Greater Jamaica Development Corporation, an organization receiving discretionary funding in accordance with the Fiscal 2011 Expense Budget in the amount of \$12,000 within the budget of the Department of Youth and Community Development. The Resolution changes the Description/Scope of services to read: "Funding for the purchase of tables and chairs, flowers and plants for King Park."

This Resolution also approves new designations and changes in the designation of certain organizations receiving local, aging, and youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2012 Expense Budget.

Further, this Resolution also approves new designations and changes in the designation of certain organizations receiving local and aging discretionary funding in accordance with the Fiscal 2011 Expense Budget, and approves the new designations and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget.

Moreover, this Resolution also approves the reduction of funding for Met Council, an organization receiving funding in the amount of \$213, 488 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunities Initiative in the Fiscal 2011 Expense Budget. Funding for the organization will be reduced from \$213, 488 to \$136,500.

Lastly, this Resolution also approves the reduction of funding for West Bronx Housing, an organization receiving funding in the amount of \$35,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunities Initiative in the Fiscal 2011 Expense Budget. Funding for the organization will be reduced from \$35,000 to \$26,250.

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving local, aging, and youth discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2012 and Fiscal 2011 Expense Budgets.

This Resolution sets forth new designations and specific changes in the designation of certain organizations receiving local initiative funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 1; sets forth new designations and changes in the designation of aging discretionary funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 2; sets forth new designations and changes in the designation of youth discretionary funding pursuant to the Fiscal 2012 Expense Budget, as described in Chart 3; sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2012 Expense Budget, as described in Charts 4-9; and sets forth new designations and changes in the designation of organizations that will receive discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in charts 10-11; and sets forth the new designations and changes in the designation of a certain organization that will receive funding pursuant to a certain initiative in the Fiscal 2011 Expense Budget, as described in Chart 12.

The charts, attached to the Resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2012 Expense Budget, dated June 29, 2011, the Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010.

Specifically, Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 2 sets forth changes in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 3 sets forth the new designation and changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2012 Expense Budget. Funding in the amount of \$20,000 for the Queens Symphony Orchestra-IS 59Q will be removed, and provided to Reversing projections, Inc., -IS 59Q.

Chart 5 sets forth certain organizations receiving funding in various amounts pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2012 Expense Budget.

Chart 6 sets forth certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2012 Expense Budget. Funding in the amount of \$5,000 for the First Baptist Church of Corona NY, Inc. will be removed, and provided to Samaritans Outreach Ministries, Inc.

Chart 7 sets forth the new designation and changes in the designation of entities receiving funding in the amount of \$100,000 pursuant to the Diversity in the Media Initiative in accordance with the Fiscal 2012 Expense Budget. Funding in the amount of \$100,000 for the Department of Information and Technology will be removed, and provided to Kingsborough Community College within the budget of the City University of New York

Chart 8 sets forth the new designation and changes in certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2012 Expense Budget. Chart 8 indicates a name correction. The correct name for the organization receiving funding in the amount of \$18,606.94 within this Initiative is the Christ the Rock International, Inc.

Chart 9 sets forth the new designation of certain organizations receiving funding, in various amounts totaling \$1,500,000, pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2012 Expense Budget.

Chart 10 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 11 sets forth the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 12 indicates a name correction. The correct name for the organization receiving funding in the amount of \$18,606.94 within this Initiative in the Department of Health and Mental Hygiene is the Christ the Rock International, Inc.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2012 and 2011 Expense Budgets. Such Resolution would take effect as of the date of adoption.

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

Res. No. 1101

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

By Council Members Recchia and Rose.

Whereas, On June 29, 2011 the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, On June 29, 2010 the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2012 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and aging discretionary funding; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Jewish Community Council of Greater Coney Island, Inc., to read: "Funds to support services for seniors"; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for One Stop Richmond Hill Community Center, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "Funding for administrative costs, including salaries and fringe benefits for Program Director, Receptionist, Maintenance person, and 2 teachers for the Mommy & Me classes and 2 teachers for the Videoconferencing classes, as well as operating costs (utilities, insurance, supplies, rent, CPA, postage, etc.) for local residents," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for One Stop Richmond Hill Community Center, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "Funding for administrative costs, including salaries and fringe benefits for Program Director, Receptionist, Maintenance person, and 2 teachers for the Mommy & Me classes and 2 teachers for the Videoconferencing classes, as well as operating costs (utilities, insurance, supplies, rent, CPA, postage, etc.) for local residents," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Bobbi and the Strays, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "To support medical/veterinary costs for an animal protection and spay/neutering service open to all residents of Queens," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Prospect Park Alliance, Inc., an organization receiving youth discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "Funds to support free public education programs at the Prospect Park Audubon Center and the Lefferts Historic House," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Flatbush Development Corporation, an organization receiving discretionary funding in the FY 2012 Budget in the amount of \$20,000 within the budget of the Department of Youth and Community Development to read: "Funds to support the Project Sweep supplemental sanitation program and provide assistance to other community-based projects in the Ditmas Park and greater Flatbush area," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for In the Spirit of the Children, Inc, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$4,000 within the budget of the Department of Youth and Community Development to read: "In the last year In the Spirit of the Children experienced an increase in the number of calls from child welfare service providers working with youth preparing for their exit from foster care. This demonstrated a need for increased knowledge in how to effectively prepare youth in foster care for discharge, and based on the number of youth that are aging out of foster care and into homelessness. In the spirit of the children is seeking to respond through the offering of training during FY12 to Child Welfare Staff working with older youth. In addition, separate training sessions will be provided to the youth," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Mind Builders Creative Arts Center, Inc, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "Funds to support Mind-Builders Positive Youth Troupe (teen musical theater training program with academic and counseling support services for 20 youth and 1000 live/20000 broadcast audience members benefitting). The program is being conducted from October 1, 2011 thru April 30, 2012," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Mind Builders Creative Arts Center, Inc, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "Funds to support Mind-Builders Positive Youth Troupe (teen musical theater training program with academic and counseling support services for 20 youth and 1000 live/20000 broadcast audience members benefitting). The program is being conducted from October 1, 2011 thru April 30, 2012," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Mind Builders Creative Arts Center, Inc, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$7,000 within the budget of the Department of Youth and Community Development to read: "Funds to support Mind-Builders Positive Youth Troupe (teen musical theater training program with academic and counseling support services for 20 youth and 1000 live/20000 broadcast audience members benefitting). The program is being conducted from October 1, 2011 thru April 30, 2012," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Sunnyside Chamber of Commerce, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$39,500 within the budget of the Department of Small Business Services to read: "\$30,000 - to be used to continue a district-wide graffiti cleaning program in the 26th Council District which began in FY11. \$9,500 - Assist in paying overhead expenses and provide support for marketing of Sunnyside. This will include maintenance and improvements of the website a new blog and maintaining a calendar and photographic record of events as well as updated membership lists. Working with other community groups, the Queens Chamber of Commerce, the Queens Overall Economic Development Corp. for events to assist and promote businesses. Staffing at events to improve profile of Sunnyside and Sunnyside's businesses and to generally promote Sunnyside raising awareness of the businesses and opportunities in Sunnyside," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Staten Island NFP Association, Inc., an organization receiving discretionary funding in accordance with the Fiscal 2012

Expense Budget in the amount of \$3,500 within the budget of the Department of Small Business Services. The Resolution changes the Description/Scope of services to read "The Staten Island NFP Association will engage in a series of activities designed specifically to address the needs of the targeted population of community-minded individuals wishing to start not-for-profit organizations on Staten Island's North Shore, to include professional development activities, unlimited one-on-one consulting, access to a full library of resources, and participation in the only Borough-wide network of not-for-profit professionals operating on Staten Island," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Bobbi and the Strays, Inc, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$1,000 within the budget of the Department of Youth and Community Development to read: "To support medical / Veterinary costs for an animal protection and spay/neutering service open to all residents of Queens," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for United Chinese Association of Brooklyn, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$20,000 within the budget of the Department for the Aging to read: "To support a Senior Service Program which includes a senior center space rental cost and its direct social services expenses. The center provides the following available services for more than 600 registered members: educational classes: ESL, voter registration, naturalization, health enhancement, crime prevention, Tai Chi; direct services -translation, government welfare application; recreation - Chess, card, Mahjong, Chinese Folk Opera and monthly birthday party celebration; meal - hot lunch," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Greater Jamaica Development Corporation, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$12,000 within the budget of the Department of Youth and Community Development to read: "Funding for the purchase of tables and chairs, flowers and plants for King Park,"; and

Whereas, This Resolution approves the reduction of funding for Met Council, an organization receiving funding in the amount of \$213, 488 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunities Initiative in the Fiscal 2012 Expense Budget. Funding for the organization will be reduced from \$213, 488 to \$136,500; and

Whereas, This Resolution approves the reduction of funding for West Bronx Housing, an organization receiving funding in the amount of \$35,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunities Initiative in the Fiscal 2012 Expense Budget. Funding for the organization will be reduced from \$35,000 to \$26,250; now, therefor be it

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local discretionary funding in the Fiscal 2012 Expense Budget; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local discretionary funding in the Fiscal 2012 Expense Budget; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2012 Expense Budget; and be it further

Resolved, That the City Council approves the Resolution approves the reduction of funding for Met Council, an organization receiving funding within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunities Initiative in the Fiscal 2012 Expense Budget. Funding for the organization will be reduced from \$213, 488 to \$136,500; and be it further;

Resolved, That the City Council approves the approves the reduction of funding for West Bronx Housing, an organization receiving funding within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunities Initiative in the Fiscal 2012 Expense Budget. Funding for the organization will be reduced from \$35,000 to \$26,250; and be it and be it

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural after School Adventure Program in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant

Opportunity Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries-DYCD Immigrant Opportunity Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Diversity in the Media Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of Christ the Rock International, an organization receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 10.

Resolved, That the City Council approves the new designation and changes in the designation of the Young Israel Of Queens Valley, a certain organization receiving aging discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 11.

Resolved, That the City Council approves the new designation of Christ the Rock International, an organization receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 12.

ATTACHMENT:

CHART 1: Local Initiatives

Member	Organization	EIN Number	Agency	Amount	Agcy #	UJA	Fiscal Conduit/EIN
Dilan	Sunway Houses Tenants Association, Inc. **	11-2733241	DFTA	\$15,000.00	125	003	
Vallone	Summer Houses Tenants Association, Inc. **	11-2733241	NYCHA	\$15,000.00	098	002	
Vallone	Community Environmental Center, Inc. **	13-2733241	DYCD	\$3,500.00	126	003	
CC	Westside Crime Prevention Program, Inc. **	13-2733241	DYCD	\$3,500.00	260	005	
CC	Meatpacking Improvement Association, Inc. **	13-3087186	DYCD	\$7,500.00	260	005	
CC	Meatpacking Improvement Association, Inc. **	20-8540198	DSBS	\$7,500.00	801	002	
CC	Riverside Opera Company, Inc. **	13-3966800	DCA	\$1,000.00	126	003	
CC	Riverside Opera Company, Inc. **	13-3966800	DYCD	\$1,000.00	260	005	
James	Triplex Fusion Arts, Inc. (TFA) **	11-3588824	DCA	\$1,500.00	126	003	
James	Triplex Fusion Arts, Inc. (TFA) **	11-3588824	DYCD	\$1,500.00	260	005	
CC	Jewish Community Council of Greater Coney Island, Inc. **	11-2665181	DYCD	\$85,000.00	260	005	
CC	Jewish Community Council of Greater Coney Island, Inc. **	11-2665181	DFTA	\$85,000.00	125	003	
Rose	Curtis High School **	13-6400434	DYCD	\$5,000.00	260	312	
Rose	Curtis High School **	13-6400434	DOE	\$5,000.00	040	402	
CC	Way to Work, The **	13-1878246	DOE	\$75,000.00	040	454	
CC	Way to Work, The **	13-1878246	DYCD	\$75,000.00	260	005	
Gentile	St. Patrick's Vincent de Paul Society	11-1631818	DYCD	\$3,500.00	260	005	11-2697931
Gentile	St. Patrick's Vincent de Paul Society	11-1631818	DYCD	\$3,500.00	260	005	St. Cecilia's Queens Plaza Neighborhood Improvement Association
James	Bailey's Cafe, Inc.	20-0221451	DYCD	\$1,500.00	260	005	
James	Brooklyn Defender Services	11-3305405	DYCD	\$3,500.00	260	005	
James	Brooklyn Defender Services	20-1506040	DYCD	\$1,500.00	260	312	
James	Caribbean Cultural Theatre, Inc.	85-0508237	DYCD	\$2,000.00	260	005	
James	Transcultural Alternatives	26-0316931	DYCD	\$2,000.00	260	005	
James	Transcultural Alternatives	11-9186015	DYCD	\$2,000.00	260	005	
James	Diapers USA Steel Orchestra, Inc.	11-3409180	DCA	\$2,000.00	126	003	
James	Diapers USA Steel Orchestra, Inc.	11-3409180	DYCD	\$2,000.00	260	005	
James	Desperes USA Steel Orchestra, Inc.	11-3027538	DCA	\$1,000.00	126	003	
James	Desperes USA Steel Orchestra, Inc.	11-3027538	DYCD	\$1,000.00	260	005	
James	Lifeplay Cultural Arts Academy, Inc.	11-3549224	DCA	\$1,000.00	126	003	
James	Lifeplay Cultural Arts Academy, Inc.	11-3549224	DYCD	\$1,000.00	260	005	
James	Central Brooklyn Jazz Consortium, Inc.	11-1630780	DOHMH	\$3,000.00	816	120	
James	Central Brooklyn Jazz Consortium, Inc.	11-1630780	DOHMH	\$3,000.00	816	120	
James	Brooklyn Bureau of Community Services	11-3352075	DOHMH	\$3,000.00	816	113	
James	Judah International Christian Center, Inc. **	11-3352075	DOHMH	\$3,000.00	816	113	

CHART 1: Local Initiatives (cont.)

Member	Organization	EIN Number	Agency	Amount	Agcy #	UJA	Fiscal Conduit/EIN
Mendez	St. Augustine Project Inc., The **	20-9386333	DCA	\$3,500.00	126	003	
Mendez	St. Augustine Project Inc., The **	20-9386333	DYCD	\$3,500.00	260	005	
Mendez	A Gathering of the Tribes **	13-371032	DCA	\$3,000.00	126	003	
Mendez	A Gathering of the Tribes **	13-371032	DYCD	\$3,000.00	260	005	
Mark-Vivito	Fund for the City of New York, Inc. **	13-274232	DCA	\$5,000.00	126	003	
Mark-Vivito	Fund for the City of New York, Inc. **	13-274232	DYCD	\$5,000.00	260	005	
Levin	Department of Education Disease of Brooklyn **	13-2612594	DYCD	\$5,000.00	260	005	
Levin	Department of Education Disease of Brooklyn **	23-7319473	DCA	\$3,500.00	126	003	
Levin	Department of Education Disease of Brooklyn **	23-7319473	DYCD	\$3,500.00	260	005	
Halloran	Voelker Oth Museum, The **	11-3498583	DCA	\$3,500.00	126	003	
Halloran	Voelker Oth Museum, The **	11-3498583	DYCD	\$3,500.00	260	005	
Gentile	BrooklynOnTheater **	26-2177816	DCA	\$2,500.00	126	003	Bay Ridge Bensonhurst Beautification Preservation Alliance Inc
Gentile	BrooklynOnTheater **	26-2177816	DYCD	\$2,500.00	260	005	Bay Ridge Bensonhurst Beautification Preservation Alliance Inc
Ferreras	Latin American Intercultural Alliance **	14-1947959	DCA	\$5,000.00	126	003	
Ferreras	Latin American Intercultural Alliance **	14-1947959	DYCD	\$5,000.00	260	005	
Ferreras	Queens College Foundation Inc for - Queens College Arts Center **	11-6080521	DCA	\$3,500.00	126	003	
Ferreras	Queens College Foundation Inc for - Queens College Arts Center **	11-6080521	DYCD	\$3,500.00	260	005	
Crowley	Queens College Foundation Inc for - Queens College Arts Center **	11-6080521	CUNY	\$3,500.00	042	001	11-3232323
Crowley	Queens College Foundation Inc for - Queens College Arts Center **	11-6080521	DYCD	\$3,500.00	260	005	11-3232323
Gonzalez	Dance Theatre Elcetera, Inc. (DTE) **	13-3015865	DYCD	\$4,000.00	260	312	
Gonzalez	Dance Theatre Elcetera, Inc. (DTE) **	13-3015865	DCA	\$4,000.00	126	003	
Vann	Fuller Art Fair, Inc. **	11-3386592	DYCD	\$5,000.00	260	005	
Vann	Fuller Art Fair, Inc. **	11-3386592	DCA	\$5,000.00	126	003	
Vann	Bailey's Cafe, Inc. **	26-0221451	DYCD	\$10,000.00	260	005	
Vann	Bailey's Cafe, Inc. **	26-0221451	DOE	\$10,000.00	046	006	
Vann	Child Abuse Prevention Program, Inc. **	11-2864750	DYCD	\$5,000.00	040	402	
Vann	Child Abuse Prevention Program, Inc. **	11-2864750	DOE	\$5,000.00	040	402	
Vecca	Morris Park Community Association **	23-7429900	DYCD	\$5,000.00	260	005	
Vecca	Morris Park Community Association **	23-7429900	DFTA	\$5,000.00	126	003	
Rodriguez	Washington Heights and Inwood Development Corporation **	13-2950446	DSBS	\$8,000.00	801	002	
Rodriguez	Washington Heights and Inwood Development Corporation **	13-2950446	DYCD	\$8,000.00	260	005	
Mark-Vivito	Child Abuse Prevention Program, Inc. **	11-2864750	DYCD	\$5,000.00	260	312	
Mark-Vivito	Child Abuse Prevention Program, Inc. **	11-2864750	DOE	\$5,000.00	040	402	
Mark-Vivito	Child Abuse Prevention Program, Inc. **	11-2864750	DCA	\$4,000.00	126	003	
Mark-Vivito	Child Abuse Prevention Program, Inc. **	11-2864750	DYCD	\$4,000.00	260	005	

CHART 1: Local Initiatives (cont.)

Member	Organization	EIN Number	Agency	Amount	Agcy #	UJA	Fiscal Conduit/EIN
James	Gay Men of African Descent (GNAD)	13-3597820	DOHMH	\$500.00	816	112	
James	Highlights Hill Mental Health Service, SBPC, Community Advisory Board, Inc.	11-2785605	DOHMH	\$500.00	816	120	
James	Brown Community Development Corporation **	56-2629114	DYCD	\$500.00	260	005	
James	Hope City Empowerment Center, Inc. **	11-9629292	DYCD	\$500.00	260	005	
James	K.S. J.A.M. Dance Troupe **	20-2352155	DYCD	\$500.00	260	005	
James	Machon Chana **	11-9307109	DYCD	\$500.00	260	005	
James	Pratt Area Community Council, Inc. **	11-2451753	DYCD	\$500.00	260	005	
James	Triplex Fusion Arts, Inc. (TFA) **	11-3588824	DYCD	\$500.00	260	005	
James	Business Outreach Center Network, Inc. **	11-3506111	DSBS	\$500.00	801	002	
James	New York City Housing Authority **	13-600454	NYCHA	\$500.00	801	002	
James	New York Lawyers for the Public Interest, Inc.	13-2860703	HPD	\$500.00	806	309	
James	Brooklyn Housing and Family Services, Inc.	11-2422584	HPD	\$500.00	806	309	
James	Public School 66K - Edward C. Blum **	13-6400434	DOE	\$500.00	040	402	
James	Public School 66K - Edward C. Blum **	69-0210637	DOE	\$500.00	040	402	
James	Urban Assembly Academy of Arts and Letters, The **	13-6400434	DOE	\$500.00	040	402	
James	Brooklyn Kindergarten Society **	11-1631820	ACS	\$500.00	088	004	
James	Brooklyn Kindergarten Society **	11-1631820	DSBS	\$2,000.00	801	002	
Brewer	Wallaces in the Schools, Inc. **	25-1919844	DYCD	\$2,000.00	260	312	
Brewer	Wallaces in the Schools, Inc. **	16-1656668	DCA	\$2,000.00	126	003	
Gentile	Fund for the City of New York, Inc. **	13-2612524	DYCD	\$3,000.00	260	005	
Gentile	Society of the Educational Arts, Inc. (SEA) **	11-3210593	DCA	\$3,000.00	126	003	
Gentile	Sunset Park Health Council, Inc. **	20-2508411	DYCD	\$2,000.00	260	312	
Gentile	Symphony Space, Inc. **	13-2941455	DCA	\$2,000.00	126	003	
Gentile	Historic House Trust of New York City **	13-2590225	DYCD	\$2,000.00	260	005	
Gentile	Historic House Trust of New York City **	13-2590225	DOE	\$2,000.00	046	006	
Halloran	Queens College Foundation, Inc. **	11-6080521	DCA	\$3,500.00	126	003	
Halloran	Queens College Foundation, Inc. **	11-6080521	CUNY	\$3,500.00	042	001	
Ulrich	Rockaway Music and Arts Council, Inc. **	23-7082566	DCA	\$10,000.00	126	003	
Ulrich	Rockaway Music and Arts Council, Inc. **	23-7082566	DYCD	\$10,000.00	260	005	
Rodriguez	Historic House Trust of New York City **	13-2590225	DCA	\$2,000.00	126	003	
Rodriguez	Historic House Trust of New York City **	13-2590225	DOE	\$2,000.00	046	006	
Recchia	Associazione Siciliana Unita de New York, Inc. **	11-3416418	DCA	\$4,000.00	126	003	
Recchia	Associazione Siciliana Unita de New York, Inc. **	11-3416418	DYCD	\$4,000.00	260	005	

CHART 5: Food Pantries-DYCD

Council Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Queens	First Baptist Church of Corona NY, Inc.	31-1767167	DYCD	(\$5,000.00)	260	005
Queens	Samaritans Outreach Ministries, Inc.	11-3397959	DYCD	\$5,000.00	260	005 *
				\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 6: Immigrant Opportunities Initiative

Council Member	Organization	EIN Number	Agency	Amount	Agy #	U/A *
Brooklyn	Immigrant Opportunities Initiative	13-6400434	DYCD	(\$50,275.00)	260	005
Brooklyn	Research Foundation of the City University of New York - Citizenship NOW **	13-1888190	CUNY	\$25,275.00	042	001
Brooklyn	Safe Horizon, Inc.	13-2946970	DYCD	\$25,000.00	260	005
				\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 8: Infant Mortality Reduction Initiative

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Christ the Rock World Restoration Church International, Inc.	62-1823291	DOHMH	(\$18,605.94)	816	113
Christ the Rock International, Inc.	62-1823291	DOHMH	\$18,605.94	816	113
			\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 7: Diversity in the Media

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Department of Information and Technology **	13-6400434	DOITT	(\$100,000.00)	288	002
Kingsborough Community College **	13-6400434	CUNY	\$100,000.00	042	001
			\$0.00		

* Indicates pending completion of pre-qualification review.

CHART 9: HIV/AIDS Faith Based Initiative

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Abyssinian Baptist Church, Inc.	13-1635250	DOHMH	\$5,400.00	816	112
Abyssinian Development Corporation	13-3532154	DOHMH	\$6,400.00	816	112
Agaape Tabernacle International Fellowship	11-3423637	DOHMH	\$6,400.00	816	112
AIDS Center of Queens County, Inc.	11-2837894	DOHMH	\$12,800.00	816	112
All Saints Episcopal Church	11-1735978	DOHMH	\$6,400.00	816	112
Amethyst Women's Project, Inc.	11-3055513	DOHMH	\$6,400.00	816	112
Antioch Baptist Church - Brooklyn	11-2836775	DOHMH	\$6,400.00	816	112
Bedford Central Presbyterian Church	11-2870468	DOHMH	\$6,400.00	816	112
Bedford Stuyvesant Family Health Center, Inc.	11-2412208	DOHMH	\$174,651.00	816	112
Berean Community Family Life Center (formerly, Berean Baptist Church)	11-1660857	DOHMH	\$6,400.00	816	112
Bethesda Missionary Baptist Church of Jamaica	11-2673958	DOHMH	\$6,400.00	816	112
Bright Temple AME Church	13-3141241	DOHMH	\$6,400.00	816	112
Bronx AIDS Services, Inc.	13-3599121	DOHMH	\$27,520.00	816	112
Bronx Christian Fellowship	13-3870351	DOHMH	\$6,400.00	816	112
Brooklyn AIDS Task Force, Inc.	11-3031208	DOHMH	\$6,400.00	816	112
Brooklyn Plaza Medical Center	11-2467288	DOHMH	\$6,400.00	816	112
Brown Memorial Baptist Church	11-1962041	DOHMH	\$6,400.00	816	112
Canaan Baptist Church of Christ	13-8013037	DOHMH	\$6,400.00	816	112
Caribbean Women's Health Association, Inc.	13-3323168	DOHMH	\$6,400.00	816	112
Central Family Life Center (formerly, First Central Baptist Church)	13-3526127	DOHMH	\$6,400.00	816	112
Child Center of New York, The	11-1733454	DOHMH	\$6,400.00	816	112
Christ Church	13-3076051	DOHMH	\$6,400.00	816	112
Christ the Rock World Restoration Church International, Inc.	62-1823291	DOHMH	\$6,400.00	816	112
Church of Christ the King RC	13-1740159	DOHMH	\$6,400.00	816	112
Church of God (Third Ave.)	62-0464177	DOHMH	\$6,400.00	816	112
Church of the Holy Spirit RC	13-2656728	DOHMH	\$6,400.00	816	112
Church of the Living God International	01-0924463	DOHMH	\$6,400.00	816	112
Church United for Community Empowerment, Inc. (formerly SOOCE)	11-3030795	DOHMH	\$28,800.00	816	112
Community Health & Awareness Ministry, Inc.	27-0043619	DOHMH	\$6,400.00	816	112
Community Health Action of Staten Island (formerly St. AIDS Taskforce)	13-3566132	DOHMH	\$25,600.00	816	112
Community Methodist Church of Jackson Heights	11-1761477	DOHMH	\$6,400.00	816	112

CHART 9: HIV/AIDS Faith Based Initiative (cont.)

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Just a Friend Away of Staten Island (JAFAS)	27-0026154	DOHMH	\$6,400.00	816	112
Lalino Commission on AIDS, Inc.	13-3629466	DOHMH	\$169,573.60	816	112
Love Alive International Foundation, Inc.	26-4819108	DOHMH	\$6,400.00	816	112
Macedonia Baptist Church	11-2522628	DOHMH	\$6,400.00	816	112
Masjid Al-Tafa (Universal Brotherhood Humanitarian Center)	36-4691654	DOHMH	\$6,400.00	816	112
Masjid Sabur Worship, Educational & Referral	13-3921328	DOHMH	\$6,400.00	816	112
Memorial Baptist Church, Inc.	13-2574792	DOHMH	\$6,400.00	816	112
Metropolitan Community Church of New York	51-0152961	DOHMH	\$6,400.00	816	112
Ministerio Rescue, Inc. (Rescue Ministries Church)	32-0052760	DOHMH	\$6,400.00	816	112
Mount Carmel AME Church (Mount Carmel Youth Development Corporation)	11-3589875	DOHMH	\$6,400.00	816	112
Mount Carmel Baptist Church	11-3966802	DOHMH	\$6,400.00	816	112
Mount Horeb Baptist Church	11-2074467	DOHMH	\$6,400.00	816	112
Mount Moriah AME	11-2222518	DOHMH	\$6,400.00	816	112
Mount Paran Baptist Church	20-8427029	DOHMH	\$6,400.00	816	112
Mount Pilgrimage Baptist Church	11-3099533	DOHMH	\$6,400.00	816	112
Mount Sinai Baptist Church	11-2622949	DOHMH	\$6,400.00	816	112
Muslim Women's Institute for Research and Development (MWIRD)	11-2222518	DOHMH	\$6,400.00	816	112
Muslim Women's Institute for Research and Development (MWIRD)	80-0010627	DOHMH	\$6,400.00	816	112
National Black Leadership Commission on AIDS, Inc.	13-3530740	DOHMH	\$255,055.40	816	112
New Hope for the World Ministries	26-0454061	DOHMH	\$6,400.00	816	112
New Mount Zion Baptist Church	13-3976609	DOHMH	\$6,400.00	816	112
New St. John the Baptist Church	13-3706218	DOHMH	\$6,400.00	816	112
Paradise Baptist Church	11-1172480	DOHMH	\$6,400.00	816	112
Pentecostal Church "El Eden"	04-3670076	DOHMH	\$6,400.00	816	112
Pleasant Grove Full Gospel Tabernacle	09-1530040	DOHMH	\$6,400.00	816	112
Powerful Praise Tabernacle	23-2101926	DOHMH	\$6,400.00	816	112
Primera Iglesia Monita de Brooklyn	04-3670076	DOHMH	\$6,400.00	816	112
Project Street Beat	13-2621467	DOHMH	\$6,400.00	816	112
Reaching Across the World Ministries	11-3572516	DOHMH	\$6,400.00	816	112
Reheboth Church International	11-2716044	DOHMH	\$6,400.00	816	112
River of Living Water Fellowship Church	20-8586474	DOHMH	\$6,400.00	816	112
Saint Edward the Martyr	13-2873155	DOHMH	\$6,400.00	816	112

CHART 9: HIV/AIDS Faith Based Initiative (cont.)

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Concord Baptist Church	11-1665833	DOHMH	\$6,400.00	816	112
Coney Island Cathedral of Deliverance	11-2744627	DOHMH	\$6,400.00	816	112
Convent Avenue Baptist Church	13-2780116	DOHMH	\$6,400.00	816	112
East Ward Missionary Baptist Church	13-4078762	DOHMH	\$6,400.00	816	112
Emmanuel Baptist Church (Bronx)	13-3421183	DOHMH	\$6,400.00	816	112
Emmanuel Baptist Church (Brooklyn) - Healing Touch Ministry	11-1666232	DOHMH	\$6,400.00	816	112
Ephesus Seventh Day Adventist Church	13-3631489	DOHMH	\$6,400.00	816	112
Evangelical Christian Church	11-2528459	DOHMH	\$6,400.00	816	112
Family Life Development Center (formerly, New Life Tabernacle Church)	11-3168815	DOHMH	\$6,400.00	816	112
Fellowship Baptist Church	13-2865551	DOHMH	\$6,400.00	816	112
First AME Bethel Church	13-1945828	DOHMH	\$6,400.00	816	112
First Baptist Church of Crown Heights	11-2033058	DOHMH	\$6,400.00	816	112
First Baptist Church of Far Rockaway	11-2935221	DOHMH	\$6,400.00	816	112
First Baptist Church of Jamaica	13-3686242	DOHMH	\$6,400.00	816	112
First Hispanic United Methodist Church	13-2967400	DOHMH	\$6,400.00	816	112
First United Methodist Church of Corona	11-2342098	DOHMH	\$6,400.00	816	112
Fordham Manor Church	13-3327445	DOHMH	\$6,400.00	816	112
FOY HIV/AIDS Ministry (Mt. Calvary Baptist Church)	13-3869800	DOHMH	\$6,400.00	816	112
Friendship Baptist Church, Inc., The	11-3657224	DOHMH	\$6,400.00	816	112
Gay Men of African Descent (GMAD)	13-3697820	DOHMH	\$6,400.00	816	112
GodsofSpring Christian Church	20-1468893	DOHMH	\$6,400.00	816	112
Grace Baptist Church	03-5570727	DOHMH	\$6,400.00	816	112
Greater Allen AME Cathedral of New York	11-2927706	DOHMH	\$6,400.00	816	112
Heavenly Vision Christian Center	13-3706803	DOHMH	\$6,400.00	816	112
St. Margaret's Episcopal Church	13-1738642	DOHMH	\$6,400.00	816	112
Iglesia De Jose "Roca de Salvacion" (Church of God, Brooklyn)	11-3405938	DOHMH	\$6,400.00	816	112
Iglesia Evangelica Libre Remanente	22-3862111	DOHMH	\$6,400.00	816	112
Iglesia Metodista Unida de Jamaica (United Methodist Church of Jamaica)	13-0948500	DOHMH	\$6,400.00	816	112
Immanuel & First Spanish United Methodist Church	11-1681138	DOHMH	\$6,400.00	816	112
Iris House - A Center For Women Living with HIV/AIDS, Inc.	13-3699201	DOHMH	\$25,600.00	816	112
Jamaica Service Program for Older Adults, Inc. (JSPOA)	51-0204121	DOHMH	\$18,800.00	816	112
Judah International Christian Center, Inc.	11-3352075	DOHMH	\$6,400.00	816	112

CHART 9: HIV/AIDS Faith Based Initiative (cont.)

Organization	EIN Number	Agency	Amount	Agy #	UJA *
Salt and Sea Mission	11-3012147	DOHMH	\$6,400.00	816	112
Siloam Presbyterian Church	11-2799119	DOHMH	\$6,400.00	816	112
St. Albans Congregational Church	11-2077286	DOHMH	\$6,400.00	816	112
St. Augustin Church	13-1740193	DOHMH	\$6,400.00	816	112
St. George's Episcopal Church	11-1821131	DOHMH	\$6,400.00	816	112
St. Jerome's Church RC	13-1740204	DOHMH	\$6,400.00	816	112
St. John's Baptist Church	13-3539498	DOHMH	\$6,400.00	816	112
St. Luke's AME Church	13-2247442	DOHMH	\$6,400.00	816	112
St. Luke's Episcopal Church	52-0204686	DOHMH	\$6,400.00	816	112
St. Matthew's AME Church	13-2747442	DOHMH	\$6,400.00	816	112
St. Paul Baptist Church	53-0204686	DOHMH	\$6,400.00	816	112
St. Paul's Church in the Village	13-3203472	DOHMH	\$6,400.00	816	112
St. Simon's Community Baptist Church	11-1642730	DOHMH	\$6,400.00	816	112
St. Stock Roman Catholic	13-1740377	DOHMH	\$6,400.00	816	112
St. Stephen's Outreach, Inc.	11-3116708	DOHMH	\$6,400.00	816	112
Staten Island Deliverance Temple	33-110319	DOHMH	\$6,400.00	816	112
Survivors Fountain of Hope Wellness Initiative	11-2328974	DOHMH	\$32,000.00	816	112
The African-American Muslim Commission on HIV/AIDS (Mosque of Islamic Brotherhood)	02-0675428	DOHMH	\$6,400.00	816	112
Transfiguration Church	11-2457198	DOHMH	\$6,400.00	816	112
Trinity Lutheran Parish	11-2308447	DOHMH	\$6,400.00	816	112
Unity Fellowship Church Breaking Ground	13-1887477	DOHMH	\$6,400.00	816	112
Vanguard Urban Improvement Association, Inc.	13-3703707	DOHMH	\$6,400.00	816	112
Village Care of New York, Inc. - Red Hook Community Service Center	11-2420942	DOHMH	\$6,400.00	816	112
You're Eligible Too, Inc. (YET)	13-2911059	DOHMH	\$12,800.00	816	112
Young Women of Color (HYWOC)	20-4821991	DOHMH	\$6,400.00	816	112
Young Women of Color HIV/AIDS Coalition	13-3648582	DOHMH	\$12,800.00	816	112
Zeta Zeta Lambda Alpha Phi Alpha Youth Programs, Inc.	11-2872641	DOHMH	\$6,400.00	816	112

* Indicates pending completion of pre-qualification review.

\$1,500,000.00

CHART 10: Local Initiatives-Fiscal 2011

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Vann	Brooklyn Park, Inc.	63-1441053	DPR	\$7,500.00	246	002		
Vann	Brooklyn Queens Land Trust	63-1441053	DPR	\$7,500.00	246	002		
Van Bramer	Sunnyside Gardens Preservation Alliance, Inc., The	54-2143785	DYCD	\$3,500.00	260	005	Sunnyside Community Services Center, Inc.	51-768927
Van Bramer	Sunnyside Gardens Preservation Alliance, Inc., The	54-2143785	DYCD	\$3,500.00	260	005	Sunnyside Community Services Center, Inc.	51-768927
Van Bramer	Sunnyside Gardens Preservation Alliance, Inc., The	54-2143785	DSRS	\$3,500.00	801	002	Sunnyside Community Services Center, Inc.	51-768927
Van Bramer	Sunnyside Gardens Preservation Alliance, Inc., The	54-2143785	DSRS	\$3,500.00	801	002	Sunnyside Community Services Center, Inc.	51-768927
				\$0.00				

* Indicates pending completion of pre-qualification review.

CHART 11: Aging Discretionary-Fiscal 2011

Member	Organization	EIN Number	Agency	Amount	Agy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Gennaro	Young Israel of Queens Valley	13-3613262	DFTA	(\$10,000.00)	125	003		
Gennaro	Young Israel of Queens Valley	11-2287876	DFTA	\$10,000.00	125	003		
				\$0.00				

* Indicates pending completion of pre-qualification review.

CHART 12: Infant Mortality Reduction-Fiscal 2011

Organization	EIN Number	Agency	Amount	Agy #	UJA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Christ the Rock World Restoration Church International, Inc.	62-1823291	DOHMH	(\$16,606.94)	816	113		
Christ the Rock International, Inc.	62-1823291	DOHMH	\$16,606.94	816	113		
				\$0.00			

* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 3, 2011.

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

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

Report for Preconsidered Res. No. 1102

Report of the Committee on Finance in favor of approving a Resolution amending and restating the resolution computing and certifying adjusted base proportion of each class of real property for Fiscal 2012 to the state board of real property services pursuant to section 1803-a, real property tax law.

The Committee on Finance, to which the annexed resolution was referred on November 3, 2011, respectfully

REPORTS:

Introduction. The above-captioned resolution completes the certification procedure required by Section 1803-a, Real Property Tax Law, to establish the class shares used in levying the real property taxes for the adopted Fiscal 2012 budget¹.

On June 29, 2011, the Council adopted a resolution computing and certifying the current base proportions for Fiscal 2012 (the "CBP Resolution"). After the adoption of the CBP Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion from 5.0 percent to 2.5 percent, which altered the calculations contained in the CBP Resolution. Pursuant to this amendment to state law, the Council adopted a resolution on November 3, 2011, restating the CBP Resolution. On June 29, 2011, the Council also adopted a resolution computing and certifying the adjusted base proportion of each class of real property for Fiscal 2012 (the "ABP Resolution"). The above-

captioned resolution amends and restates the A B P Resolution to reflect the changes in the November 3, 2011 CB P Resolution.

The current base proportion for each class of real property takes into account the market value changes in the class occurring between the assessment roll for the base period, 1989, and the latest roll for which the State Board of Real Property Tax Services ("SBRPTS") has established class equalization rates, 2010. The CBP Resolution modified the class shares for the Fiscal 2012 property tax levy accordingly. The remaining step, to be taken in the above-captioned resolution, adjusts these current base proportions to take account of the various physical changes (such as demolitions, new construction, changes in exempt status and transfers among classes) that are reflected in the new final assessment roll. The computations called for in the SBRPTS procedure are designed to separate the effects of these physical changes from equalization changes made by local assessors.

Analysis. The calculations shown on the SBRPTS Form RP-6702 attached to the above-captioned resolution modify the share for each class to reflect physical changes. For Fiscal 2012, most property tax classes, save Class 3, show modest physical increases. The Fiscal 2012 adjusted base proportions for Classes 1 and 2 show modest declines of less than one percent from the Fiscal 2012 current base proportions, while Class 4 is marginally up by about a tenth of percent from the Fiscal 2012 current base proportions. Class 3 on the other hand saw relatively more of a change due to physical increases putting in its adjusted base percentage about 4 percent from the current base proportions.

¹ As hereinafter provided, references to the Fiscal 2012 Budget will be deemed to reference such budget as adopted on June 29, 2011. Such reference shall not include modifications of such budget during the Fiscal 2012 fiscal year.

However, the changes from the adjusted base proportions from Fiscal 2011 to Fiscal 2012, as reported in the table below, show increases for Classes 1 and 2, while Classes 3 and 4 see decreases.

Comparison of Class Shares for Fiscal 2011 and Fiscal 2012			
Class	Fiscal 2011	Fiscal 2012	Percent Change
1	15.0922	15.3852	+1.94
2	37.4175	37.8064	+1.04
3	7.6075	7.0338	-7.54
4	39.8828	39.7746	-0.27
Total	100.0000	100.0000	

The tax rates resulting from the use of class shares shown above for Fiscal 2012 are compared to the Fiscal 2011 tax rates in the following table.

Comparison of Tax Rates for Fiscal 2011 and Fiscal 2012 (Per \$100 Assessed Value)			
Class	Fiscal 2011	Fiscal 2012	\$ Difference
1	17.364	18.205	+0.841
2	13.353	13.433	+0.080
3	12.631	12.473	-0.158
4	10.312	10.152	-0.160

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

Res. No. 1102

Resolution amending and restating the resolution computing and certifying Adjusted Base Proportion of each class of real property for Fiscal 2012 to the State Board of Real Property Tax Services pursuant to Section 1803-a, Real Property Tax Law.

By Council Member Recchia.

Whereas, On May 27, 2011, pursuant to Section 1514 of the Charter of the City of New York, the Commissioner of the Department of Finance delivered to the Council the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for the fiscal year beginning on July 1, 2011 and ending on June 30, 2012 ("Fiscal 2012"), a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516, Real Property Tax Law (the "Fiscal 2012 Assessment Rolls"); and

Whereas, Section 1803-a (5), Real Property Tax Law, requires the Council subsequent to the filing of the final Fiscal 2012 Assessment Rolls, to adjust current base proportions computed pursuant to the Current Base Proportion Resolution to reflect additions to and removals from the Fiscal 2012 Assessment Rolls as described therein (each such current base proportion so adjusted to be known as an "Adjusted Base Proportion"); and

Whereas, Within five (5) days upon determination of the Adjusted Base Proportions, Section 1803-a (6), Real Property Tax Law, requires the Council to certify, to the State Board of Real Property Tax Services ("SBRPTS"), the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2012 Assessment Rolls resulting from the additions to or removals from the Fiscal 2012 Assessment Rolls as described above, and the net change in assessed value for each class on the Fiscal 2012 Assessment Rolls resulting from changes other than those referred to above; and

Whereas, On June 29, 2011, the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2012 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, After the June 29th adoption of the Current Base Proportion Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion to 2.5 percent; and

Whereas, Pursuant to the amendment to Section 1803-a, Real Property Tax Law, on November 3, 2011, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2012 to the SBRPTS pursuant to Section 1803-a, Real Property Tax Law;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Computation and Certification of Adjusted Base Proportions and Related Information for Fiscal 2012. (a) The Council hereby computes and certifies the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2012 Assessment Rolls resulting from the additions to or removals from the Fiscal 2012 Assessment Rolls as described in Section 1803-a (5), Real Property Tax Law, and the net change in assessed value for each class on the Fiscal 2012 Assessment Rolls resulting from changes other than those described in Section 1803-a (5), Real Property Tax Law, as shown on SBRPTS Form RP-6702, attached hereto as Exhibit A and incorporated herein by reference (the "ABP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the ABP Certificate and to file it with the SBRPTS no later than five (5) days after the date hereof.

Section 2. Effective Date. This resolution shall take effect immediately.

ATTACHMENT:

RP-6702(1/09)(Formerly EA6702) EXHIBIT A

STATE BOARD OF REAL PROPERTY TAX SERVICES
(Formerly State Board of Equalization and Assessment)
16 Sheridan Avenue, Albany, NY 12210-2714

Certificate of Adjusted Base Proportions Pursuant to Article 18, RPTL,
for the 2011 Assessment Roll

Special Assessing Unit _____

Check One to Identify Portion: County ___; City_x_Town ___; Village ___; Town Outside Village Area ___; School District ___; Special District ___

Name of Portion _____

Reference Roll ___ 2010 ___; Levy Roll ___ 2011 ___

SECTION I Determination of Portion Class Net Change in Assessed Value due to Physical and Quantity Changes, Equalization Changes and Computation of Class Change in Level of Assessment Factor

Class	(A) Total Assessed Value on the Reference Roll	(B) Total Assessed Value of Physical and Quantity Increases Between Reference Roll and Levy Roll	(C) Total Assessed Value of Physical and Quantity Decreases Between Reference Roll and Levy Roll	(D) Net Assessed Value of Physical and Quantity Changes (B-C)	(E) Surviving Total Assessed Value on the Reference Roll (A-C)
1	\$16,954,925,178	\$93,629,142	\$24,942,340	\$68,686,802	\$16,929,982,838
2	62,661,220,521	1,649,242,546	732,335,975	916,906,571	61,928,884,546
3	2,816,566,291	142,423,110	17,111,115	125,311,995	2,799,455,176
4	78,222,679,881	1,581,368,282	518,912,760	1,062,455,522	77,703,767,121

Class	(F) Total Assessed Value of Equalization Increases Between Reference Roll and Levy Roll	(G) Total Assessed Value of Equalization Decreases Between Reference Roll and Levy Roll	(H) Net Equalization Changes (F-G)	(I) Change in Level of Assessment Factor (H/E)+1
1	\$490,605,565	\$177,451,231	\$313,154,334	1.018497
2	4,196,375,876	908,779,485	3,287,596,391	1.053087
3	6,308,599	81,199,265	(74,890,666)	0.973248
4	5,270,182,070	1,048,594,513	4,221,587,557	1.054329

Report of the Committee on Finance in favor of approving a Resolution amending and restating the resolution computing and certifying base percentage, current percentage and current base proportion of each class of real property for Fiscal 2012 to the state board of real property services pursuant to section 1803-a, real property tax law.

The Committee on Finance, to which the annexed resolution was referred on November 3, 2011, respectfully

REPORTS:

Introduction. Section 1803-a, Real Property Tax Law, requires the City Council to certify to the State Board of Real Property Tax Services (the "SBRPTS") certain calculations used in the process of updating the class shares from the previous year. These calculations are made every year by the Council to reflect the following changes in each class of real property:

- Changes in the market value of taxable real property (as determined by SBRPTS sample studies),
- Physical changes as a result of new construction or demolitions,
- Changes in taxable status, and
- Transfers of real property among the four classes of real property as a result of changes in use or for other reasons.

Under SBRPTS regulations, the Council must update the class shares by making two separate certifications. The action to be taken in the above-referenced resolution constitutes the first step of establishing the class shares of the four classes of taxable real property in the City to which the tax levy for the Fiscal 2012 budget¹ will be applied. The purpose of this step is to give effect to the latest class equalization rates required by Article 18, Real Property Tax Law. Using these rates, new estimates of market values for each class are calculated.

The second step, certifying the "adjusted base proportions", is the subject of a separate resolution that takes account of all the changes that are included in the final assessment roll, after Tax Commission review of taxpayer protests. Attached hereto, as Exhibit A, are definitions of terms that are used in the analysis below.

¹ As hereinafter provided, references to the Fiscal 2012 Budget will be deemed to reference such budget as adopted on June 29, 2011. Such reference shall not include modifications of such budget during the Fiscal 2012 fiscal year.

Analysis. The class equalization rates described above produce prospective current base proportions that show a substantial increase in Class 1 above the Fiscal 2011 adjusted base proportions, or "class shares" (as shown in column R of SBRPTS Form RP-6700 attached to the above-captioned resolution), a more modest increase of less than 2 percent in the class share of Class 2, a large decrease for Class 3 and a modest decrease for Class 4. Pursuant to Section 1803-a(1)(c) of the Real Property Tax Law if the increase in any class exceeds 5 percent as compared with the previous year's adjusted base proportion for that class, the Council is directed to shift the excess (and only the excess) to any other class or classes so long as the shift does not cause the current base proportion of any other class to increase by more than 5 percent. However, pursuant to an amendment to the Real Property Tax Law enacted during the 2011 session and codified in Section 1803-a(1)(w) of the Real Property Tax Law, the City is authorized to limit the increase for Fiscal 2012 so that the current base proportion of any class does not exceed the adjusted base proportion of the previous year by 2.5 percent. In the above-captioned resolution, the increase from Class 1 would be shifted to Classes 3 and 4.

As shown in the chart below, the shift of the increases from Class 1 to Classes 3 and 4 will result in the Fiscal 2012 current base proportions of all four classes to show the following changes from their adjusted base proportions in Fiscal 2011.

Class	Percent Change Before Shifting Excess to Classes 3 & 4	Percent Change After Shifting Excess to Classes 3 & 4
1	+12.02	+2.50
2	+1.67	+1.67
3	-19.20	-11.12
4	-2.45	-0.39

However, these "current base proportions" must still be adjusted for the physical changes and transfers among classes which are contained in the final assessment roll. These adjustments will be made in a separately amended and restated

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, November 3, 2011.

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

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

Signature

Title

Date

I, the Clerk of the Legislative Body of the special assessing unit identified above, hereby certify that the legislative body determined on November 3, 2011 the adjusted base proportions and the data, procedures and computations used to determine the adjusted base proportions as set forth herein for the assessment roll and portion identified above.

resolution constituting the Council's second step. The "adjusted base proportions" thus derived will be the class shares used for allocating the real property tax levy for Fiscal 2012.

EXHIBIT A

"Class equalization rate" represents the percentage that the total assessed value of each class is of the market value of the class, as shown in SBRPTS sample studies.

"Base percentage" represents the percentage of total market value that each class constitutes in the 1989 base tax roll. The 1989 base tax roll is the one that was used in setting the tax levy for Fiscal 1990.

"Current percentage" is similar to the base percentage, but applies to the most recent year for which the SBRPTS has established class equalization rates (in this case, the 2010 tax roll).

"Local base proportions" are the class tax shares used to fix the tax rates for Fiscal 1991.

"Current base proportions" are the local base proportions modified to take into account the market value changes revealed by the latest class equalization rates.

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

Res. No. 1103

Resolution amending and restating the resolution computing and certifying Base Percentage, Current Percentage and Current Base Proportion of each class of real property for Fiscal 2012 to the State Board of Real Property Tax Services pursuant to Section 1803-a, Real Property Tax Law.

By Council Member Recchia.

Whereas, On June 20, 2011, the State Board of Real Property Tax Services (the "SBRPTS") certified the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2012 assessment rolls, required by Article 18, Real Property Tax Law; and

Whereas, Section 1803-a (1), Real Property Tax Law, requires the Council to compute and certify, to the SBRPTS, for each tax levy, the base percentage, the current percentage and the current base proportion of each class of real property in the City subsequent to the date on which the SBRPTS files with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2012 assessment rolls, pursuant to Section 1212, Real Property Tax Law; and

Whereas, On June 29, 2011, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2012 to the State Board of Real Property Tax Services pursuant to Section 1803-a, Real Property Tax Law (the "June 29th Resolution"); and

Whereas, The June 29th Resolution reflects a 5.0 percent cap on any increase in the current base proportion for any class of real property, as compared with the previous year's adjusted base proportion; and

Whereas, After the adoption of the June 29th Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion to 2.5 percent;

NOW, THEREFORE, be it resolved by the Council of the City of New York as follows:

Section 1. Computation and Certification of Base Percentages, Current Base Percentages and Current Base Proportions for Fiscal 2012. (a) The Council hereby computes and certifies the base percentage, the current percentage and the current base percentage for the City's Fiscal 2012 assessment rolls as shown on SBRPTS Form RP-6700, attached hereto as Exhibit A and incorporated herein by reference (the "CBP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the CBP Certificate and to file it with the SBRPTS after the date on which the SBRPTS filed with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2012 assessment rolls, pursuant to Section 1212, Real Property Tax Law.

Section 2. Effective Date. This resolution shall take effect immediately.

ATTACHMENT:

RP-6700 (1/95) (Formerly EA6700) EXHIBIT A

STATE BOARD OF REAL PROPERTY TAX SERVICES
(Formerly State Board of Equalization and Assessment)
16 Sheridan Avenue, Albany, NY 12210-2714

Certificate of Base Percentages, Current Percentages and
Current Base Proportions Pursuant to Article 18, RPTL,
for the Levy of Taxes on the 2011 Assessment Roll

Special Assessing Unit _____
Check One to Identify Portion: County ___; City_x ___; Town ___; Village ___; Town Outside Village Area ___; School District ___; Special District ___
Name of Portion _____

SECTION I Determination of Estimated Market Values

Class	(A) 1989 Taxable Assessed Value	(B) 1989 Class Equalization Rate	(C) Estimated Market Value A/(B*100)
1	\$7,995,107,684	9.10	\$87,858,326,198
2	19,169,173,444	45.84	41,817,568,595
3	7,366,591,774	37.98	19,395,976,235
4	35,523,026,877	39.69	89,501,201,504
Total	\$70,053,899,779		\$238,573,072,532

SECTION II Determination of Base Percentages

Class	(D) Change in Taxable Assessed Value Between 1989 and 1990 Rolls for Parcels Transferred Out of Class	(E) Change in Taxable Assessed Value Between 1989 and 1990 Rolls for Parcels Transferred Into Class	(F) 1990 Change in Level of Assessment Factor for Special Assessing Unit Class	(G) Adjustment Factor for Class Change (E/F-D)/A*-1	(H) Adjusted Market Value (C*G)	(I) Base Percentage (H/sum of H)*100
1	\$19,354,077	\$228,360,245	1.0149	1.0257224246	\$90,118,255,366	37.5640
2	237,975,755	329,398,302	1.0932	1.0033042596	41,955,744,698	17.4884
3	1,368,298,335	0	0.9738	0.8142562562	15,793,294,995	6.5831
4	419,700,459	1,581,830,826	1.1086	1.0283531598	92,038,843,371	38.3645
Total					\$239,906,138,430	

RP-6700 (1/95) (Formerly EA6700) EXHIBIT A

SECTION III Determination of Current Percentages

Class	(J) 2010 Taxable Assessed Value	(K) 2010 Class Equalization Rate	(L) Estimated Market Value J/(K*100)	(M) Current Percentages (L/sum of L)*100
1	\$15,818,012,901	4.34	\$364,470,343,341	50.1107
2	51,264,624,052	31.68	161,820,151,679	22.2485
3	11,035,982,884	45.00	34,524,406,409	3.3718
4	70,870,684,220	40.15	176,514,780,125	24.2689
Total	\$148,989,304,057		\$727,329,681,554	

SECTION IV Determination of Current Base Proportions

Class	(N) Local Base Proportion	(O) Updated Local Base Proportion N*(M/D)	(P) Prospective Current Base Proportion Column (O) Pro-rated to 100.00	(Q) Adjusted Base Proportion Used for Prior Tax Levy	(R) Percent Difference Between Prior Year Adjusted Base Proportion and Prospective Current Base Proportion (P/Q)-1)*100	(S) Maximum Current Base Proportion (Q * 1.025)	(T) Current Base Proportions for 2010 Roll
1	10.9181	14.5648	16.9066	15.0922	12.02210	15.4695	15.4695
2	25.7608	32.7725	38.0418	37.4175	1.66847	38.3579	38.0418
3	10.3385	5.2853	6.1467	7.6075	-19.20210	7.7977	6.7618
4	52.9826	33.5161	38.9049	39.8828	-2.45193	40.8799	39.7269
Total	100.0000	86.1487	100.0000	100.0000			100.0000

I, the Clerk of the Legislative Body of the special assessing unit identified above, hereby certify that the legislative body determined on November 3, 2011 base percentages, current percentages and current base proportions as set forth herein for the assessment roll and portion identified above.

Signature _____
Title _____
Date _____

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, November 3, 2011.

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

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

Report for Preconsidered Res. No. 1104

Report of the Committee on Finance in favor of approving a Resolution amending and restating the resolution to provide the amounts necessary for the support of the government of the city of New York and the counties therein and for the payment of indebtedness thereof, for the fiscal year beginning on July 1, 2011 and ending on June 30, 2012, by the levy of taxes on the real property in the city of New York, in accordance with the provisions of the constitution of the state of New York, the real property tax law and the charter of the city of New York.

The Committee on Finance, to which the annexed resolution was referred on November 3, 2011, respectfully

REPORTS:

Introduction. On May 6, 2011, the Mayor submitted the executive budget for Fiscal 2012 to the Council pursuant to Section 249 of the Charter. On the date hereof, the Council adopted the budget for Fiscal 2012 pursuant to Section 254 of the Charter (the "Fiscal 2012 Budget¹"). Pursuant to Section 1516 of the Charter, the Council must fix the annual real property tax rates immediately upon such approval of the Fiscal 2012 Budget. In the resolution, captioned above, fixing the real property tax rates for Fiscal 2012 (the "Tax Fixing Resolution"), the Council fixes the annual real property tax rates, as described in greater detail below, and authorizes the levy of real property taxes for Fiscal 2012.

After the final adoption of the Fiscal 2012 Budget, the Governor signed into law Chapter 541 Laws of New York, 2011 ("Chapter 541"). Chapter 541 adds a new paragraph (w) to subdivision 1 of section 1803-a, Real Property Tax Law, which provides that, in any special assessing unit which is a city (a "special assessing city"), for current base proportions to be determined in such special assessing city's fiscal year 2012, the current base proportion of any class shall not exceed the adjusted base proportion of the immediately preceding year by more than 2.5 percent.

In order to effect the provisions of Chapter 541, it is necessary to amend and restate the provisions of this resolution. In the amended and restated resolution, captioned above, fixing the real property tax rates for Fiscal 2012 (the "Tax Fixing Resolution"), the Council amends and restates the annual real property tax rates, as described in greater detail below, and authorizes the levy of real property taxes for Fiscal 2012.

Determining the Amount of the Real Property Tax Levy. In the Tax Fixing Resolution, the Council determines the amount of the real property tax levy for Fiscal 2012, pursuant to the provisions of Section 1516 of the Charter, in the following manner. (1) First, the Council acknowledges the amount of the Fiscal 2012 Budget to be \$65,910,705,998, as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2012 Budget Amount"). (2) The Council then acknowledges the estimate of the probable amount of all non-property tax revenues to be \$48,286,192,998, as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2012 Revenue Estimate"). (Attached hereto as Exhibit A is a description of the Fiscal 2012 Revenue Estimate, detailing all sources of revenues exclusive of real property taxes.) (3) Pursuant to Section 1516 of the Charter, the Council finally determines the net amount required to be raised by tax on real property to be \$17,624,513,000, by subtracting the amount of the Fiscal 2012 Revenue Estimate from the Fiscal 2012 Budget Amount.

In order to achieve a real property tax yield of \$17,624,513,000, however, due to provision for uncollectible taxes and refunds and collection of levies from prior years equal in the aggregate to \$1,660,034,840, the Council determines that a real property tax levy of \$19,248,547,840 is required. Such amount, levied at rates on the classes of real property as further described below, will produce a balanced budget within generally accepted accounting principles for municipalities.

The Council also provides for the application of the real property tax levy (net of provision for uncollectible taxes and refunds and collection of levies from prior years) to (1) debt service not subject to the constitutional operating limit, (2) debt service subject to the constitutional operating limit and (3) the Fiscal 2012 Budget in excess of the amount of the Fiscal 2012 Revenue Estimate.

Authorizing and Fixing the Real Property Tax Rates. After having determined the amount of the real property tax levy, the Council authorizes and fixes the real property tax rates. On May 27, 2011, the Commissioner of the Department of Finance (the "Commissioner") delivered the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2012

for the Lower Ma_____

¹ As hereinafter provided, references to the Fiscal 2012 Budget will be deemed to reference such budget as adopted on June 29, 2011. Such reference shall not include modifications of such budget during the Fiscal 2012 fiscal year.

to the Council, pursuant to Section 1514 of the Charter (the "Fiscal 2012 Assessment Rolls"). On November 3, 2011, the Council amended and restated a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2012 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"). On November 3, 2011, pursuant to Section 1803-a, Real Property Tax Law, the Council amended and restated a resolution in which the Council adjusted the current base proportions of each class of real property in the City for Fiscal 2012, to reflect the additions to, and full or partial removal from, the Fiscal 2012 Assessment Rolls (the "Adjusted Base Proportion Resolution").

The following sections describe the determinations the Council must make before it fixes the real property tax rates and the process by which the Council fixes the real property tax rates.

Assessed Valuation Calculations. In the Tax Fixing Resolution, the Council sets out the assessed valuation calculations of taxable real property in the City by class within each borough of the City. Next, the Council sets out the assessed valuation (1) by class of real property for the purpose of taxation (exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes) in each borough of the City and (2) by class of veterans' real property subject to tax for school purposes in each borough of the City.

Compliance with Constitutional Operating Limit Provisions. In the Tax Fixing Resolution, the Council also provides evidence of compliance with constitutional operating limit provisions. The Council determines that the amount to be raised by tax on real property for the Fiscal 2012 Budget does not exceed the limit imposed by Section 10, Article VIII of the Constitution of the State of New York, as amended, and Article 12-A, Real Property Tax Law (the "Operating Limit Provisions"). The Operating Limit Provisions require that the City not levy taxes on real property in any fiscal year in excess of an amount equal to a combined total of two and one-half percent (2 ½%) of the average full valuation of taxable real property, determined by taking the assessed valuations of taxable real property on the last completed assessment roll and the four (4) preceding assessment rolls of the City and applying thereto the special equalization ratio which such assessed valuations of each such roll bear to the full valuations as fixed and determined by the State Office of Real Property Tax Services ("ORPTS"), minus (i) the amount to be raised by tax on real property in such year for the payment of the interest on and the redemption of certificates or other evidence of indebtedness described in the Constitution and (ii) the aggregate amount of business improvement district charges exclusive of debt service.

Adjusted Base Proportions. The Tax Fixing Resolution sets forth the adjusted base proportions for Fiscal 2012, pursuant to the amended and restated Adjusted Base Proportion Resolution, to be used in determining the amended and restated Fiscal 2012 tax rates for the four classes of properties.

Tax Rates on Adjusted Base Proportions. Finally, in the Tax Fixing Resolution, the Council authorizes and fixes, pursuant to Section 1516 of the Charter, the rates of tax for Fiscal 2012 by class (1) upon each dollar of assessed valuation of real property subject to taxation for all purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

All One-, Two- and Three-Family Residential Real Property	0.18205
All Other Residential Real Property	0.13433
Utility Real Property	0.12473
All Other Real Property	0.10152

and (2) upon each dollar of assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

All One-, Two- and Three-Family Residential Real Property	0.11596
All Other Residential Real Property	0.08582
Utility Real Property	0.00000
All Other Real Property	0.06493

Authorization of the Levy of Property Taxes for Fiscal 2012. The Council authorizes and directs the Commissioner, pursuant to Section 1517 of the Charter, to set down in the Fiscal 2012 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the respective sums to be paid as a tax thereon and add and set down the aggregate valuations of real property in the boroughs of the

City and send a certificate of such aggregate valuation in each such borough to the State Comptroller. The Tax Fixing Resolution then requires the City Clerk to procure the proper warrants, in the form attached thereto, such warrants to be signed by the Public Advocate and counter-signed by the City Clerk.

The amended and restated Tax Fixing Resolution would take effect as of the date of adoption.

Accordingly, the Committee on Finance recommends adoption of the amended and restated Tax Fixing motion.

EXHIBIT A

ESTIMATED FISCAL YEAR 2012 REVENUE
OTHER THAN REAL PROPERTY TAXES
Summarizing by Source of Revenue

Source of Revenue	Estimate of Revenue
Taxes (excluding Real Estate Taxes):	
General Sales (1)	\$5,797,400,000
Personal Income (Excluding Transitional Finance Authority Debt)	8,170,500,000
General Corporation	2,725,000,000
Commercial Rent	622,000,000
Utility	413,000,000
Banking Corporation	1,227,000,000
Mortgage Recording	500,000,000
Unincorporated Business	1,799,000,000
Real Property Transfer	774,000,000
Cigarette	69,500,000
Hotel Occupancy	397,700,000
Other:	
Penalty and Interest	42,000,000
Off-Track Betting	0
Off-Track Betting Surtax	1,250,000
Payments in Lieu of Tax	217,235,000
Section 1127 (Waiver)	120,900,000
Beer and Liquor	24,000,000
Auto Use	29,000,000
Commercial Motor Vehicle	47,800,000
Taxicab License Transfer	8,000,000
Liquor License Surchage	5,000,000
Horse Race Admissions	20,000
Other Refunds	(29,000,000)
State Tax Relief Program ("STAR") for Personal Income and Real Property Taxes	791,700,000
	23,753,005,000
Miscellaneous Revenue:	
Licenses, Franchises, etc.	\$26,747,094
Interest Income	33,510,000
Charges for Services	794,811,729
Water and Sewer Charges	1,438,869,000
Rental Income	257,460,000
Fines and Forfeitures	814,366,000
Miscellaneous	530,663,930
	4,405,427,753

EXHIBIT A

ESTIMATED FISCAL YEAR 2012 REVENUE
OTHER THAN REAL PROPERTY TAXES
Summarizing by Source of Revenue

Source of Revenue	Estimate of Revenue
Grants:	
Federal	6,673,451,874
State	11,030,180,321
Provision for Disallowances	(15,000,000)
	17,688,632,195
Unrestricted State and Federal Aid:	
N.Y. State Revenue Sharing	0
Other Unrestricted Aid	37,407,069
	37,407,069
Transfer from Capital Funds	549,010,365
Tax Audit Revenue and Other Initiatives	659,650,000
Tax Program	0
Other Categorical Grants	1,193,060,616
Amount of Estimated Revenue other than Real Estate Taxes	548,286,192,998

FOOTNOTES

(1) Fiscal 2012 administrative expenses of the New York State Financial Control Board ("FCB") and the Office of the State Deputy Comptroller ("OSDC"), the "State Oversight Retention Requirements", have been treated only for accounting and financial reporting purposes of the City as if they were City expenditures. Consequently, the above estimates of General Fund receipts for Fiscal 2012 do not reflect anticipated reductions in amounts to be received by the City from the 4.5 percent sales tax levied in the City (the "City Sales Tax") pursuant to State Oversight Retention Requirements. In fact, the State Oversight Retention Requirements are to be retained by the State from the City Sales Tax and will therefore reduce the funds which are paid to the City from the City Sales Tax. This presentation of State Oversight Retention Requirements (instead of being shown as a reduction in City Sales Tax) has no bearing on the statutory relationship between the City, on the one hand, and the FCB and OSDC, on the other hand.

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

Res. No. 1104

Resolution amending and restating the resolution to provide the amounts necessary for the support of the government of the City of New York and the counties therein and for the payment of indebtedness thereof, for the fiscal year beginning on July 1, 2011 and ending on June 30, 2012, by the levy of taxes on the real property in the City of New York, in accordance with the provisions of the Constitution of the State of New York, the Real Property Tax Law and the Charter of the City of New York.

By Council Member Recchia.

Whereas, on May 6, 2011, pursuant to the Section 249 of the Charter of the City of New York ("the Charter"), the Mayor of the City of New York (the "Mayor") submitted to the Council of the City of New York (the "Council"), the executive budget for the support of the government of the City of New York and the counties therein (collectively, the "City") for the fiscal year beginning on July 1, 2011 and ending on June 30, 2012 ("Fiscal 2012"); and

Whereas, on May 27, 2011, pursuant to Section 1514 of the Charter, the Commissioner of the Department of Finance (the "Commissioner") delivered to the Council, the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2012, a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516, Real Property Tax Law (the "Fiscal 2012 Assessment Rolls"); and

Whereas, on June 29, 2010, the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2012 pursuant to Section 1803-a(1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, on June 29, 2011, pursuant to Section 1803-a, Real Property Tax Law, the Council adopted a resolution in which the Council adjusted the current base proportion of each class of real property in the City for Fiscal 2012, to reflect the additions to, and full or partial removal from, the Fiscal 2012 Assessment Rolls (the "Adjusted Base Proportion Resolution"); and

Whereas, on June 29, 2011, pursuant to Section 254 of the Charter, the Council adopted the budget for the support of the government of the City and for the payment of indebtedness thereof for Fiscal 2012 (the "Fiscal 2012 Budget"); and

Whereas, on June 29, 2011, pursuant to Section 1515(a) of the Charter, the Mayor prepared and submitted to the Council, a statement setting forth the amount of the Fiscal 2012 Budget as approved by the Council (the "Fiscal 2012 Budget Statement") and an estimate of the probable amount of receipts into the City treasury during Fiscal 2012 from all the sources of revenue of the general fund and all receipts other than those of the general fund and taxes on real property, a copy of which is attached hereto as Exhibit A (the "Fiscal 2012 Revenue Estimate"); and

Whereas, on June 29, 2011, pursuant to Section 1516 of the Charter, the Council adopted a resolution to provide the amounts necessary for the support of the government of the City, among other things, by the levy of taxes on real property in the City (the "Tax Fixing Resolution"); and

Whereas, after the adoption of the Current Base Proportion Resolution, the Adjusted Base Proportion Resolution, the Fiscal 2012 Budget and the Tax Fixing Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the allowable percent increase in the current base proportion as compared with the previous year's adjusted base proportion from 5.0 percent to 2.5 percent; and

Whereas, the amendment to Section 1803-a, Real Property Tax Law, requires the amending and restating of the Tax Fixing Resolution;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

** As hereinafter provided, references to the Fiscal 2012 Budget will be deemed to reference such budget as adopted on June 29, 2011. Such references shall not include modifications of such budget during the Fiscal 2012 fiscal year.*

Section 1. Fixing of Real Property Tax Rates for Fiscal 2012.

a. Determining the Amount of the Real Property Tax Levy.

- (i) The total amount of the Fiscal 2012 Budget as set forth in the Fiscal 2012 Budget Statement is \$65,910,705,998.
- (ii) The estimate of the probable amount of receipts into the City treasury during Fiscal 2012 from all the sources of revenue of the general fund and all receipts other than those of the general fund and taxes on real property as set forth in the Fiscal 2012 Revenue Estimate is \$48,286,192,998.
- (iii) Pursuant to Section 1516 of the Charter, the Council hereby determines that the amount required to be raised by tax on real property shall be \$17,624,513,000, which is derived from deducting the amount set forth in the Fiscal 2012 Revenue Estimate from the amount of the Fiscal 2012 Budget.
- (iv) In order to achieve a real property tax yield of \$17,624,513,000 due to provision for uncollectible taxes and refunds and collection of levies from prior years, the Council hereby determines that a real property tax levy of \$19,248,547,840 will be required, calculated as follows:

Not Subject to the 2 ½ percent Tax Limitation:

For Debt Service:	
Funded Debt	\$1,037,793,661

Amount Required for Debt Service and Financing as:

Provision for Uncollectible Taxes	\$89,210,610	
Provision for Refunds	\$25,732,106	
Collection of Prior Years' Levies	(\$17,193,993)	\$1,135,542,384

Subject to the 2 ½ percent Tax Limitation:

For Debt Service:	
Temporary Debt	
Interest on Temporary Debt	\$0
For General Operating Expenses:	
Funds Required	\$16,586,719,339

Amount Required for Debt Service and Operating Expenses as:

Provision for Uncollectible Taxes	\$1,425,824,230	
Provision for Refunds	\$411,267,894	
Collection of Prior Years' Levies	(\$274,806,007)	<u>18,149,005,456</u>

TOTAL REAL PROPERTY TAX LEVY \$19,284,547,840

The Council hereby determines that such amount, levied at such rates on the classes of real property pursuant to paragraph (iv) of subsection b below will produce a balanced budget within generally accepted accounting principles for municipalities.

(v) The real property tax levy, net of provision for uncollectible taxes and refunds and the collection of levies from prior years, determined pursuant to clause (iv) above shall be applied as follows:

(A) For payment of debt service not subject to the 2 ½ percent tax limitation: \$1,037,793,661

(B) For debt service on short-term debt subject to the 2 ½ percent tax limitation: \$0

(C) To provide for conducting the public business of the City and to pay the appropriated expenditures for the counties therein as set forth in the Fiscal 2012 Budget in excess of the amount of revenues estimated in the Fiscal 2012 Revenue Estimate: \$16,586,719,339

b. Authorizing and Fixing the Real Property Tax Rates.

(i) Assessed Valuation Calculations of Taxable Real Property in the City. The Fiscal 2012 Assessment Rolls set forth the following valuations by class within each borough of the City.

(A) The assessed valuation by class of real property for the purpose of taxation in each borough of the City, exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes is set forth below:

Assessment by Class of Property Subject to Taxation for All Purposes					
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property	Assessment of Property Subject to Taxation for All Purposes
Manhattan	\$736,565,347	\$38,501,566,827	\$4,194,479,421	\$55,868,740,887	\$99,301,352,482
The Bronx	1,347,549,841	3,059,673,412	1,349,251,532	2,958,578,985	8,715,053,770
Brooklyn	4,788,460,269	6,494,393,744	2,355,081,833	6,363,451,828	20,001,387,674
Queens	6,810,314,971	5,867,770,235	2,313,627,230	8,773,427,329	23,765,139,765
Staten Island	2,498,785,596	260,290,392	662,818,807	1,587,457,430	5,009,352,225
TOTAL	\$16,181,676,024	\$54,183,694,610	\$10,875,258,823	\$75,551,656,459	\$156,792,285,916

(B) The assessed valuation by class of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes in each borough of the City is set forth below:

Assessment by Class of Veterans' Property Exempted under State Law from Tax for General Purposes but Subject to Tax for School Purposes					
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property	Total Assessment of Veterans' Property Exempted under State Law from Tax for General Purposes but Subject to Tax for School Purposes
Manhattan	\$946,341	\$95,519,620	\$0	\$41,028	\$96,506,989
The Bronx	14,044,097	3,844,668	0	22,529	17,911,294
Brooklyn	41,689,820	11,454,014	0	23,960	53,167,794
Queens	78,465,417	34,611,513	0	39,377	113,116,307
Staten Island	47,011,510	993,718	0	10,459	48,015,687
TOTAL	\$182,157,185	\$146,423,533	\$0	\$137,353	\$328,718,071

*Includes condominiums of three stories or fewer which have always been condominiums.

(ii) Chapter 389 of the Laws of 1997 established a new real property tax exemption providing school tax relief (Section 425, Real Property Tax Law). Pursuant to subdivision 8 of Section 425, the assessment by tax class of property subject to taxation for all purposes and the assessment by tax class of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes has been increased by the amounts shown below for purposes of: (a) determining the City's tax and debt limits pursuant to law; (b) determining the amount of taxes to be levied; (c) calculating tax rates by tax class; and (d) apportioning taxes among classes in a special assessing unit under Article 18, Real Property Tax Law.

(A) The assessed valuation by class of real property for the purpose of taxation in each borough of the City exempted under Section 425, Real Property Tax Law, exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes is set forth below:

Assessment by Class of Property Exempted under Section 425, Real Property Tax Law, for All Purposes				
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property**	All Other Real Property	Exempted under Section 425, Real Property Tax Law, for All Purposes
Manhattan	\$4,615,872	\$196,960,655	\$295,943	\$201,872,470
The Bronx	82,697,765	32,802,992	68,034	115,568,791
Brooklyn	259,005,273	88,734,804	432,320	348,172,397
Queens	380,553,705	162,276,800	533,590	543,364,095
Staten Island	160,866,708	5,927,054	96,738	166,890,500
TOTAL	\$887,739,323	\$486,702,305	\$1,426,625	\$1,375,868,253

(B) The assessed valuation by class of veterans' real property exempt under state law from tax for general purposes and exempt under Section 425, Real Property Tax Law, for school purposes in each borough of the city is set forth below:

Assessment by Class of Veterans' Property Exempted under Section 425, Real Property Tax Law, for School Purposes				
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property**	All Other Real Property	Total Assessment of Veterans' Property Exempted under Section 425, Real Property Tax Law, for School Purposes
Manhattan	\$0	\$9,879	\$264	\$10,143
The Bronx	40,380	33,939	0	74,319
Brooklyn	68,435	37,100	1,125	106,660
Queens	69,115	81,941	427	151,483
Staten Island	50,358	15,513	0	65,871
TOTAL	\$228,288	\$178,372	\$1,816	\$408,476

*Includes condominiums of three stories or fewer which have always been condominiums.

** Only residential real property held in the cooperative or condominium form of ownership qualifies for the real property tax exemption providing school tax relief.

(iii) Operating Limit Provisions. The Council hereby determines that the amount to be raised by tax on real property for the Fiscal 2012 Budget pursuant to clause (iii) of subsection (a) of Section 1 hereof does not exceed the limit imposed by Section 10, Article VIII of the Constitution of the State of New York, as amended, and Article 12-A, Real Property Tax Law (the "Operating Limit Provisions").*

(A) The Operating Limit Provisions require that the City not levy taxes on real property in any fiscal year in excess of an amount equal to a combined total of two and one-half percent (2 1/2 %) of the average full valuation of taxable real property, less (i) the amount to be raised by tax on real property in such year for the payment of the interest on and the redemption of certificates or other evidence of indebtedness described therein and (ii) the aggregate amount of district charges, exclusive of debt service, imposed in such year by business improvement districts pursuant to Article 19-A, General Municipal Law.

(B) The Operating Limit Provisions require that average full valuations of taxable real property be determined by taking the assessed valuations of taxable real property on the last completed assessment roll and the four (4) preceding assessment rolls of the City and applying thereto the special equalization ratios which such assessed valuations of each such roll bear to the full valuations as fixed and determined by the State Office of Real Property Tax Services ("ORPTS") pursuant to Section 1251, Real Property Tax Law, as shown below:

Fiscal Year	Assessed Valuations	Assessment Percentage	Full Valuations
2008.....	125,777,268,853	0.1703	738,562,941,004
2009.....	134,294,731,881	0.1847	727,096,545,106
2010.....	143,334,172,616	0.1977	725,008,460,374
2011.....	149,311,931,232	0.1944	768,065,489,877
2012.....	157,121,003,987	0.1857	846,101,260,027
		AVERAGE	\$760,966,939,277

2 1/2 percent thereof for Fiscal 2012..... \$19,024,173,482

Less debt service subject to the 2 1/2 percent tax limitation:

Temporary debt
Interest on temporary debt
..... \$0

Less aggregate amount of district charges subject to the 2 1/2 percent tax Limitation..... (\$88,272,920)

Constitutional amount subject to the limitation which may be raised for other than debt service in accordance with the provisions of Section 10, Article VIII, of the State Constitution..... \$18,935,974,194

*The amount to be raised by tax on real property for purposes of the Operating Limit determination is equal to the real property tax levy as reduced by the net reductions in amounts collected as authorized by New York State law.

** The tax fixing resolution adopted by the New York City Council on June 29, 2011 projected the amount of district charges to be \$88,199,228. Since the adoption of the June 29, 2011 resolution, estimates of Fiscal 2012 district charges have been decreased to \$88,272,920.

(iv) Adjusted Base Proportions. Pursuant to the Adjusted Base Proportion Resolution, the Council certified the following adjusted base proportions to be used in determining the Fiscal 2012 tax rates for the four classes of properties:

All One, - Two- and Three-Family Residential Real Property*.....	15.3852
All Other Residential Real Property.....	37.8064
Utility Real Property.....	7.0338
All Other Real Property.....	39.7746
Total.....	100.0000

*Includes condominiums of three stories or fewer which have always been condominiums.

(v) Tax Rates on Adjusted Base Proportions.

(A) Pursuant to Section 1516 of the Charter, the Council hereby authorizes and fixes the rates of tax for Fiscal 2012 (1) by class upon each dollar of assessed valuation of real property subject to taxation for all purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property
Subject to the 2 1/2 percent tax limitation as authorized by Article VIII, Section 10, of the State Constitution including a reserve for uncollectible taxes.....	0.17126	0.12641	0.11738	0.09554
Not subject to the 2 1/2 percent tax limitation as authorized by Article VIII, Sections 10 and 11 of the State Constitution including a reserve for uncollectible taxes.....	0.01079	0.00792	0.00735	0.00598
Decimal rate on adjusted proportion for all purposes.....	0.18205	0.13433	0.12473	0.10152

*Includes condominiums of three stories or fewer which have always been condominiums.

and (2) by class upon each dollar of assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

	All One, Two And Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property
Subject to the 2 ½ percent tax limitation as authorized by Article VIII, Section 10, of the State Constitution including a reserve for uncollectible taxes.....	0.11512	0.08520	0.00000	0.06446
Not subject to the 2 ½ percent tax limitation as authorized by Article VIII, Sections 10 and 11 of the State Constitution including a reserve for uncollectible taxes.....	0.00084	0.00062	0.00000	0.00047
Decimal rate on adjusted proportion for all veterans' property exempted under state law from tax for general purposes but subject to tax for school purposes.....	0.11596	0.08582	0.00000	0.06493

*Includes condominiums of three stories or fewer which have always been condominiums.

Section 2. Authorization of the Levy of Real Property Taxes for Fiscal 2012.

a. Pursuant to Section 1517 of the Charter, the Council hereby authorizes and directs the Commissioner to (i) set down in the Fiscal 2012 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the amended and restated respective sums, in dollars and cents, to be paid as a tax thereon, rejecting the fractions of a cent and add and set down the aggregate valuations of real property in the boroughs of the City and (ii) send a certificate of such aggregate valuation in each such borough to the Comptroller of the State.

b. Pursuant to Section 1518 of the Charter, immediately upon the completion of the Fiscal 2012 Assessment Rolls, the City Clerk shall procure the proper amended and restated warrants in the form attached hereto as Exhibit B to be signed by the Public Advocate of the City ("Public Advocate") and counter-signed by the City Clerk authorizing and requiring the Commissioner to collect the several sums therein mentioned according to law and immediately thereafter the Fiscal 2012 Assessment Rolls of each borough shall be delivered by the Public Advocate to the Commissioner with proper warrants, so signed and counter-signed, annexed thereto.

Section 3. Effective Date. The Tax Fixing Resolution, as hereby amended and restated, shall remain in full force and effect as of the date hereof.

EXHIBIT A



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

June 28, 2011

To The HONORABLE COUNCIL of THE CITY OF NEW YORK

For the Expense Budget of the City of New York as adopted by the Council pursuant to Section 254 of the Charter for the Fiscal Year beginning July 1, 2011 and ending June 30, 2012 (Fiscal Year 2012) the amount of appropriation is:

Amounts Appropriated	\$65,910,705,998
The probable amounts and sources of revenues (other than Real Property Taxes) for Fiscal Year 2012, as estimated by me pursuant to Section 1515 of the Charter, are as set forth below:	
Taxes (excluding Real Property Taxes)	\$23,753,005,000
Miscellaneous Revenues	\$4,405,427,753
Grants:	
Federal	6,673,451,874
State	11,030,180,321
Provision for Disallowances	(15,000,000)
Unrestricted State and Federal Aid	37,407,069
Other Categorical Aid	1,193,060,616
Transfer from Capital Funds	549,010,365
Tax Audit Revenue	659,650,000
	\$24,533,187,998

Making the total amount of the Expense Budget for the Fiscal Year 2012 to be financed by Real Property Taxes (after provision for uncollectibles, refunds and collection of prior years' levies):

\$17,624,513,000

In order to achieve the required Real Property Tax yield of \$17,624,513,000, a Real Property Tax levy of \$19,284,547,840 will be required:

The amount of taxes on real estate to be levied subject to the 2-1/2 percent tax limitation as authorized by Article VIII Section 10 of the State Constitution including a provision for uncollectible taxes	\$18,149,005,456
The amount of taxes on real estate to be levied not subject to the 2-1/2 percent tax limitation as authorized by Article VIII Sections 10 and 11(a) of the State Constitution including a provision for uncollectible taxes	\$1,135,542,384

Total amount of Real Property Taxes to be levied for the Fiscal Year 2012 is \$19,284,547,840

Very truly yours,

Michael R. Bloomberg
Mayor

EXHIBIT B

FORM OF WARRANT

WARRANT

To David M. Frankel, Commissioner of Finance of the City of New York:

You are hereby authorized and required, in accordance with the provisions of the Real Property Tax Law and the Charter of the City of New York, to collect the real property tax on the properties named and described in the real property assessment roll in accordance with the assessments thereon and the tax rates fixed by the City Council for the fiscal year beginning on July 1, 2011.

Public Advocate of the
City of New York

Clerk of the City of
New York

(SEAL)

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, November 3, 2011.

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

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

Report for Preconsidered M-691

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget regarding transferring City funds between various agencies in Fiscal Year 2012 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter. (MN-1)

The Committee on Finance, to which the annexed resolution was referred on November 3, 2011, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on November 3, 2011, the Committee on Finance received a communication, dated November 2, 2011 from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation and transfer city funds in the amount of \$1,568,072 between various agencies in the Fiscal Year 2012 expense budget as adopted by the Council on June 29, 2011, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter").

Analysis. The Council annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2011, the Council adopted the expense budget for Fiscal Year 2012 (the "Fiscal 2012 Expense Budget"). This Modification reallocates appropriations that were reflected in the Fiscal 2012 Expense Budget to fund City Council local initiatives as well as other discretionary programs.

The following agencies receive funding transfers as a result of this Modification:

1. Department of Education
2. NYPD
3. Miscellaneous
4. Dept. of Cultural Affairs
5. Dept. of Youth and Community Development
6. Dept. of Health and Mental Hygiene
7. DOITT
8. City University of New York
9. Administration of Children Services
10. Department for the Aging
11. Dept. of Small Business Services
12. Small Business Services
13. Housing Preservation and Development
14. Dept. of Sanitation of New York
15. Dept. of Parks and Recreation

The net effect of this Modification is zero. For more detail on the funding transfer between agencies, initiatives and discretionary programs, see Appendix A of the attached report.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

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

TO: Honorable Christine C. Quinn
Speaker
Honorable Domenic M. Recchia, Jr. Chairman, Finance
Committee

FROM: Preston Niblack, Director, Finance Division
Jeffrey Rodus, First Deputy Director, Finance Division
Tanisha Edwards, Counsel, Finance Division

DATE: November 3, 2011

SUBJECT: A budget modification (MN-1) for Fiscal Year 2012 to implement changes in the City's expense budget.

INITIATION: By letter dated November 2, 2011, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds, totaling \$1,568,072 between various agencies in Fiscal Year 2012 to implement changes in the City's expense budget.

BACKGROUND: MN-1 reallocates appropriations that were reflected in the FY 2012 Adopted Budget to fund City Council local initiatives as well as other discretionary programs.

FISCAL IMPACT: MN-1 represents the reallocation of appropriations. The net effect of this modification is zero.

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

Res. No. 1106

Resolution approving the modification (MN-1) of units of appropriation and the transfer of city funds between agencies proposed by the Mayor pursuant to Section 107(b) of the Charter of the City of New York.

By Council Member Recchia.

Whereas, at a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on November 3, 2011, the Committee on Finance received a communication, dated November 2, 2011 from the Office of Management and Budget of the Mayor of The City of New York (the "Mayor"), of a proposed request, attached hereto as Exhibit A (the "Modification"), to modify units of appropriation and transfer city funds in the amount of \$1,568,072 between various agencies in the Fiscal Year 2012 expense budget as adopted by the Council on June 29, 2011, pursuant to Section 107(b) of the Charter of the City of New York (the "Charter"); and

Whereas, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

1. **Approval of Modification.** The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.
2. **Effective Date.** This resolution shall take effect as of the date hereof.

ATTACHMENT:

November 2, 2011

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2012 to implement changes in the City's expense budget.

As requested by the City Council, this modification (MN-1) reallocates appropriations that were reflected in the FY 2012 Adopted Budget to fund City Council local initiatives as well as other discretionary programs.

Your approval of modification MN —1 is respectfully requested.

Yours truly,

Mark Page

Fiscal Year 2012 Budget Modification

-MN 1-

From

040	Department of Education	
454	Central Administration - OTPS	-67,500
056	Police Department	
100	Operations - OTPS	-1,000
098	Miscellaneous	
002	OTPS	-79,500
126	Department of Cultural Affairs	
003	Cultural Programs	-6,495
260	Youth & Community Development	
005	Community Development - OTPS	-1,119,327
312	Other Than Personal Service	-167,750
816	Dept Health & Mental Hygiene	
112	OTPS - Disease Intervention	-22,500
120	Mental Health	-4,000
858	D.O.I.T.T.	
002	Other Than Personal Service	-100,000
		-1,568,072

Fiscal Year 2012 Budget Modification

-MN 1-

To

040	Department of Education	
402	GE Instr. & School Leadership	39,500
042	City University	
001	Community College-OTPS	554,322
057	Fire Department	
005	Executive Admin - OTPS	5,000
068	Admin. for Children Services	
004	Headstart/Daycare - OTPS	4,000
006	Child Welfare - OTPS	30,000
069	Department of Social Services	
105	Adult Services - OTPS	190,000
125	Department for the Aging	
003	Community Programs - OTPS	316,150
801	Dept. Small Business Services	
002	Dept of Business Serv. - OTPS	74,000
806	Housing Preservation & Dev.	
009	Office of Development-OTPS	9,000
816	Dept Health & Mental Hygiene	
113	Hlth Promo & Disease Prev-OTPS	59,500

Fiscal Year 2012 Budget Modification

-MN 1-

To

827 Department of Sanitation	
109 Cleaning & Collection - OTPS	1,500
846 Dept of Parks and Recreation	
006 Maintenance & Operations-OTPS	285,100
	1,568,072
	0

Appendix A

From

040 Department of Education	
454 Central Administration - OTPS	
Beacon Parents Forum	7,500
Way to Work, The	-75,000
Unit of Appropriation Total	-67,500
056 Police Department	
100 Operations - OTPS	
34th Precinct Community Council, Inc.	-1,000
Unit of Appropriation Total	-1,000
098 Miscellaneous	
002 OTPS	
Sumner Houses Tenants Association, Inc.	15,000
New York City Housing Authority	500
572574 Warren St Tenants Association	5,000
LaGuardia Archive	-100,000
Unit of Appropriation Total	-79,500

Appendix A

From

126 Department of Cultural Affairs	
003 Cultural Programs	
Community Environmental Center, Inc.	-3,500
ActNow Foundation, Inc.	-8,437
Martin Luther King, Jr. Concert Series, Inc.	-5,558
African American Women In Cinema	-3,500
Queens College Foundation Inc for - Queens College Arts Center	-3,500
Latin American Intercultural Alliance	-5,000
Voelker Orth Museum, The	-3,500
Library Action Committee of Corona-East Elmhurst, Inc.	20,000
Fund for the City of New York, Inc.	-5,000
St. Augustines Project Inc., The	-5,000
A Gathering of the Tribes	-3,000
St. Augustines Project Inc., The	-3,500
Associazioni Siciliane Unite de New York, Inc.	-4,000
Historic House Trust of New York City	-2,000

Appendix A

From

126 Department of Cultural Affairs	
003 Cultural Programs	
Rockaway Music and Arts Council, Inc.	-10,000
Queens College Foundation, Inc.	-3,500
Bushwick Institute of the Performing Arts	-21,000
Department of Education Diocese of Brooklyn	-3,500
Enrichment Through the Arts	-3,500
Seventh Regiment Armory Conservancy, Inc. d/b/a. Park Avenue Armory	3,500
Lower East Side Tenement Museum, The	7,500
Brooklyn Arts Council, Inc.	90,000
Earsay, Inc.	3,500
Town Hall Foundation, Inc.	3,500
Bayside Historical Society	-2,500
Folksbiene Yiddish Theatre, Inc.	-5,000
Midtown Management Group, Inc., The	-5,000

Appendix A

From:

126 Department of Cultural Affairs		
003 Cultural Programs		
Jewish Children's Museum	-5,000	
Flushing Town Hall	5,000	
Riverside Opera Company, Inc.	-1,000	
Joe Gheraldi Playwright Theater	-3,000	
Queens College Foundation Inc for - Queens College Arts Center	-3,500	
Sacred Music Choral of Richmond Hill, Inc.	-2,000	
National Lighthouse Museum	-5,000	
Caribbean Cultural Theatre, Inc.	-3,500	
Committee to Improve Carroll Park	-2,000	
Jewish Children's Museum	-15,000	
Tribecaarts, Inc.	-3,500	
Community-Word Project, Inc.	-1,000	

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From:

126 Department of Cultural Affairs		
003 Cultural Programs		
Fulton Art Fair, Inc.	5,000	
Symphony Space, Inc.	2,000	
Society of the Educational Arts, Inc. (SEA)	3,000	
Trilok Fusion Arts, Inc. (TFA)	-1,500	
Cool Culture, Inc.	2,000	
Dance Theatre Etcetera, Inc. (DTE)	4,000	
Unit of Appropriation Total		-6,495
260 Youth & Community Development		
005 Community Development - OTPS		
City University of New York School of Law Foundation, Inc., The	-58,000	
Research Foundation of the City University of New York	-63,000	
New York City Coalition Against Hunger, Inc.	-40,000	
Research Foundation of the City University of New York - Citizenship NOW	-39,123	
572574 Warren St Tenants Association	-5,000	

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From:

260 Youth & Community Development		
005 Community Development - OTPS		
City University of New York School of Law Foundation, Inc., The	-10,000	
Research Foundation of the City University of New York - Citizenship NOW	-23,138	
Brighton Beach District Management Association, Inc.	-5,000	
Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	-600,000	
Research Foundation of the City University of New York - Citizenship NOW	-21,000	
Edith and Carl Marks Jewish Community House of Bensonhurst	-25,000	
Greater Ridgewood Restoration Corporation	-5,000	
Morris Park Community Association	-5,000	
Caribbean Cultural Theatre, Inc.	3,500	
Center for Law and Social Justice, Medgar Evers College	-29,786	
Research Foundation of the City University of New York - Citizenship NOW	-69,500	
Library Action Committee of Corona-East Elmhurst, Inc.	-20,000	
Historic House Trust of New York City	-2,000	
Federation of Organizations for the New York State Mentally Disabled, Inc.	-2,500	

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From:

260 Youth & Community Development		
005 Community Development - OTPS		
Bailey's Café, Inc.	-10,000	
City Harvest, Inc.	5,000	
Fulton Art Fair, Inc.	-5,000	
Hispanic Federation, Inc.	16,000	
Child Welfare Organizing Project, Inc.	-30,000	
Council of Jewish Organizations of Flatbush, Inc.	150,000	
American Red Cross in Greater New York	5,000	
Maspeth Chamber of Commerce, Inc.	-5,000	
Harvest Home	-150,000	
Brooks Memorial United Methodist Church	-5,000	
Seventh Regiment Armory Conservancy, Inc. d/b/a. Park Avenue Armory	-3,500	
FDNY Foundation Inc	-5,000	

Appendix A

From

260 Youth & Community Development		
005 Community Development - OTPS		
New Amsterdam Public Market	-45,000	
Way to Work, The	75,000	
A Gathering of the Tribes	3,000	
St. Augustines Project Inc., The	3,500	
Riverside Opera Company, Inc.	1,000	
Tribecaarts, Inc.	3,500	
Immigrant Opportunities Initiative	-25,275	
Department of Education Diocese of Brooklyn	3,500	
Jewish Community Council of Greater Coney Island, Inc.	-65,000	
Rockaway Music and Arts Council, Inc.	10,000	
Trilok Fusion Arts, Inc. (TFA)	1,500	
Bushwick Institute of the Performing Arts	21,000	
Municipal Art Society of New York, Inc.	-5,000	

Appendix A

From

260 Youth & Community Development		
005 Community Development - OTPS		
City Harvest, Inc.	3,500	
Associazioni Siciliane Unite de New York, Inc.	4,000	
African American Women In Cinema	3,500	
Community Environmental Center, Inc.	3,500	
Trilok Fusion Arts, Inc. (TFA)	1,500	
ActNow Foundation, Inc.	8,437	
Pratt Area Community Council, Inc.	500	
Martin Luther King, Jr. Concert Series, Inc.	5,558	
Fund for the City of New York, Inc.	5,000	
Machon Chana	500	
Brooklyn Arts Council, Inc.	-90,000	
K.S. J.A.M.M. Dance Troupe	500	
Hope City Empowerment Center, Inc.	500	

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From

260 Youth & Community Development		
005 Community Development - OTPS		
Latin American Intercultural Alliance	5,000	
Brown Community Development Corporation	500	
Voelker Orth Museum, The	3,500	
Unit of Appropriation Total	-1,119,327	
312 Other Than Personal Service		
Jewish Children's Museum	5,000	
Fund for the City of New York, Inc.	-3,000	
Enrichment Through the Arts	3,500	
Sacred Music Choral of Richmond Hill, Inc.	2,000	
Joe Gheraldi Playwright Theater	3,000	
Sunset Park Health Council, Inc.	-2,000	
Sunnyside Community Services Center, Inc.	-40,000	
NYC Lab School for Collaborative Studies	-3,500	
Lower East Side Tenement Museum, The	-7,500	

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From

260 Youth & Community Development		
312 Other Than Personal Service		
Asphalt Green, Inc.	-15,000	
Child Abuse Prevention Program, Inc.	-5,000	
Earsay, Inc.	-3,500	
Asphalt Green, Inc.	-200,000	
New York and Presbyterian Hospital	-75,000	
Neighborhood Initiatives Development Corporation (NIDC)	40,000	
Dance Theatre Etcetera, Inc. (DTE)	-4,000	
Mosholu-Montefiore Community Center, Inc.	30,000	
Young Men's Christian Association of Greater New York	3,000	
New York Junior Tennis League, Inc.	-3,500	
Child Abuse Prevention Program, Inc.	-5,000	
Flushing Town Hall	-5,000	

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From

260 Youth & Community Development	
312 Other Than Personal Service	
Beacon Parents Forum	-7,500
Jewish Community Council of Staten Island	140,000
Queens Lesbian and Gay Pride Committee, Inc.	-3,500
National Lighthouse Museum	5,000
Jewish Children's Museum	15,000
Kips Bay Boys and Girls Club, Inc.	13,750
Committee to Improve Carroll Park	2,000
Mekimi	-10,000
St. Rosalia-Regina Pacis Neighborhood Improvement Association, Inc.	-7,500
Curtis High School	-5,000
Queens Lesbian and Gay Pride Committee, Inc.	-5,000
Westside Crime Prevention Program	-7,500

Appendix A

From

260 Youth & Community Development	
312 Other Than Personal Service	
Wellness in the Schools, Inc.	-2,000
Queens Lesbian and Gay Pride Committee, Inc.	-10,000
Unit of Appropriation Total	-167,750
816 Dept Health & Mental Hygiene	
112 OTPS - Disease Intervention	
Queens Village Committee for Mental Health for J-CAP, Inc.	-7,500
Queens Sickle Cell Advocacy Network, Inc.	-15,000
Unit of Appropriation Total	-22,500
120 Mental Health	
Marble Hill Nursery School	-1,000
Brooklyn Bureau of Community Service	-3,000
Unit of Appropriation Total	-4,000
858 D.O.I.T.T.	
002 Other Than Personal Service	
Department of Information and Technology	-100,000
Unit of Appropriation Total	-100,000

Appendix A

From

-1,568,072

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To

040 Department of Education	
402 GE Instr. & School Leadership	
Public School K753 - School for Career Development	-500
Child Abuse Prevention Program, Inc.	5,000
Curtis High School	5,000
Child Abuse Prevention Program, Inc.	5,000
Public School/Middle School 278M	-1,000
NYC Lab School for Collaborative Studies	3,500
Public School 46K - Edward C. Blum	-500
St. Augustines Project Inc., The	5,000
Urban Assembly Academy of Arts and Letters, The	-500
Queens Lesbian and Gay Pride Committee, Inc.	10,000
Queens Lesbian and Gay Pride Committee, Inc.	5,000
Queens Lesbian and Gay Pride Committee, Inc.	3,500
Unit of Appropriation Total	39,500

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To

042 City University	
001 Community College-OTPS	
Queens College Foundation Inc for - Queens College Arts Center	3,500
Research Foundation of the City University of New York - Citizenship NOW	69,500
Research Foundation of the City University of New York	63,000
City University of New York School of Law Foundation, Inc., The	58,000
Center for Law and Social Justice, Medgar Evers College	29,786
Community Advocacy Center Inc	5,000
Research Foundation of the City University of New York - Citizenship NOW	21,000
Department of Information and Technology	100,000
Research Foundation of the City University of New York - Citizenship NOW	39,123
LaGuardia Archive	100,000
Research Foundation of the City University of New York - Citizenship NOW	25,275
City University of New York School of Law Foundation, Inc., The	10,000
Queens College Foundation, Inc.	3,500

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To

042 City University	
001 Community College-OTPS	
Queens College Foundation Inc for - Queens College Arts Center	3,500
Research Foundation of the City University of New York - Citizenship NOW	23,138
Unit of Appropriation Total	554,322
057 Fire Department	
005 Executive Admin - OTPS	
FDNY Foundation Inc	5,000
Unit of Appropriation Total	5,000
068 Admin. for Children Services	
004 Headstart/Daycare - OTPS	
Brooklyn Kindergarten Society	-500
Omega Psi Phi Fraternity Nu Omicron Chapter Day Care Center	4,500
Unit of Appropriation Total	4,000
006 Child Welfare - OTPS	
Child Welfare Organizing Project, Inc.	30,000
Unit of Appropriation Total	30,000

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To

069 Department of Social Services	
105 Adult Services - OTPS	
New York City Coalition Against Hunger, Inc.	40,000
Food Bank for New York City	150,000
Unit of Appropriation Total	190,000
125 Department for the Aging	
003 Community Programs - OTPS	
Jewish Community Council of Staten Island	-140,000
Edith and Carl Marks Jewish Community House of Bensonhurst	25,000
Morris Park Community Association	5,000
Neighborhood Initiatives Development Corporation (NIDC)	-40,000
United Hindu Cultural Council of USA, North America, Inc.	-5,000
Sumner Houses Tenants Association, Inc.	-15,000
Jewish Community Council of Greater Coney Island, Inc.	65,000
Friends of Sunnyside Gardens Parks	-25,000
Sunnyside Community Services Center, Inc.	40,000
Mosholu-Montefiore Community Center, Inc.	-30,000

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To

125 Department for the Aging	
003 Community Programs - OTPS	
Community Advocacy Center Inc	-5,000
Jewish Home and Hospital	-13,750
Council of Jewish Organizations of Flatbush, Inc.	-150,000
Services Now for Adult Persons (SNAP), Inc.	20,000
Metropolitan New York Coordinating Council on Jewish Poverty, Inc.	600,000
Friends of Sunnyside Gardens Parks	-22,600
St. Rosalia-Regina Pacis Neighborhood Improvement Association, Inc.	7,500
Unit of Appropriation Total	316,150
801 Dept. Small Business Services	
002 Dept of Business Serv. - OTPS	
Northern Manhattan Coalition for Economic Development, Inc.	-1,000
Rockaway Development and Revitalization Corporation	15,000
Washington Heights and Inwood Development Corporation	-10,000
Pratt Institute Center for Community and Environmental Development (PICCED)	2,000

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To

801 Dept. Small Business Services		
002 Dept of Business Serv. - OTPS		
Maspeth Chamber of Commerce, Inc.	5,000	
Brighton Beach District Management Association, Inc.	5,000	
Business Outreach Center Network, Inc.	500	
New Amsterdam Public Market	45,000	
Meatpacking Improvement Association, Inc.	7,500	
Greater Ridgewood Restoration Corporation	5,000	
Unit of Appropriation Total		74,000
806 Housing Preservation & Dev.		
009 Office of Development-OTPS		
Erasmus Neighborhood Federation	10,000	
Minerva Mirabal, Inc.	-1,000	
Unit of Appropriation Total		9,000
816 Dept Health & Mental Hygiene		
113 Hlth Promo & Disease Prev-OTPS		
City Harvest, Inc.	-3,500	

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To

816 Dept Health & Mental Hygiene		
113 Hlth Promo & Disease Prev-OTPS		
New York and Presbyterian Hospital	75,000	
Judah International Christian Center, Inc.	-2,000	
Angeldocs, Inc.	-5,000	
City Harvest, Inc.	-5,000	
Unit of Appropriation Total		59,500
827 Department of Sanitation		
109 Cleaning & Collection - OTPS		
Murray Hill Committee, Inc.	-3,500	
Department of Sanitation	5,000	
Unit of Appropriation Total		1,500
846 Dept of Parks and Recreation		
006 Maintenance & Operations-OTPS		
Murray Hill Committee, Inc.	3,500	
Municipal Art Society of New York, Inc.	5,000	

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To

846 Dept of Parks and Recreation		
006 Maintenance & Operations-OTPS		
Historic House Trust of New York City	2,000	
Bailey's Caf, Inc.	10,000	
Friends of Sunnyside Gardens Parks	25,000	
Asphalt Green, Inc.	200,000	
Historic House Trust of New York City	2,000	
Friends of Sunnyside Gardens Parks	22,600	
Asphalt Green, Inc.	15,000	
Unit of Appropriation Total		285,100
		1,568,072
		0

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 3, 2011.

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

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

Report for Preconsidered L.U. No. 507

Report of the Committee on Finance in favor of approving Kelly Street Apartments, Block 2711, Lots 6,7,8 & 10, Block 2703, Lot 18, Bronx, Council District No. 17

The Committee on Finance, to which the annexed resolution was referred on November 3, 2011, respectfully

REPORTS:

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

November 3, 2011

TO: Hon. Domenic M. Recchia, Jr.
Chair, Finance Committee

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of November 3, 2011- Resolution approving a tax exemption for one preconsidered Land Use Item (Council District 17).

HPD has submitted a request to the Council to approve a property tax exemption for the following property: Kelly Street Apartments located in Councilwoman Arroyo's District.

Kelly Street Apartments will consist of 5 buildings that will provide 79 units of affordable rental housing for low-income families. This project will be acquired and rehabilitated by Kelly Street Redevelopment Housing Development Fund Company. The Sponsor will finance the acquisition and rehabilitation of the property with loans from a private lender and HPD as well as low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected to be \$228,473 in the first year of the exemption and \$17.2 million over the 40-year length of the exemption.

This item has the approval of Councilwoman Arroyo.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1107

Resolution approving an exemption from real property taxes for property located at (Block 2711, Lots 6,7,8, & 10), (Block 2703, Lot 18) The Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No 507).

By Council Member Recchia .

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated October 19, 2011 that the Council take the following action regarding a housing project to be located at (Block 2711, Lots 6,7,8, & 10), (Block 2703, Lot 18) The Bronx ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on November 3, 2011;

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

RESOLVED:

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

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

(a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, and (ii) the date that HPD and the Owner enter into the Regulatory Agreement.

(b) "Exemption" shall mean the exemption from real property taxation provided hereunder.

(c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2711, Lots 6, 7, 8 & 10 and Block 2703, Lot 18 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 Kelly Street Redevelopment Housing Development Fund Company, Inc.

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

(g) "Owner" shall mean, collectively, the HDFC and the Partnership.

(h) "Partnership" shall mean Kelly Street Restoration, LP.

(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 or commercial use), shall be exempt from real property taxes, 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, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

b. The Exemption shall not apply to any building constructed on the Exemption Area that did not have a permanent certificate of occupancy on the Effective Date.

c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

4. In consideration of the Exemption, the Owner, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, November 3, 2011.

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

Report of the Committee on Immigration

Report for Int. No. 656-A

Report of the Committee on Immigration 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 persons not to be detained.

The Committee on Immigration, to which the annexed amended proposed local law was referred on August 17, 2011 (Minutes, page 3935), respectfully

REPORTS:

I. INTRODUCTION

On November 2, 2011, the Committee on Immigration, chaired by Council Member Daniel Dromm, will hold a vote on Proposed Introductory Bill Number 656-A (“Proposed Int. No. 656-A”), a Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained. The Committee held a hearing on Introductory Bill Number 656 (“Int. No. 656”) on October 3, 2011, where the Committee heard testimony from John Feinblatt, Chief Advisor to the Mayor for Policy and Strategic Planning, the former New York County District Attorney Robert M. Morgenthau, the current New York County District Attorney Cyrus Vance, legal practitioners and immigrant advocates.

II. BACKGROUND

A. NEW YORK CITY’S IMMIGRANT POPULATION

In the past decade New York City has seen an influx of immigrants from diverse cultures and ethnicities. New York City is now home to approximately 2.9 million immigrants¹ resulting in a unique diversity. In fact, according to the 2010 U.S. Census, New York City’s population grew by 2.1% in the past decade² with the largest Hispanic population in the country.³ Immigrants are considered to be a significant part of the City’s working population, accounting for 43% of the City’s overall workforce.⁴ Additionally, immigrants accounted for \$215 billion in economic activity in 2009, or 32% of the City’s total revenue.⁵ According to a January 2010 report issued by the New York State Comptroller’s Office, the City’s future economic growth is intertwined with immigration.⁶ Yet, the future of the City’s cultural and economic growth is at risk because of a current political climate that is focused on the deportation of immigrants.

Immigrants who are not naturalized may be subject to deportation either because of their immigration status or because of a criminal conviction. For example, an immigrant who enters the United States without a visa or without presenting him or herself to U.S. Immigration and Customs Enforcement (“ICE”) agents is deemed an undocumented or illegal alien and is subject to deportation.⁷ Additionally, an immigrant who enters the United States legally with a temporary visa but overstays his or her visa is deportable because of this undocumented or illegal status.⁸ As of March 2011, 11.2 million undocumented immigrants were living in the United States.⁹ New York State, home to approximately 650,000 undocumented immigrants,¹⁰ has the fourth largest undocumented immigrant population in the nation.¹¹ Even legal permanent residents, who often have significant ties to the United States, may be subject to removal or deportation proceedings if they have a criminal conviction. Because of the 1996 amendments to federal immigration law, some misdemeanors and violations under New York State law may be deemed aggravated felonies under federal law.¹² As a result, many misdemeanors under New York State law may be considered aggravated felonies for deportation purposes and a misdemeanor conviction can therefore render an individual eligible for deportation despite the often relatively minor nature of the crime.¹³ Moreover, legal permanent residents often receive mandatory deportation orders for past crimes, even if these crimes were minor and occurred many years ago.¹⁴ It is estimated that more than one million family members have been separated from loved ones as a result of deportations on criminal grounds since 1997.¹⁵ Many of the deportations from the New York City area are a result of the relationship between New York City’s Department of Correction (“DOC”) and ICE.

B. NEW YORK CITY’S DEPARTMENT OF CORRECTION

The DOC is the second largest jail system in the country, responsible for 14 jails, ten detention centers on Rikers Island and four borough facilities, as well as three hospital prison wards and 16 court detention facilities.¹⁶ DOC has custody of male and female detainees, 16 years of age and older, who, after arraignment on

criminal charges, are unable to post bail or are remanded without bail, pending trial.¹⁷ These detainees constitute about two-thirds of the total inmate population in New York City.¹⁸ DOC also has custody of individuals sentenced in the City to terms of up to one year, parole violators awaiting parole revocation hearings, and persons civilly committed.¹⁹ People sentenced to prison terms of more than one year are held pending transfer to the State Department of Correctional Services.²⁰ In fiscal year 2010, DOC administered 95,385 admissions²¹ and managed an average daily inmate population of 13,049 individuals.²² During that time, DOC oversaw the admission of 13,295 self-reported foreign born inmates.²³ On November 1, 2010 there were 13,754 total inmates in City jails, 11,391 of whom were classified as detainees²⁴ and 2,363 of whom were classified as sentenced²⁵ inmates.²⁶ In fiscal year 2010, the average length of stay in City jails was 50 days for detainees and 36.1 days for sentenced inmates.²⁷

III. THE ICE CRIMINAL ALIEN PROGRAM IN DOC FACILITIES

A. THE CRIMINAL ALIEN PROGRAM

ICE is the investigative arm of the Department of Homeland Security.²⁸ Its stated mission is to promote homeland security and public safety through the enforcement of federal immigration laws governing border control, customs, trade, and immigration.²⁹ ICE’s Office of State, Local and Tribal Coordination (“OSLTC”) is responsible for coordinating partnerships between ICE and state and local governments, law enforcement agencies and non-governmental organizations.³⁰ OSLTC is responsible for building awareness and understanding of the ICE Agreements of Cooperation in Communities (“ICE ACCESS”) program.³¹ Under this initiative, ICE works closely with other law enforcement agencies to identify an agency’s specific needs or a local community’s unique concerns.³² The ICE ACCESS initiative consists of 14 programs and tools for local law enforcement agencies, including the Criminal Alien Program (“CAP”).³³

Under CAP, ICE is able to identify, process and remove certain individuals whom ICE terms “criminal aliens,”³⁴ incarcerated in federal, state and local prisons and jails throughout the United States.³⁵ The stated goal of CAP is to prevent the release of those individuals ICE identifies into the general public by securing a final order of removal prior to the termination of their sentences, whenever possible.³⁶ CAP enforcement activity is conducted by ICE [Enforcement and Removal Operations \(“ERO”\)](#) officers and agents, who are assigned to federal, state, and local prisons and jails nationwide.³⁷ According to reports, ERO officers are active in 300 local jails and nearly every state prison in the country as part of CAP.³⁸ These officers are responsible for screening inmates to identify individuals who may be subject to deportation under the program. When such an individual is identified, ICE places a detainer³⁹ on that individual in order to facilitate his or her removal from the United States, and prevent his or her release to the general public.⁴⁰

After the screening process and necessary interviews, when required, ERO formally begins removal proceedings. According to estimates by the U.S. Bureau of Prisons (“BOP”), approximately 27% of inmates in BOP custody are non-citizens.⁴¹ To process this population through CAP, ERO created the Detention Enforcement and Processing Offenders by Remote Technology (“DEPORT”) Center in Chicago.⁴² ERO personnel assigned to the DEPORT Center use video teleconference equipment to conduct interviews of BOP inmates nationwide.

CAP is just one of the programs that has allowed ICE deport the most immigrants in the nation’s history. ICE was responsible for the deportation of approximately 400,000 immigrants in 2009 and 2010 respectively.⁴³ Between January 2011 and July 2011, 200,197 immigrants were deported from the United States.⁴⁴

B. NYC DOC’S INVOLVEMENT WITH ICE

ICE has partnered with DOC to carry out CAP in city jails in an effort to identify and detain individuals for the purpose of potential deportation. According to DOC Commissioner Dora Schriro, “the Department honors immigration detainers and provides ICE with access to certain computerized information, which is also readily available to the public.”⁴⁵ DOC has cooperated with ICE for at least the past 16 years by (i) allowing ICE to maintain a trailer on Rikers Island and (ii) providing “ICE officials with access to certain computerized information, including an inmate’s book and case number, NYSID, date of birth, admission date, place of birth and present housing facility.”⁴⁶

A civil immigration detainer is a “request”⁴⁷ to a law enforcement agency to detain a named individual for up to 48 hours after that person would otherwise be released (excluding Saturdays, Sundays, and holidays), in order to provide ICE an opportunity to assume custody of that individual. The 48-hour period begins to run when the named individual is no longer subject to detention by the law enforcement agency, that is, after the individual has posted bond or completed a jail or prison sentence. If a detainer is placed pretrial against an individual and he or she posts bail, ICE must assume custody of him or her within 48 hours. Additionally, a detainer is a request that the law enforcement agency advise ICE, prior to release of the alien, in order for ICE to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible.⁴⁸

In the November 2010 hearing before the Fire and Criminal Justice Services and Immigration Committees, DOC Commissioner Dora Schriro testified that during fiscal year 2010, DOC administered 95,385 admissions and 95,948 releases from DOC custody, of which 13,295 admissions and 13,386 discharges were foreign-born inmates.⁴⁹ Of the 13,386 foreign-born inmates released from DOC custody, 3,155 were admitted with or acquired an ICE detainer during their stay (constituting 23.6% of foreign-born inmates), out of which 2,552 (or 19.1% of foreign born inmates) were released directly to the custody of ICE after being discharged from DOC.⁵⁰ It has been reported that between 2004 and 2009, more

than 13,000 inmates at Rikers have been placed in deportation proceedings as a result of DOC's participation in CAP.⁵¹

Additionally, at the November 2010 hearing, the Committees were told that, at the urging of immigrant rights advocates, DOC implemented certain changes regarding its interactions with ICE, including: (i) translating, posting and disseminating information covering inmate rights regarding ICE interviews, (ii) training staff regarding inmate rights, (iii) developing new interview procedures, (iv) requiring ICE agents to wear uniforms, (v) tracking ICE interview requests and responses, and (vi) strictly enforcing the 48 hour limitation on detention of foreign born inmates who are being held on civil immigration detainers. Notwithstanding those changes, advocates and others continued to raise concerns regarding DOC's cooperation with ICE and with ICE programs.⁵²

C. CONCERNS REGARDING DOC'S COOPERATION WITH ICE

Although DOC's cooperation with ICE is supposed to focus on the removal of "criminal aliens," the result has been the deportation of immigrants without a criminal conviction history and those who are not convicted of the current offense for which they are detained. According to DOC's own statistics, in 2009, 49.3% of the foreign-born inmates who were discharged from DOC to the custody of ICE had no prior criminal convictions.⁵³ From January through November of 2010, 49.5% of those discharged from DOC to ICE had no prior criminal convictions.⁵⁴ Similarly, a large portion of foreign-born inmates in DOC custody with immigration detainers had no prior convictions at all: in 2009, only 22.4% of the inmates with ICE detainers had a felony crime and 20.2% had a misdemeanor offense as their highest prior conviction.⁵⁵ From January through November 2010, 20.8% of the inmates with ICE detainers had a felony crime and 20.6% had a misdemeanor as their highest prior conviction.⁵⁶ Additionally, advocates report that asylum seekers, victims of human trafficking, domestic violence and sexual assault, long term legal permanent residents, juveniles, and people seeking protection under the Violence Against Women Act are routinely sent by DOC into immigration detention. Advocates and legal practitioners are concerned because City residents sent to immigration detention facilities in Texas, Louisiana, Alabama and New Mexico, because of DOC's cooperation with ICE, are being held with little, if any, access to counsel, medical care, family, witnesses, and evidence necessary to defend themselves against deportation orders.⁵⁷

Advocates also state that DOC's current practice of cooperating with ICE has significant public safety implications because witnesses and victims are less likely to cooperate with local law enforcement for fear that they or their family members will be deported.⁵⁸ This is of particular concern in the domestic violence context where victims of domestic violence may be reluctant to report abuse or press charges out of fear that, regardless of the outcome of the case, their actions may lead to the deportation of their abusers.⁵⁹ This situation often arises when the abuser is the family's breadwinner. In fact, it has been reported approximately 50% of immigrant families that lose a breadwinner to deportation and eventually have to rely on some form of public assistance to survive.⁶⁰ Moreover, victims of domestic violence and trafficking can hesitate to contact law enforcement because of their fears of retaliation by abusers and traffickers who may attempt to use criminal justice systems to have them detained and deported, subjecting these victims to harm upon return to their home countries and leaving these victims' children in the hands of abusers and traffickers. This fear of local law enforcement has discouraged immigrants from reporting crimes and cooperating in the investigations of crimes, not only in the domestic violence and trafficking contexts, but in all criminal contexts.⁶¹

There is the additional issue of the cost of DOC's cooperation with ICE. Advocates have repeatedly expressed concern that CAP in New York City imposes costs on taxpayers due to the maintenance of custody over inmates who would, in the absence of an immigration detainer, be released sooner from DOC facilities, as well as the costs incurred during the 48-hour detainer period itself.

Finally, the current level of cooperation between DOC and ICE facilitates the placement of detainers on as many immigrants as possible, without regard to their criminal records or whether they pose a threat to society. This separates thousands of immigrant families a year without a concomitant benefit to public safety.

V. PROPOSED INT. NO. 656-A

Proposed Int. No. 656-A would limit DOC's cooperation with ICE and require DOC to report on data related to its cooperation with ICE. The purpose of Proposed Int. No. 656-A is to ensure that DOC's cooperation with ICE is solely for the detention and removal of criminals in an effort to keep immigrant families intact and rebuild the relationship between local law enforcement and immigrant New Yorkers.

Proposed Int. No. 656-A creates a category of persons for whom DOC will not honor ICE issued civil immigration detainers. The bill would prohibit DOC from (i) holding an individual beyond the time when he/she would otherwise be released from DOC's custody, and (ii) notifying federal immigration authorities of such individual's release, provided that such individual (a) has never been convicted of a misdemeanor or felony; (b) is not a defendant in a pending criminal case in any jurisdiction; (c) has no outstanding criminal warrants; (d) is not and has not previously been subject to a final order of removal, nor has an outstanding warrant of removal; (e) is not identified as a known gang member; and (f) is not identified as a possible match in the terrorist screening database. DOC would determine whether to honor immigration detainers by searching state and federal databases accessed through the New York State Division of Criminal Justice Services e-JusticeNY computer application or any database maintained by New York State or New York City, including the CRIMS database.

If enacted, Proposed Int. No. 656-A would further require DOC to complete an annual report, starting September 30, 2012, to be posted on its website. The information to be included in this report is as follows:

- The number of individuals held pursuant to civil immigration detainers beyond the time when such individual would otherwise be released from the department's custody;
- The number of individuals transferred to immigration authorities pursuant to civil immigration detainers;
- The number of individuals transferred to immigration authorities pursuant to a civil immigration detainer with at least one felony conviction;
- The number of individuals transferred to immigration authorities pursuant to a civil immigration detainer with at least one misdemeanor conviction but no felony convictions;
- The number of individuals transferred to immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions;
- The number of individuals transferred to immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were identified as known gang members;
- The number of individuals transferred to immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were identified as possible matches in the terrorist screening database;
- The number of individuals transferred to immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were identified as both possible matches in the terrorist screening database and known gang members in the database of the national crime information center or a successor database maintained by the United States;
- The number of individuals transferred to immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were defendants in a pending criminal case;
- The amount of state criminal alien assistance funding requested and received from the federal government; and
- The number of individuals for whom civil immigration detainers were not honored pursuant to this bill.

VI. EFFECTIVE DATE

This local law would take effect one hundred and twenty days after its enactment into law.

¹ New York State Comptroller, *Report 17-2010: The Role of Immigrants in the New York City Economy*, 2 (Jan. 2010).

² Department of City Planning, City of New York, *NYC 2010 Results from the 2010 Census: Population Growth and Race/Hispanic Composition*, 3 (March, 2011), <http://www.nyc.gov/html/dcp/pdf/census/census2010/pgrhc.pdf> (last visited Sept. 30, 2011).

³ Sharon R. Ennis, Merarys Ríos-Vargas & Nora G. Albert, *The Hispanic Population: 2010*, 11, U.S. Census Bureau (May 2011), <http://www.census.gov/prod/cen2010/briefs/c2010br-04.pdf> (last visited September 30, 2011).

⁴ New York State Comptroller, *supra* note 1, at 1.

⁵ *Id.* at 2.

⁶ *Id.*

⁷ *Id.* at 3.

⁸ *Id.*

⁹ Jeffrey S. Passel & D'Vera Cohn, *Unauthorized Immigrant Population: National and State Trends, 2010*, 1, Pew Hispanic Center (Feb. 1, 2011), <http://pewhispanic.org/files/reports/133.pdf> (last visited Sept. 30, 2011).

¹⁰ Jeffrey S. Passel & D'Vera Cohn, *U.S. Unauthorized Immigration Flows Are Down Sharply Since Mid-Decade*, 3, Pew Hispanic Center (Sept. 1, 2010), <http://pewhispanic.org/files/reports/126.pdf> (last visited Sept. 30, 2011).

¹¹ *Id.*

¹² Bryan Loneygan, *American Diaspora: the Deportation of Lawful Residents from the United States and the Destruction of their Families*, N.Y.U. Review of Law & Social Change, 60 (2007).

¹³ *Id.*; 8 U.S.C. §1101(a)(43).

¹⁴ Human Rights Watch, *US: Mandatory Deportation Laws Harm American Families* (July 18, 2007), at <http://hrw.org/english/docs/2007/07/18/usdom16402.txt.htm> (last visited Sept. 30, 2011).

¹⁵ Human Rights Watch, *Forced Apart (By the Numbers): Non-Citizens Deported Mostly for Nonviolent Offenses*, 4-5 (April 2009), http://www.hrw.org/sites/default/files/reports/us0409webwcover_0.pdf (last visited Sept. 30, 2011).

¹⁶ Testimony of Commissioner Dora B. Schriro, New York City Department of Correction, before the Committees on Immigration and Fire and Criminal Justice Services, 1 (Nov. 10, 2010) (on file with Committee on Immigration staff).

¹⁷ New York Correction History Society, *New York City Department of Correction: A Historical Overview*, at <http://www.correctionhistory.org/html/chronic/nycdoc/html/overview.html> (last visited Sept. 30, 2011).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ New York City Department of Correction, *DOC Statistics by Fiscal Year*, at http://www.nyc.gov/html/doc/html/stats/doc_stats.shtml (last visited Sept. 30, 2011).

²² *Id.*

²³ Commissioner Schriro Nov. 10, 2010 Testimony, *supra* note 14.

²⁴ A "detainee" is "an inmate who is awaiting trial or on trial, but has not been convicted of crime(s); or, an inmate who has been convicted of a crime, but not yet sentenced." New York City Department of Correction, Directive #4020R-A, Department Definitions of Inmate Categories

(effective Jan. 1, 2007), <http://www.nyc.gov/html/doc/downloads/pdf/4020R-A.pdf> (last visited Sept. 30, 2011).

²⁵ A city sentenced inmate is one “who has been convicted of a crime and sentenced to a DEFINITE term of one (1) year or less; or, concurrent DEFINITE terms of one (1) year or less; or, two (2) consecutive DEFINITE terms of one (1) year or less. It should be noted that those individuals who are sentenced to one year DETERMINATE sentences MUST be transferred to the custody of the New York State Department of Correctional Services (NYSDOCS).” New York City Department of Correction, Directive #4020R-A, Department Definitions of Inmate Categories (effective Jan. 1, 2007), <http://www.nyc.gov/html/doc/downloads/pdf/4020R-A.pdf> (last visited Sept. 30, 2011).

²⁶ Email from the Board of Correction to Council Staff, Nov. 3, 2010 (on file with Immigration Committee Staff).

²⁷ New York Department of Correction, *supra* note 19.

²⁸ U.S. Immigration and Customs Enforcement, *ICE Overview*, at <http://www.ice.gov/about/overview> (last visited Sept. 30, 2011).

²⁹ *Id.*

³⁰ U.S. Immigration and Customs Enforcement, *Office of State, Local and Tribal Coordination (OLSTC)*, at <http://www.ice.gov/about/offices/leadership/oslct/> (last visited Sept. 30, 2011).

³¹ *Id.*

³² *Id.*

³³ U.S. Immigration and Customs Enforcement, *ICE ACCESS*, at <http://www.ice.gov/access/> (site last visited Sept. 30, 2011).

³⁴ With regard to ICE law enforcement efforts, the term “criminal alien” refers to a non-citizen convicted of a criminal offense under state or federal law.

³⁵ U.S. Immigration and Customs Enforcement, *Fact Sheet: Criminal Alien Program* (Mar. 29, 2011), at <http://www.ice.gov/news/library/factsheets/cap.htm> (last visited Sept. 30, 2011).

³⁶ *Id.*

³⁷ *Id.*

³⁸ Robert Morgenthau, *The Police and Immigration: New York’s Experience*, Wall Street Journal, May 19, 2010.

³⁹ “Any authorized immigration officer may at any time issue a[n]...Immigration Detainer-Notice of Action, to any other Federal, State, or local law enforcement agency. A detainer serves to advise another law enforcement agency that [ICE] seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. The detainer is a request that such agency advise [ICE], prior to the release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible.”

“*Temporary detention at Department request.* Upon a determination by the Department to issue a detainer for an alien not otherwise detained by a criminal justice agency, such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the Department.” 8 CFR §287.7(a), (d).

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ U.S. Department of Homeland Security, Office of Immigration Statistics, *Immigration Enforcement Actions: 2010*, 4 (June 2011), <http://www.dhs.gov/xlibrary/assets/statistics/publications/enforcement-ar-2010.pdf> (last visited Sept. 30, 2011).

⁴⁴ *Id.*

⁴⁵ Letter from Dora B. Schriro, Commissioner, New York City Department of Correction, to Council Member Elizabeth S. Crowley, Chairperson, Committee on Fire and Criminal Justice Services (Nov. 4, 2010) (on file with Committee on Immigration Staff).

⁴⁶ *Id.*

⁴⁷ 8 CFR §287.7(a).

⁴⁸ *Id.*

⁴⁹ *Int. No. 656, A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained*, Before the Committee on Immigration, Session 9, 19 (Oct. 3, 2011) (statement of Commissioner Dora B. Schriro, New York City Department of Correction).

⁵⁰ Commissioner Schriro Nov. 10, 2010 Testimony, *supra* note 14, at 2.

⁵¹ Testimony of Udi Ofer & Andrea Callan on behalf of the New York Civil Liberties Union, before the Committees on Immigration and Fire and Criminal Justice Services, 5 (Nov. 10, 2010) (on file with Committee on Immigration staff).

⁵² Commissioner Schriro Nov. 4, 2010 Letter, *supra* note 43; Letter from Dora B. Schriro, Commissioner, New York City Department of Correction, to Council Member Elizabeth S. Crowley, Chairperson, Committee on Fire and Criminal Justice Services, and Council Member Daniel Dromm, Chair, Committee on Immigration (Jan. 20, 2011) (on file with Committee on Immigration Staff).

⁵³ Commissioner Schriro Jan. 20, 2011 Letter, *supra* note 49.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Testimony of Jojo Annobil, Attorney-in-Charge, Immigration Law Unit, The Legal Aid Society, before the Committee on Immigration, 7 (Oct. 3, 2011) (on file with Committee on Immigration staff).

⁵⁸ *Id.*

⁵⁹ Testimony of Alina Das, Criminal Courts Committee of the New York City Bar Association, before the Committee on Immigration, 2 (Oct. 3, 2011) (on file with Committee on Immigration staff).

⁶⁰ Testimony of Javier H. Valdes, Deputy Director, Make the Road New York, before the Committee on Immigration, 2 (Oct. 3, 2011) (on file with Committee on Immigration staff).

⁶¹ Testimony of Jacqueline Esposito, Esq., Director of Immigration Advocacy, the New York Immigration Coalition, before the Committee on Immigration, 2-3 (Oct. 3, 2011) (on file with Committee on Immigration staff).

(The following is the text of the Fiscal Impact Statement for Int. No. 656-A:)



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

PROPOSED INTRO. NO: 656-A

COMMITTEES: Immigration

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained.

SPONSORS: Council Members Mark-Viverito, the Speaker (Council Member Quinn), Dromm, Foster, Brewer, Chin, Jackson, Koslowitz, Lappin, Mendez, Palma, Rodriguez, Rose, Barron, Gonzalez, Ferreras, Levin, Comrie, Vann, Cabrera, Dickens, Arroyo, James, Van Bramer, Eugene, Reyna, Seabrook, Sanders, Rivera, Crowley, Koppell, Williams, Lander, Garodnick, Wills, Mealy, Vacca, Weprin and Koo

SUMMARY OF LEGISLATION: Proposed Int. 656-A is a bill that would amend chapter 1 of title 9 the administrative code of the City of New York by adding a new section 9-131, in relation to individuals that should not be detained. This amendment would require the Department of Correction (DOC) to honor a civil immigration detainer only when an individual has been convicted of a misdemeanor or felony; is a defendant in a pending criminal case in any jurisdiction; has an outstanding criminal warrant; has been previously subject to a final order of removal, or has an outstanding warrant of removal; is identified as a known gang member; or is identified as a match in the terrorist screening database.

This amendment would require DOC to report information on its website regarding the number of individuals held on civil immigration detainers beyond the time when such an individual would otherwise be released and the number of civil immigration detainers not honored pursuant to this bill. This amendment would also require DOC to report on the number of individuals with civil immigration detainers transferred to the custody of federal immigration authorities (i) with at least one felony conviction; (ii) with at least one misdemeanor conviction, but no felony convictions; (iii) with neither a misdemeanor nor a felony conviction; (iv) identified as a known gang member, but with no misdemeanor or felony convictions; (v) identified as a possible match in the terrorist screening database, but with no misdemeanor or felony convictions; (vi) identified as both possible matches in the terrorist screening database and known gang members, but with no misdemeanor or felony convictions; and (vii) who were defendants in a pending criminal case, but with no misdemeanor or felony convictions. Additionally, DOC would have to report on the amount of state criminal alien assistance funding requested and received from the federal government.

DOC would be required to report this information on its website no later than September 30, 2012 and no later than September 30th of each year after the initial web posting. Each report would include information from the preceding 12 months.

EFFECTIVE DATE: This local law would take effect 120 days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2013

FISCAL IMPACT STATEMENT:

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	Up to \$500,945	Up to \$667,926	Up to \$667,926
Net	Up to \$500,945	Up to \$667,926	Up to \$667,926

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

IMPACT ON EXPENDITURES: According to the Office of Management and Budget: “A preliminary assessment indicates that in order to collect the required data we would need one Captain’s post, on every tour. Staffing one captain’s post per tour will require 1.83 Captains, based on the Captain’s appearance rate (the appearance rate accounts for scheduled vacation, pass, chart and sick days in addition to training days), staffing one Captain’s post on 3 tours will require 5.5 Captains. These tours would have to be funded on overtime due to the Department’s well documented staffing deficit, bringing the cost to \$667,926 (\$111,321 x 6 Captains) per year.” The Centralized Custody Management unit currently consists of four Captains and two correction officers. Additional functions required are not currently performed by the Department. Because of the level of detail being requested, new processes related to how the Department screens foreign born inmates will have to be established. Although ultimately the additional functions could be performed by a correction officer, DOC assumes that they will initially be performed by a Captain.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: City-tax levy funds

SOURCE OF INFORMATION: New York City Office of Management and Budget
New York City Department of Correction

ESTIMATE PREPARED BY: Phylesia Steele, Legislative Financial Analyst
Latonia McKinney, Deputy Director

HISTORY: Introduced as Intro. 656 by the Council on August 17, 2011 and referred to the Committee on Immigration. A hearing was held by the Committee on Immigration and the legislation was laid over by the Committee on October 3, 2011. An amendment has been proposed and an amended version, Proposed Intro. 656-A, is scheduled to be voted out of the Immigration Committee on November 2, 2011 and the Full Council on November 3, 2011.

DATE SUBMITTED TO COUNCIL: August 17, 2011

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 656-A:)

Int. No. 656-A

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

A Local Law to amend the administrative code of the city of New York, in relation to persons not to be detained.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 9 of the administrative code of the city of New York is amended by adding a new section 9-131 to read as follows:

§ 9-131. *Persons not to be detained. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:*

1. *“Civil immigration detainer” shall mean a detainer issued pursuant to 8 C.F.R. 287.7.*

2. *“Convicted of a crime” shall mean a final judgment of guilt entered on a misdemeanor or felony charge in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States. Persons adjudicated as youthful offenders, pursuant to article 720 of the criminal procedure law or a comparable provision of federal law or the law of another state, or juvenile delinquents, as defined by section 301.2(1) of the family court act or a comparable provision of federal law or the law of another state, shall not be considered convicted of a crime.*

3. *“Department” shall mean the New York city department of correction and shall include all officers, employees and persons otherwise paid by or acting as agents of the department.*

4. *“Federal immigration authorities” shall mean any officer, employee or person otherwise paid by or acting as an agent of United States immigration and customs enforcement or any division thereof or any other officer, employee or person otherwise paid by or acting as an agent of the United States department of homeland security who is charged with enforcement of the civil provisions of the immigration and nationality act.*

5. *“Pending criminal case” shall mean a case in any of the criminal courts of the state of New York, as defined in section 10.10 of the criminal procedure law, or any other court of competent jurisdiction in the United States, excluding the family court of the state of New York or a comparable court in another jurisdiction in the United States, where judgment has not been entered and where a misdemeanor or felony charge is pending. Any individual whose case is disposed of with an adjournment in contemplation of dismissal pursuant to section 170.55 or 170.56 of the criminal procedure law or a comparable provision of federal law or the law of another state shall not be deemed to be a defendant in a pending criminal case. A case in which the highest charge is a violation or a non-criminal infraction, including a case in which an individual has been sentenced to conditional discharge for committing a violation or a non-criminal infraction pursuant to section 410.10 of the criminal procedure law or a comparable provision of federal law or the law of another state, shall not be deemed to be a pending criminal case.*

6. *“Terrorist screening database” shall mean the United States terrorist watch list or any similar or successor list maintained by the United States.*

b. *Prohibition on honoring a civil immigration detainer. 1. The department shall not honor a civil immigration detainer by:*

i. *holding an individual beyond the time when such individual would otherwise be released from the department’s custody, except for such reasonable time as is necessary to conduct the search specified in paragraph two of this subdivision, or*

ii. *notifying federal immigration authorities of such individual’s release.*

2. *Paragraph one of this subdivision shall not apply when:*

i. *a search, conducted at or about the time when such individual would otherwise be released from the department’s custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates that such individual:*

A. *has been convicted of a crime;*

B. *is a defendant in a pending criminal case;*

C. *has an outstanding criminal warrant in the state of New York or another jurisdiction in the United States;*

D. *is identified as a known gang member in the database of the national crime information center or any similar or successor database maintained by the United States; or*

E. *is identified as a possible match in the terrorist screening database.*

ii. *the search conducted pursuant to subparagraph i of this paragraph indicates, or the department has been informed by federal immigration authorities, that such individual:*

A. *has an outstanding warrant of removal issued pursuant to 8 C.F.R. 241.2; or*

B. *is or has previously been subject to a final order of removal pursuant to 8 C.F.R. 1241.1.*

3. *Nothing in this section shall affect the obligation of the department to maintain the confidentiality of any information obtained pursuant to paragraph two of this subdivision.*

c. *No conferral of authority. Nothing in this section shall be construed to confer any authority on any entity to hold individuals on civil immigration detainers beyond the authority, if any, that existed prior to the enactment of this section.*

d. *No conflict with existing law. This local law supersedes all conflicting policies, rules, procedures and practices of the city of New York. Nothing in this local law shall be construed to prohibit any city agency from cooperating with federal immigration authorities when required under federal law. Nothing in this local law shall be interpreted or applied so as to create any power, duty or obligation in conflict with any federal or state law.*

e. *No private right of action. Nothing contained in this section or in the administration or application hereof shall be construed as creating any private right of action on the part of any persons or entity against the city of New York or the department.*

f. *Reporting. No later than September 30, 2012 and no later than September 30 of each year thereafter, the department shall post a report on the department website that includes the following information for the preceding 12 month period:*

1. *the number of individuals held pursuant to civil immigration detainers beyond the time when such individual would otherwise be released from the department’s custody;*

2. *the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers;*

3. *the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had at least one felony conviction;*

4. *the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had at least one misdemeanor conviction but no felony convictions;*

5. *the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions;*

6. *the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were identified as known gang members in the database of the national crime information center or a successor database maintained by the United States;*

7. *the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were identified as possible matches in the terrorist screening database;*

8. *the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were identified as both possible matches in the terrorist screening database and known gang members in the database of the national crime information center or a successor database maintained by the United States;*

9. *the number of individuals transferred to the custody of federal immigration authorities pursuant to civil immigration detainers who had no misdemeanor or felony convictions and were defendants in a pending criminal case;*

10. *the amount of state criminal alien assistance funding requested and received from the federal government; and*

11. *the number of individuals for whom civil immigration detainers were not honored pursuant to subdivision b of this section.*

g. *For the purpose of this section, any reference to a statute, rule, or regulation shall be deemed to include any successor provision.*

§2. This local law shall take effect 120 days after it shall have become a law, except that the commissioner of correction shall, prior to such effective date, take such actions as are necessary to implement the provisions of this law.

DANIEL DROMM, Chairperson; CHARLES BARRON, MATHIEU EUGENE, YDANIS RODRIGUEZ, JUMAANE D. WILLIAMS; Committee on Immigration, November 2, 2011.

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

Reports of the Committee on Land Use

Report for L.U. No. 466

Report of the Committee on Land Use in favor of approving Application no. 20125043 CCK, pursuant to Section 1506 of the Not for Profit Corporation Law, concerning the acquisition of land known as the Weir Greenhouse by Green Wood Cemetery, Borough of Brooklyn, Council District no. 38.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 8, 2011 (Minutes, page 4111), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 7

20125043 CCK

Application submitted by the Green-Wood Cemetery pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law ("NPCL") for the acquisition of property known as the Weir Greenhouse located at 750 Fifth Avenue (Block 655, Lot 31) and the adjacent parcel located at 751 Fifth Avenue (Block 655, Lot 33), for use as non-burial purposes, Council District No. 38, Borough of Brooklyn.

INTENT

To allow for the acquisition of the property known as the Weir Greenhouse.

PUBLIC HEARING

DATE: October 27, 2011

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 27, 2011

The Subcommittee recommends that the Land Use Committee approve the acquisition of property pursuant to Article 15 of the New York State Not-for-Profit Corporation Law.

In Favor:

Lander
Sanders, Jr.
Palma
Arroyo
Mendez
Williams
Halloran

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 1, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:

Comrie
Rivera
Reyna
Barron
Jackson
Vann
Palma
Arroyo
Dickens
Garodnick
Lappin
Vacca
Cont'd
Levin
Weprin
Williams
Ignizio
Halloran

Against:

None

Abstain:

None

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

Res. No. 1108

Resolution approving the request of the Green-Wood Cemetery on Application No. 20125043 CCK for the acquisition of property known as the Weir Greenhouse located at 750 Fifth Avenue (Block 655, Lot 31) and the adjacent parcel located at 751 Fifth Avenue (Block 655, Lot 33), Borough of Brooklyn, for cemetery purposes (L.U. No. 466).

By Council Members Comrie and Lander.

WHEREAS, the Green-Wood Cemetery filed with the Council on August 19, 2011 its application dated August 19, 2011 on the request submitted pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law ("NPCL"), for the acquisition of property known as Weir Greenhouse located 750 Fifth Avenue (Block 655, Lot 31) and adjacent parcel of land located at 751 Fifth Avenue (Block 655, Lot 33), Community District 7, Borough of Brooklyn (No. 20125043 CCK), for use as cemetery purposes (the "Application");

WHEREAS, the Application is subject to review and action by the Council pursuant to 1506 of the New York State Not-for-Profit Corporation Law ("NPCL") Chapter 298 of the Laws of New York State of 1838;

WHEREAS, upon due notice, the Council held a public hearing on the Application on October 27, 2011;

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

RESOLVED:

Pursuant to Section 1506 of the New York State Not-for-Profit Corporation Law, the Council approves the request for the acquisition of property known as the Weir Greenhouse and the parcel adjacent to it pursuant to this action, in which all streets mentioned are as laid out in the City Map of the City of New York for the Borough of Brooklyn, is as follows:

Beginning at the corner formed by the intersection of the southerly side of 25th Street with the westerly side of 5th Avenue; running thence southerly along the westerly side of 5th Avenue, 50 feet; thence westerly parallel with 25th Street, 80 feet; thence northerly parallel with 5th Avenue, 50 feet to the southerly side of 25th Street; and thence easterly along the southerly side of 25th Street, 80 feet to the point or place of beginning (750 Fifth Avenue, Block 655, Lot 31).

Beginning at a point on the westerly side of 5th Avenue, distant 50 feet southerly from the corner formed by the intersection of the westerly side of 5th Avenue with the southerly side of 25th Street; running thence westerly parallel with 25th Street, 100 feet; thence southerly parallel with 5th Avenue, 35 feet 1 inch; thence easterly again parallel with 25th Street, and part of the distance through a party wall, 100 feet to the westerly side of 5th Avenue; and thence northerly along the westerly

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 5, 2011 (Minutes, page 4544), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 20115771 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of En Casa, LLC, d/b/a Carino, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 82 South 4th Street.

INTENT

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

PUBLIC HEARING

DATE: October 27, 2011

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 27, 2011

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

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

COMMITTEE ACTION

DATE: November 1, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Vacca		

Cont'd

Levin
Weprin
Williams
Ignizio
Halloran
Koo

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

Res. No. 1110

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 82 South 4th Street, Borough of Brooklyn (20115771 TCK; L.U. No. 495).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on September 22, 2011 its approval dated September 22, 2011 of the petition of En Casa, LLC, d/b/a Carino, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 82 South 4th Street, Community District 1, Borough of Brooklyn (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on October 27, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, November 1, 2011.

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

Report for L.U. No. 496

Report of the Committee on Land Use in favor of approving Application no. 20115847 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Graham Central Café LTD d.b.a. La Piazzetta, to establish, maintain and operate an unenclosed sidewalk café located at 442 Graham Avenue, Borough of Brooklyn, Council District no.34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 5, 2011 (Minutes, page 4544), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1 20115847 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Graham Central Café, LTD., d/b/a La Piazzetta, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 442 Graham Avenue.

INTENT

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

PUBLIC HEARING

DATE: October 27, 2011

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 27, 2011

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

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

COMMITTEE ACTION

DATE: November 1, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Vacca		

Cont'd

Levin
Weprin
Williams
Ignizio
Halloran
Koo

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

Res. No. 1111

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 442 Graham Avenue, Borough of Brooklyn (20115847 TCK; L.U. No. 496).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on September 22, 2011 its approval dated September 22, 2011 of the petition of Graham Central Café, LTD., d/b/a La Piazzetta, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 442 Graham Avenue, Community District 1, Borough of Brooklyn (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on October 27, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, November 1, 2011.

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

Report for L.U. No. 500

Report of the Committee on Land Use in favor of approving Application no. 20125162 HAM, an Urban Development Action Area Project located at 166 and 168-170 Mulberry Street, Council District no. 1, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a partial tax exemption.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 17, 2011 (Minutes, page 4615), respectfully

REPORTS:

SUBJECT

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

<u>ADDRESS</u>	<u>BLOCK/LOT</u>	<u>NON- ULURP NO.</u>	<u>L.U. NO.</u>	<u>PROGRAM PROJECT</u>
166 Mulberry Street	471/30	20125162 HAM	500	Tenant Lease Interim
168-170 Mulberry	471/31			

Street
Manhattan

INTENT

HPD requests that the Council:

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 said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law for L.U. No. 500.

PUBLIC HEARING

Date: October 27, 2011

Witnesses In Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

Date: October 27, 2011

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

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

COMMITTEE ACTION

Date: November 1, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Vacca		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		

Koo

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

Res. No. 1112

Resolution approving an Urban Development Action Area Project located at 166 Mulberry Street (Block 471/Lot 30) and 168-170 Mulberry Street (Block 471/Lot 31), Borough of Manhattan, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 500; 20125162 HAM).

By Council Members Comrie and Levin.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 4, 2011 its request dated September 26, 2011 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 166 Mulberry Street (Block 471/Lot 30) and 168-170 Mulberry Street (Block 471/Lot 31), Community District 2, Borough of Manhattan (the "Exemption Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section Section 577 of the Private Housing Finance Law (the "Tax Exemption").

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on October 27, 2011;

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 area designation requirement 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 Council approves the tax exemption pursuant to Section 577 of the Private Housing Finance Law, a partial tax exemption as follows:

- a. The partial tax exemption provided hereunder shall commence upon the date of conveyance of the housing project to Sponsor ("Effective Date") and shall terminate upon July 1, 2029 ("Expiration Date"), provided, however, that such partial tax exemption shall terminate if the Department of Housing

Corp., d/b/a Tococina Mexican Grill, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 591 Fort Washington Avenue, Community District 12, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on October 27, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, November 1, 2011.

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

Report for L.U. No. 502

Report of the Committee on Land Use in favor of approving Application no. 20115843 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 600 Metropolitan Corp. d.b.a. Alligator Lounge, to continue to maintain and operate an unenclosed sidewalk café located at 600 Metropolitan Avenue, Borough of Brooklyn, Council District no.34. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 17, 2011 (Minutes, page 4616), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

20115843 TCK

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 600 Metropolitan Corp., d/b/a Alligator Lounge, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 600 Metropolitan Avenue.

INTENT

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

PUBLIC HEARING

DATE: October 27, 2011

Witnesses in Favor: One
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: October 27, 2011

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

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

COMMITTEE ACTION

DATE: November 1, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Vacca		
<u>Cont'd</u>		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1114

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 591 Fort Washington Avenue, Borough of Manhattan (20115782 TCM; L.U. No. 501).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 6, 2011 its approval dated October 6, 2011 of the petition of 187 Restaurant Corp., d/b/a Tococina Mexican Grill, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 591 Fort Washington Avenue, Community District 12, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on October 27, 2011; and

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

RESOLVED:

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

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, November 1, 2011.

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

Report for L.U. No. 503

Report of the Committee on Land Use in favor of approving Application no. 20115845 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 13th Street Entertainment, LLC d.b.a. Brasserie Beaumarchais, to continue to maintain and operate an unenclosed sidewalk café located at 409 West 13th Street, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on October 17, 2011 (Minutes, page 4616), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20115845 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 13th Street Entertainment, LLC, d/b/a Brasserie Beaumarchais, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 409 West 13th Street.

INTENT

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

PUBLIC HEARING

DATE: October 27, 2011

Witnesses in Favor: Two None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: October 27, 2011

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

In Favor: Against:

Abstain:

Weprin None None
Reyna
Comrie
Jackson
Seabrook
Vann
Garodnick
Lappin
Vacca
Ignizio

COMMITTEE ACTION

DATE: November 1, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor: Against: Abstain:

Comrie None None
Rivera
Reyna
Barron
Jackson
Vann
Palma
Arroyo
Dickens
Garodnick
Lappin
Vacca

Cont'd

Levin
Weprin
Williams
Ignizio
Halloran
Koo

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

Res. No. 1115

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 409 West 13th Street, Borough of Manhattan (20115845 TCM; L.U. No. 503).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on October 6, 2011 its approval dated October 6, 2011 of the petition of 13th Street Entertainment, LLC, d/b/a Brasserie Beaumarchais, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 409 West 13th Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

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

WHEREAS, upon due notice, the Council held a public hearing on the Petition on October 27, 2011; and

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

RESOLVED:

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

INTENT

To modify the grades of streets within the Special Coney Island District in coordination with the City's Comprehensive Coney Island Plan.

PUBLIC HEARING

DATE: October 27, 2011

Witnesses in Favor: Four
None

Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: October 27, 2011

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

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

COMMITTEE ACTION

DATE: November 1, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Vann		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Vacca		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1118

Resolution approving the decision of the City Planning Commission on ULURP No. C 100469 MMK, an amendment to the City Map (L.U. No. 506).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on October 7, 2011 its decision dated October 5, 2011 (the "Decision"), on the application submitted by the Department of City Planning and Coney Island Holdings, LLC, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving the modification of grades in West 21st Street between Surf Avenue and the Public Beach, and in Ocean Way between West 22nd Street and Parachute Way, in accordance with Map No. X-2726, dated April 25,

2011 and signed by the Borough President, (ULURP No. C 100469 MMK), Community District 13, Borough of Brooklyn (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 27, 2011;

WHEREAS, the Council has considered the relevant environmental issues, Technical Memoranda and the Negative Declaration, issued on June 5, 2009 (CEQR No. 08DME007K); and

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

RESOLVED:

Having considered the FEIS and the Technical Memorandum dated December 1, 2010, with respect to the Application, the Council finds that:

- 1) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action, as described in the Technical Memorandum 004 dated December 1, 2010, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- 2) The adverse environmental impacts disclosed in the Technical Memorandum 004 dated December 1, 2010, will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigative measures that were identified as practicable.

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

Pursuant to Sections 197-d and 199 of the New York City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100469 MMK, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN III, PETER A. KOO; Committee on Land Use, November 1, 2011.

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

Report of the Committee on Rules, Privileges & Elections

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

Report for Preconsidered M-689

Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Kenneth J. Knuckles as a Commissioner of the New York City Planning Commission.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on November 3, 2011, respectfully

REPORTS:

New York City Planning Commission – (Mayor's nominee for appointment upon advice and consent of the Council)

- **Kenneth J. Knuckles [Preconsidered M-689]**

Section 192 of the *New York City Charter* (“Charter”) states that there shall be a thirteen-member CPC, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President. All members, except the Chair, are subject to the advice and consent of the Council. Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment.

The *Charter* provides that CPC members serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* section 191), serves at the pleasure of the Mayor. For purposes of Chapter 68 (Conflicts of Interest) of the *Charter*, CPC members, other than the Chair, shall not be considered regular employees of the City. There is no limitation on the number of terms that a CPC member may serve. CPC members are prohibited from holding any other City office while they serve on CPC. The Chair receives an annual salary of \$205, 180. The member who is designated as Vice-Chair receives an annual salary of \$62, 271. The other members receive an annual salary of \$54, 150.

CPC is responsible for:

- undertaking long-range planning for the City’s orderly growth, improvement and future development, including appropriate resources for housing, business, industry, recreation and culture;
- assisting the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program and the annual *Statement of Needs*;
- overseeing and coordinating environmental reviews under the *City Environmental Quality Review* (“CEQR”), as mandated by state law (*Environmental Conservation Law* – Article 8);
- preparing a zoning and planning report at least once every four years, which includes a review of the *Zoning Resolution*, with any recommendations for changes and proposals for implementing planning policies; and
- approving or disapproving the acquisition by the City of office space.

CPC has also promulgated rules:

- establishing minimum standards for certifying *Uniform Land Use and Review Procedure* (“ULURP”) applications and specific time periods for pre-certification review;
- creating capital site selection criteria;
- setting minimum standards for the form and content of plans for the development of the City and boroughs; and
- defining “major concessions.”

Mr. Knuckles is scheduled to appear before the Committee on Rules, Privileges, and Elections on November 3, 2011. Upon appointment by the Mayor with the advice and consent of the Council, Mr. Knuckles, a resident of the Bronx, will replace Nathan Leventhal and serve for the remainder of a five-year term that expires on June 30, 2015. Copies of Mr. Knuckles’ résumé and report/resolution are annexed to this Briefing paper.

(After interviewing the candidate and reviewing the relevant material, this Committee decided to approve the appointment of the nominee Kenneth J. Knuckles)

The Committee on Rules, Privileges and Elections, which was referred to on November 3, 2011, respectfully reports:

Pursuant to §§ 31 and 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Kenneth J. Knuckles as a Commissioner of the New York City Planning Commission to serve for the remainder of a five-year term that began on July 1, 2010 and expires on June 30, 2015.

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

Res. No. 1119

Resolution approving the appointment by the Mayor of Kenneth J. Knuckles as a Commissioner of the New York City Planning Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 192 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Kenneth J. Knuckles as a Commissioner of the New York City Planning Commission for the remainder of a five-year term that began on July 1, 2010 and expires on June 30, 2015.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, INEZ E. DICKENS, JAMES VACCA, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, November 3, 2011.

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

Report of the Committee on State and Federal Legislation

At this point the Speaker (Council Member Quinn) 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 Preconsidered SLR No. 14

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 Squadron, S.2325, and Assembly Member Millman, A.4266, “AN ACT to amend the vehicle and traffic law, in relation to authorizing a residential parking permit system in the city of New York”.

The Committee on State and Federal Legislation, to which the annexed State Legislation Resolution was referred on November 3, 2011, respectfully

REPORTS:

The following report refers to pending State legislation requiring a Home Rule Message for passage in Albany. This Committee is to decide whether to recommend the adoption of this respective State Legislation Resolution (SLR) 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 would permit the New York City Council to adopt a residential permit parking system on a neighborhood by neighborhood basis. According to the Memorandum in Support (MIS), a residential parking permit system would alleviate the many parking and environmental issues increased by non-residents using a particular neighborhood as a personal and free parking space often utilizing this space for hours at a time. According to the MIS, this use results in an augmentation of congestion, traffic accidents, pedestrian fatalities, and air and noise pollution. Residential parking permits would alleviate the negative effects of congestion, traffic accidents and pollution on local residents.

PROPOSED LEGISLATION:

This legislation would amend the Vehicle and Traffic Law by adding a new section which would permit the New York City Council (City Council) upon holding a public hearing, to adopt a local law which would provide for a residential parking permit system. The City Council can then fix and require the payment of applicable fees to park within certain areas of the City. All monies generated by the sale of the residential parking permits shall be credited to the New York City Transit and shall be utilized for the purpose of upgrading and improving the New York City subway and bus system.

Residential parking permits would not be required in metered or highly regulated parking spaces nor in adjacent streets zoned for commercial or retail use. Additionally, twenty percent of the parking spaces in a residential neighborhood would not require a residential parking permit.

FISCAL IMPLICATIONS:

See Finance Division Fiscal Impact Statement.

EFFECTIVE DATE:

This legislation would take effect immediately.

(For text of this preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related printed State bills and the State Sponsor's Memorandum-in Support from each house, please refer respectively to the New York State Senate and New York State Assembly)

HELEN D. FOSTER, Chairperson; JOEL RIVERA, ERIK MARTIN-DILAN, LEWIS A. FIDLER, DOMENIC M. RECCHIA JR., LARRY B. SEABROOK, ELIZABETH S. CROWLEY, Committee on State and Federal Legislation, November 2, 2011.

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

Report of the Committee on Technology

Report for Res. No. 999-A

Report of the Committee on Technology in favor of approving, as amended, a resolution pursuant to section 104-c of the New York State General Municipal Law, authorizing the New York City Department of Citywide Administrative Services to donate surplus city-owned computers, computer software and computer equipment to public and private institutions for secular educational use and to not-for-profit institutions for use by individuals with disabilities, senior citizens, or low income individuals.

The Committee on Technology, to which the annexed resolution was referred on September 8, 2011 (Minutes, page 4083), respectfully

REPORTS:

I. INTRODUCTION

On November 2, 2011, the Committee on Technology, chaired by Council Member Fernando Cabrera, will vote on Proposed Resolution No. 999-A, a resolution authorizing the New York City Department of Citywide Administrative Services (DCAS) to donate City-owned computers to certain types of educational and not-for-profit organizations, and Proposed Resolution No. 870-A, a resolution calling on the United States Congress to pass and the President to sign into law the Public Safety Spectrum and Wireless Innovation Act (S.911). The Committee first heard Proposed Resolution No. 870-A on September 27, 2011 and Proposed Resolution No. 999-A on October 28, 2011.

II. PROPOSED RESOLUTION NO. 999-A

Section 104-c of the New York State General Municipal Law (GML), enacted by Chapter 618 of the Laws of 1998, allows the governing board of a municipality to adopt policies by resolution authorizing the donation of spare computer equipment to schools, public libraries, and other public and private educational programs for secular educational use, and to not-for-profit institutions serving persons with disabilities. On August 15, 2011, Chapter 390 of the Laws of 2011 amended GML § 104-c to allow not-for-profit institutions serving senior citizens or low income individuals to also receive computer donations.

The Office of Surplus Activities is the unit with DCAS responsible for transfers of equipment and supplies from one City agency to another but does not currently have the authority to create a policy for the donation of surplus computer equipment to non-City entities.¹

Many educational programs and not-for-profit institutions have an insufficient supply of computers or computers and computer equipment of inadequate quality to keep up with the growing demand for technology.

Proposed Resolution No. 999-A authorizes DCAS to donate surplus city-owned computers, computer software and computer equipment to public and private institutions for secular educational use and to not-for-profit

institutions for use by individuals with disabilities, senior citizens, or low income individuals.²

These donations would be required to be based on a public notification process and competitive proposals from eligible organizations, through which the institutions requesting donations must demonstrate need and specific plans for the use of such equipment. However, the transfer of computer software is not permitted if such transfer would cause a breach of a computer software license agreement or an infringement of a copyright.

Donations of computer equipment to institutions operating educational programs and those providing services for persons with disabilities, senior citizens, or low income individuals will assist in the disposal of unneeded equipment, is mutually beneficial for the City and the recipients of the donations and is an efficient use of government resources.

During the October 28, 2011 Committee hearing on Resolution No. 999, representatives from MOUSE Inc. and Computers for Youth testified in strong support of the resolution stating that donation of City computers will assist these organizations in ensuring that the most vulnerable populations have access to technology.³

III. PROPOSED RESOLUTION NO. 870-A

Proposed Resolution No. 870-A calls on the United States Congress to pass and the President to sign into law the Public Safety Spectrum and Wireless Innovation Act (S. 911), which amends the Communications Act of 1934 to provide public safety providers an additional ten megahertz of spectrum to support a national, interoperable wireless broadband network and authorizes the Federal Communications Commission (FCC) to hold incentive auctions to provide funding to support such a network.

When an emergency occurs, first responders must be able to communicate without interference and across departments and regions. The National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) urged Congress to enact legislation that provides for the expedited and increased assignment of radio spectrum for public safety purposes.⁴ As Senator Gillibrand has stated, "Nearly ten years after 9/11, it's time to bring our first responder technology into the 21st century. If we're going to keep New Yorkers safe, we must ensure that local, state, and federal first responders can effectively communicate with each other in real time during a national crisis."⁵

S. 911, a bipartisan bill introduced by Senators John D. Rockefeller IV and Kay Bailey Hutchison, would grant a license for ten megahertz of spectrum within the 700 megahertz band, called the D-Block, to a new entity called the "Public Safety Broadband Corporation." The Corporation would be a private nonprofit corporation responsible for developing and operating a nationwide, interoperable, wireless broadband network for public safety, which would enable first responders to communicate across jurisdictions and share critical information in real-time. The Corporation's board of directors would include members of the President's Cabinet; experts in the fields of public safety, technology, networks and financing; representatives of states, localities, tribes, and territories; and public safety professionals.

S. 911 would allow public safety officials, when not using the network, to lease capacity on a secondary, but preemptible, basis to non-public safety entities, including other governmental and commercial users. This bill would also grant FCC the authority to conduct voluntary incentive auctions, which would allow over-the-air TV broadcasters to return some or all of their existing allocation of frequency and receive a portion of the proceeds of the commercial auction of their spectrum.⁶ The funds from these incentive auctions, in conjunction with funds from the auction of other specified spectrum bands, and funds earned from leasing the public safety network on a secondary basis, would be used to build and maintain the nationwide interoperable broadband network. Surplus revenue would go towards reducing the deficit.

S. 911 has been endorsed by Senators Kirsten Gillibrand and Charles Schumer, Congressman Peter King,⁷ New York City Mayor Michael Bloomberg,⁸ New York City Fire Commissioner Salvatore Cassano, and New York City Police Commissioner Raymond W. Kelly.⁹ On June 8, 2011, S. 911 passed out of the United States Senate Committee on Commerce, Science, and Transportation and was reported to the full Senate. The House of Representatives has several bills that are similar to S. 911, but none that are identical.

During the September 27, 2011 Committee hearing on Proposed Resolution No. 870-A, a representative from The Public Safety Alliance testified in strong support of the resolution.¹⁰

¹ The Rules of the City of New York require City property with resale value to be disposed of by auctioning to the highest bidder or transferring between City agencies. See: Rules of the City of New York, title 55, § 5-01

² Public schools and libraries were not included in the resolution because the New York City Department of Education and the New York Public Library are City entities and therefore eligible to receive surplus equipment from other City agencies through the DCAS Office of Surplus Activities.

³ Mike Capobiano, MOUSE Inc., testimony at NYC Council Committees on Technology and Governmental Operations Hearing, October 28, 2011.

⁴ *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States*. New York: Norton, 2004. 397. Web. <<http://www.9-11commission.gov/report/index.htm>>.

⁵ Gillibrand Press Release, *supra* note 68.

⁶ Television broadcasters are permitted to sublease their spectrum, but FCC Chairman Genachowski argues this will not provide "contiguous blocks of spectrum over broad geographic areas, which is what's needed for mobile broadband." See Genachowski's Remarks on Broadband at: <http://www.fcc.gov/document/genachowski-broadband-clock-ticking>

⁷ U.S. Senate Committee on Commerce, Science and Transportation. *Rockefeller, Gillibrand, Schumer, King Stand with 9/11 First Responders to Urge Passage of Public Safety Network Bill*. 20 July 2011. Web. 12 Sept. 2011. <<http://commerce.senate.gov/public/index.cfm?p=PressReleases>>.

⁸ U.S. Senate Committee on Commerce, Science and Transportation. *New York Mayor Michael Bloomberg Endorses Rockefeller-Hutchison Public Safety Bill*. 9 June 2011. Web. 12 Sept. 2011. <<http://commerce.senate.gov/public/index.cfm?p=PressReleases>>.

⁹ Gillibrand Press Release, *supra* note 68.

¹⁰ Yucel Ors, The Public Safety Alliance, testimony at NYC Council Committees on Technology, Fire and Criminal Justice Services, and Public Safety Hearing, September 27, 2011.

FERNANDO CABRERA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, LETITIA JAMES, MARK S. WEPRIN; Committee on Technology, November 2, 2011.

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

Report of the Committee on Transportation

Report for Int. No. 412-A

Report of the Committee on Transportation 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 transportation to hold hearings with affected community boards before a bicycle lane is constructed or removed.

The Committee on Transportation, to which the annexed proposed amended local law was referred on November 17, 2010 (Minutes, page 4819), respectfully

REPORTS:

INTRODUCTION

On November 1, 2011, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 412-A, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to hold hearings with affected community boards before a bicycle lane is constructed or removed. This bill would require the Department of Transportation to provide notice to all affected community boards not less than ninety days prior to the proposed installation of a bicycle lane, hold hearings with all affected community boards if requested by the community board, and consider input from those hearings.

This is the second hearing on this legislation. The first hearing was held on September 26, 2011. Witnesses presenting testimony at that hearing included the Department of Transportation (DOT) and Transportation Alternatives. Amendments were made to this legislation based on testimony received at that hearing.

BACKGROUND

In recent years, New York City has undertaken a major effort to expand bicycle lanes throughout the city. According to DOT, since 2008, over 200 miles of bicycle lanes have been installed, and the City is planning to have installed 1,800 miles of bicycle lanes by 2030.¹ Since 2006, the bicycle lane network has been expanded to all 5 borough, including: Flushing Avenue (Brooklyn), Grand Concourse-Moshulu Parkway (Bronx), Columbus Avenue (Manhattan), Center Boulevard (Queens), and North and South Railroad Avenues (Staten Island).²

The expansion of bicycling lanes is intended to facilitate the development of safer and more accessible biking infrastructure. In addition to the recreational benefits that bicycling offers, bicycle lanes also provide an alternative form of transportation. However, the expansion of bicycle lanes has also raised a number of safety and community consultation concerns. The Prospect Park West bicycle-path attracted a lawsuit from local residents, but was dismissed on statute of limitations grounds.³ However, the court found that the City had not adequately complied with a Freedom of Information Law request for information on the project³

A newly released study by Hunter College shows that the number of pedestrians injured by bicycles is higher than previously believed. According to the study about 1,000 pedestrians are injured by bicycles in New York State, more than half of the injuries happen on New York City streets.⁴ Of the injuries in New York City, the majority occur in Brooklyn and Manhattan.⁵

Proposed Int. No. 412-A would allow local communities the opportunity for greater input in the process of where and how bicycle lanes are installed and removed. While the bill does not prevent DOT from installing or removing bicycle lanes, it formalizes a process of consultation with local community boards. These community boards can then provide additional input to achieve the best and safest means of bringing bicycle lanes to individual communities.

ANALYSIS

Section one of Proposed Int. No. 412-A would amend subchapter three of chapter one of title 19 by adding a new section 19-183, entitled "Community board hearings on the construction or removal of bicycle lanes." Subdivision a of new section 19-183 would define "affected council member(s) and community board(s)" as the council member(s) and community board(s) in whose districts a proposed bicycle lane is to be constructed or removed, whether in whole or in part, and would define "bicycle lane" as a "portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles."

Paragraph one of subdivision b of new section 19-183 would require that except under certain circumstances, at least ninety days prior to the commencement of the installation or removal of a bicycle lane, DOT would have to notify all affected community boards and offer to hold a public hearing within each affected community board district.

Paragraph two of subdivision b of new section 19-183 would require that if the affected community board(s) accepts DOT's offer of a public hearing, the hearing would be required to be held within forty-five days of the date DOT sent of the offer. DOT would be required to make a presentation at the public hearing and would not be able to construct or remove the bicycle lane until forty-five days following the hearing.

Paragraph three of subdivision b of new section 19-183 would require that if the notice is given between June 20 and August 6, the period for the public hearing would be extended to September 20. The bicycle lane could then be installed or removed at the conclusion of the ninety-day period following the notice being given, or ten days after the public hearing, whichever period is later.

Subdivision c of new section 19-183 would require DOT to consider comments from the public hearings required by subdivision b and could alter or cancel the proposed bicycle lane or removal of the bicycle lane based on those comments.

Subdivision d of new section 19-183 would exempt any bicycle lane from being subject to section 19-101.2, which deals with major transportation projects, except that subdivision j of section 19-101.2 (requiring interagency consultation) would apply where construction or removal of the bicycle lane would be considered a major transportation project, as defined in section 19-101.2.

Section two of Proposed Int. No. 412-A states that the local law takes effect ninety days following enactment.

¹ Information from <http://www.nyc.gov/html/dot/html/bicyclists/bikenetwork.shtml> (Last accessed on 9/20/11)

² Ibid.

³ Grynbaum, Michael M. Judge Rejects Groups' Effort to Remove Bike Lane. *New York Times*, August 16, 2011. <http://www.nytimes.com/2011/08/17/nyregion/effort-to-remove-prospect-park-west-bike-lane-is-rejected.html> (Last accessed on 09/20/2011)

⁴ Ibid.

⁵ Milczarski, William and Tuckle, Peter. *Pedestrian-Cyclist Accidents in New York State: 2007-2010* (Hunter College, 2011)

⁶ Ibid.

(The following is the text of the Fiscal Impact Statement for Int. No. 412-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

PRESTON NIBLACK,
DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 412-A

COMMITTEE:

Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Transportation to hold hearings with affected community boards before a bicycle lane is constructed or removed.

SPONSORS: Council Members Fidler, Nelson, Cabrera, Chin, Foster, Greenfield, Halloran, Jackson, James, Koo, Koppell, Koslowitz, Lappin, Oddo, Recchia, Reyna, Rivera, Ulrich, Vallone, Weprin, Brewer, Mealy, Mendez, Rose, Williams, Rodriguez, Gonzalez, Levin, Garodnick, Vacca, Gentile, Arroyo, Mark-Viverito and Ignizio

SUMMARY OF LEGISLATION: This legislation would amend chapter 1 of title 19 of the Administrative Code by adding a new section 19-187 entitled “Community board hearings on the construction or removal of bicycle lanes” and would require that at least 90 days prior to constructing or removing a bicycle lane, the Department of Transportation “DOT” must notify affected Council Members and Community Boards and offer to make a presentation at a public hearing held by such affected community board. If the offer is accepted by the community board, the hearing must be held within 45 days of the notice given and the DOT shall make a presentation of the proposed plans and receive input on such plans and shall not construct or remove such bicycle lane until forty-five days after such public hearing. However, if no hearing is held, the construction or removal of the bicycle lane may not occur until ninety days after the notification.

In addition, this bill would require that if the notification is given between June 20 and August 6, the period for a public hearing shall conclude on September 20, and the bicycle lane may not be constructed until ninety days following the notification or ten days after the hearing, whichever time period is later.

Lastly, this bill would require that DOT take into consideration public comments, if any, and incorporate changes, where appropriate, into its bicycle lane plan or cancel plans for construction or removal of such bicycle lane where it determines that such bicycle lane would be inappropriate. In addition, local law 90 of 2009, which provides the notice and hearing process for major transportation projects, does not apply if this law applies, except that interagency consultation would be required prior to the notification if the bicycle lane is a major transportation project.

EFFECTIVE DATE: This legislation would take effect 90 days after its enactment into law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2013.

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: Because the Department will use existing resources to comply with this local law, 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: Not applicable

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

ESTIMATE PREPARED BY: Nathan Toth, Deputy Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Introduced as Intro. 412 by the Council on November 17, 2010 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on September 26, 2011. Intro. 412 has been amended, and the amended version, Proposed Int. 412-A, will be considered by the Committee on November 1, 2011.

DATE SUBMITTED TO COUNCIL: November 17, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 412-A:)

Int. No. 412-A

By Council Members Fidler, Nelson, Cabrera, Chin, Foster, Greenfield, Halloran, Jackson, James, Koo, Koppell, Koslowitz, Lappin, Oddo, Recchia, Reyna, Rivera, Ulrich, Vallone, Jr., Weprin, Brewer, Mealy, Mendez, Rose, Williams, Rodriguez, Gonzalez, Levin, Garodnick, Vacca, Gentile, Arroyo, Mark-Viverito, Dickens, Eugene, Gennaro and Ignizio.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to hold hearings with affected community boards before a bicycle lane is constructed or removed.

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-187 to read as follows:

§19-187 Community board hearings on the construction or removal of bicycle lanes. a. Definitions. For the purposes of this section, the following terms shall be defined as follows:

1. “Affected council member(s) and community board(s)” shall mean the council member(s) and community board(s) in whose districts a proposed bicycle lane is to be constructed or removed, in whole or in part.

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

b. 1. Except as provided below, at least ninety days before the construction or the removal of a bicycle lane is to begin, the department shall notify each affected council member and community board via electronic mail of the proposed plans for the bicycle lane within the affected community district and shall offer to make a presentation at a public hearing held by such affected community board.

2. If the affected community board accepts the offer made pursuant to paragraph one of this subdivision and holds such hearing within forty-five days of the department sending the notice required under paragraph one of this subdivision, the department shall make a presentation of the proposed plans at such public hearing to receive input on such plans and shall not construct or remove such bicycle lane until forty-five days after such public hearing.

3. When notice is given under paragraph one of this subdivision between June 20 and August 6, the period for a public hearing under paragraph two of this subdivision shall conclude on September 20; provided that the department may construct or remove such bicycle lane at the conclusion of the ninety day notice period provided in paragraph one of this subdivision or ten days following such hearing, whichever is later.

c. The department shall consider comments from such public hearings and may incorporate changes, where appropriate, into its bicycle lane plan or cancel plans for construction or removal of such bicycle lane where it determines such bicycle lane would be inappropriate.

d. Section 19-101.2 of this title shall not apply to any bicycle lane that falls under the provisions of this section, except that subdivision j of section 19-101.2 shall apply where construction or removal of such bicycle lane would otherwise be defined as a major transportation project under paragraph 2 of subdivision a of section 19-101.2 of this title.

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

JAMES VACCA, Chairperson; MICHAEL C. NELSON, G. OLIVER KOPPELL, DANIEL R. GARODNICK, JESSICA S. LAPPIN, YDANIS RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO; Committee on Transportation, November 1, 2011.

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicant’s Report

Name	Address	District #
Susan Pollard	31-33 West 129 th Street #4 New York, N.Y. 10027	9
Tracy Garcia-Mitchell	96-04 57 th Avenue #18G Queens, N.Y. 11368	25
Nancy Ann Castagna	6609 11 th Avenue #2 Brooklyn, N.Y. 11219	43
Laura Longhofer	2261 East 26 th Street Brooklyn, N.Y. 11229	46
Yuliya Slavinskaya	1580 East 13 th Street Brooklyn, N.Y. 11230	48

Approved New Applicants and Reapplicants

Name	Address	District #
Elizabeth Felix	572 Grand Street #G106 New York, N.Y. 10002	1
Luis Castro	250 East 39 th Street New York, N.Y. 10016	4
Ann Marie Caspare	333 West 57 th Street #7L New York, N.Y. 10019	6
Denise K. Redd	130 West 113 th Street #3A New York, N.Y. 10026	9
Donald Feldman	500 Kappock Street #4L Bronx, N.Y. 10463	11
Saudah Hundley	665 Arnow Avenue #7B Bronx, N.Y. 10467	11
Carolann Bracey-Miller	861 East 215 th Street Bronx, N.Y. 10467	12
Monica Cole-Gordon	4030 Murdock Avenue Bronx, N.Y. 10466	12
Betsy Santiago	120 DeKniff Place #611 Bronx, N.Y. 10475	12
Barbara J. Brennan C/O Cicero	1852 Tenbroeck Avenue Bronx, N.Y. 10461	13
Margaritz Mendez	901 Neill Avenue Bronx, N.Y. 10462	13
Rosemarie Mercado	2074 Wallace Avenue #303 Bronx, N.Y. 10462	13
Margarita Vega	1893-95 Andrews Avenue #411 Bronx, N.Y. 10453	14
Brigitte Gutierrez	2171 Clinton Avenue Bronx, N.Y. 10457	15
Esther Scott	1368 Webster Avenue #17A Bronx, N.Y. 10456	16
Angela Mercado	207 Alexander Avenue #11F Bronx, N.Y. 10454	17
Donna Taylor-Sanders	814 Ritter Place Bronx, N.Y. 10459	17
Sandra Beauchamp	212 Betts Avenue Bronx, N.Y. 10473	18
Jamel Brooks	1555 Odell Street #7E Bronx, N.Y. 10462	18
Idalis Feliciano	1269 Havemeyer Avenue Bronx, N.Y. 10462	18
Odessa T. Lawson	1530 Archer Road #3H Bronx, N.Y. 10462	18
Evelyn Sanchez	1332 Metropolitan Avenue Bronx, N.Y. 10462	18
Theresa A. Finnegan	158-10 Sanford Avenue #2C Flushing, N.Y. 11358	19
Jerrold M. Rosenstein	87-56 Francis Lewis Blvd #A Queens, N.Y. 11427	23
Carmen Aviles	89-43 146 th Street Queens, N.Y. 11435	24
Judith Gail Greenstein	182-35 80 th Drive Jamaica, N.Y. 11432	24
Quantisha Jennings	12-21 35 th Avenue #6F Queens, N.Y. 11106	26
Vivienne Grainger	105-41 172 nd Street	27

Edgar Hurley	Queens, N.Y. 11433 216-60 113 th Drive	27
Antowin T. Kenner	Queens, N.Y. 11429 112-50 205 th Street	27
Ingrid Noble	Queens, N.Y. 11412 120-28 170 th Street	27
Rosa E. Ruiz	Queens, N.Y. 11434 65-84 Booth Street #6A	29
Sherban M. Standish	Queens, N.Y. 11374 90-02 63 rd Drive #2K	29
Antoinette Farella	Queens, N.Y. 11374 61-34 69 th Place	30
Rebecca Glynn	Middle Village, N.Y. 11379 1250 Redfern Avenue	31
Ethel Lee	Far Rockaway, N.Y. 11691 222-05 Edmore Avenue	31
Ronald S. Dalo	Queens, N.Y. 11428 94-41 109 th Avenue	32
Leticia Gonzalez	Ozone Park, N.Y. 11417 85-50 Forest Parkway #4E	32
Dennis W. Majorino	Woodhaven, N.Y. 11421 433 Beach 127 th Street	32
Antoinette M. Quinones	Bell Harbor, N.Y. 11694 89-16 90 th Street	32
Richard Resk	Woodhaven, N.Y. 11421 162-17 96 th Street	32
Ada Rodriguez	Queens, N.Y. 11414 135-31 114 th Street	32
Lisa A. Wohl	South Ozone Park, N.Y. 11420 163-43 97 th Street	32
Ralph P. Albanese	Howard Beach, N.Y. 11414 76 Court Street #24	33
Maria J. Claudio	Brooklyn, N.Y. 11201 85 Taylor Street	33
Sherese K. Shepard C/O Lynch	Brooklyn, N.Y. 11211 775 Union Street	33
Alicia Cruz	Brooklyn, N.Y. 11215 330 Bushwick Avenue #7H	34
Nicholas F. Cutrone	Brooklyn, N.Y. 11206 113 Ainslie Street	34
Julio C. Sambula	Brooklyn, N.Y. 11211 30 Montrose Avenue #10S	34
Joyce Washington	Brooklyn, N.Y. 11206 455 Carlton Avenue #5B	35
Carol M. Bell	Brooklyn, N.Y. 11238 135 Halsey Street	36
Retoria Estaphan	Brooklyn, N.Y. 11216 876 Greene Avenue	36
Gale A. Hendy	Brooklyn, N.Y. 11221 1316 Sterling Place #2R	36
Annell Hudson	Brooklyn, N.Y. 11213 374 Madison Street	36
Jose L. Gonzalez	Brooklyn, N.Y. 11221 1411 Gates Avenue #1H	37
Jose Martinez	Brooklyn, N.Y. 11221 4814 4 th Avenue #105	38
Lewis Barnett	Brooklyn, N.Y. 11220 724 Ditmas Avenue	39
James Lewis Jr.	Brooklyn, N.Y. 11218 177 Lenox Road #C2	40
Khasan Tursunov	Brooklyn, N.Y. 11226 596 Argyle Road #8	40
Oladlpo Fayemi	Brooklyn, N.Y. 11230 1035 Clarkson Avenue #2B	41
Ebony Stewart	Brooklyn, N.Y. 11212 368 East 45 th Street	41
Nikki Brady	Brooklyn, N.Y. 11203 10308 Avenue K	42
Margaret P. Edwards	Brooklyn, N.Y. 11236 431 Hegeman Avenue	42
Vera Grubb	Brooklyn, N.Y. 11207 1445 Geneva Loop #6C	42

Shanda Swain	675 Lincoln Avenue #16J Brooklyn, N.Y. 11208	42
Sister Maria Theresa Amato, OP	132 Battery Avenue Brooklyn, N.Y. 11209	43
Joseph J. Williams	8105 4 th Avenue #6C Brooklyn, N.Y. 11209	43
Marie Ichart	1430 42 nd Street Brooklyn, N.Y. 11219	44
Joann Atkinson	1160 Ocean Avenue #3D Brooklyn, N.Y. 11230	45
Alice L. Cox	1355 East 40 th Street Brooklyn, N.Y. 11234	45
Cheryl Phillip	510 East 46 th Street Brooklyn, N.Y. 11203	45
Dinah Fish	2625 Emmons Avenue #3D Brooklyn, N.Y. 11235	46
Rosolino Fanara	1944 19 th Lane Brooklyn, N.Y. 11214	47
Nigina Lobasso	2265 Ocean parkway #2F Brooklyn, N.Y. 11223	48
Latisha V. Catoe	206 Market Street Staten Island, N.Y. 10310	49
Cynthia Cupo	11 Crystal Avenue Staten, N.Y. 10302	49
Perry Lindsay	236 Hamilton Avenue Staten Island, N.Y. 10301	49
Phyllis Franchini	385 Adelaide Avenue Staten Island, N.Y. 10306	50
Kathleen Manuelian	48 Clermont Place Staten Island, N.Y. 10314	50
Elena Suazo	30 Grissom Avenue Staten Island, N.Y. 10314	50
Dawn Ponisi	212 Sinclair Avenue Staten Island, N.Y. 10312	51
Yvonne Taranto	40 Zephyr Avenue Staten Island, NY 10312	51
Linda Westgate	10 Yacht Club Cove Staten Island, NY 10308	51

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

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

- (1) **M 689 & Res 1119 --** Kenneth J. Knuckles, appointment as a member of the New York City Planning Commission.
- (2) **M 691 & Res 1106 --** Transfer City funds between various agencies in Fiscal Year 2012. (MN-1)
- (3) **Int 412-A --** Requiring the department of transportation to hold hearings with affected community boards before a bicycle lane is constructed or removed.
- (4) **Int 656-A --** Persons not to be detained.
- (5) **Res 999-A --** Resolution pursuant to section 104-c of the New York State General Municipal Law, authorizing the New York City Department of Citywide Administrative Services to donate surplus city-owned computers, computer software and computer equipment to public and private institutions for secular educational use and to not-for-profit institutions for use by individuals with disabilities, senior citizens, or low income individuals.
- (6) **Res 1101 --** Organizations to receive funding in the Expense Budget (Transparency Resolution, November 3, 2011).
- (7) **Res 1102 --** Amending and Restating the Base

- Percentage, Current Percentage and Current Base Proportion of Each Class of Real Property for Fiscal 2012.
- (8) **Res 1103 --** Amending and Restating the Base Proportion of Each Class of Real Property for Fiscal 2012.
- (9) **Res 1104 --** Resolution amending and restating the resolution to provide the amounts necessary for the support of the government of the city of New York and the counties therein and for the payment of indebtedness thereof, for the fiscal year beginning on July 1, 2011 and ending on June 30, 2012, by the levy of taxes on the real property in the city of New York, in accordance with the provisions of the constitution of the state of New York, the real property tax law and the charter of the city of New York (**Tax Fixing Resolution as Amended and Restated, November 3, 2011**).
- (10) **SLR 14 --** Residential parking permit system in the city of New York (**Home Rule item introduced by the Council requiring affirmative vote of at least two-thirds of the Council for passage**).
- (11) **L.U. 466 & Res 1108 --** Weir Greenhouse by Green Wood Cemetery, Borough of Brooklyn, Council District no. 38.
- (12) **L.U. 492 & Res 1109 --** App. **20125039 HKM (N 120042 HKM)**, 58 Bowery a.k.a. 54-58 Bowery, 150 Canal Street (Block 202, Lot 18) (List No.446, LP-2466).
- (13) **L.U. 495 & Res 1110 --** App. **20115771 TCK**, 82 South 4th Street, Borough of Brooklyn, Council District no.34.
- (14) **L.U. 496 & Res 1111 --** App. **20115847 TCK**, 442 Graham Avenue, Borough of Brooklyn, Council District no.34.
- (15) **L.U. 500 & Res 1112 --** App. **20125162 HAM** 166 and 168-170 Mulberry Street, Council District no. 1, Borough of Manhattan.
- (16) **L.U. 501 & Res 1113 --** App. **20115782 TCM**, 591 Fort Washington Avenue, Borough of Manhattan, Council District no.7.
- (17) **L.U. 502 & Res 1114 --** App. **20115843 TCK**, 600 Metropolitan Avenue, Borough of Brooklyn, Council District no.34.
- (18) **L.U. 503 & Res 1115 --** App. **20115845 TCM**, 409 West 13th Street, Borough of Manhattan, Council District no.3.
- (19) **L.U. 504 & Res 1116 --** App. **20125018 TCK**, 210 Prospect Park West, Borough of Brooklyn, Council District no.39 (**Coupled to be filed pursuant to a Letter of Withdrawal**).
- (20) **L.U. 505 & Res 1117 --** Appn no. **20115835 TCM**, 5009 Broadway, Borough of Manhattan, Council District no.7.
- L.U. 506 & Res 1118 --** App. **C 100469 MMK**, 21st Street between Surf Avenue and the Public Beach, and in Ocean Way between West 22nd Street and parachute Way, Community District, 13, Borough of Brooklyn, Council District no. 47.
- (22) **L.U. 507 & Res 1107 --** Kelly Street Apartments, Bronx, CD 17.
- (23) **Resolution approving various persons Commissioners of Deeds.**

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

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

The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int No. 656-A**:

Affirmative – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Foster, Garodnick, Gennaro, Gonzalez, Greenfield, Halloran, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – **43**.

Negative – Gentile, Ignizio, Oddo, Ulrich, Vallone, Jr. – **5**.

Abstention – Fidler – **1**.

The following was the vote recorded for **Res No. 1101**:

Affirmative – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Ignizio, Jackson, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **47**.

Negative – Halloran and Koo – **2**.

The following was the vote recorded for **Res Nos. 1102 and 1103**:

Affirmative – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – **43**.

Negative – Halloran, Ignizio, Koo, Oddo, Ulrich, and Vallone, Jr. – **6**.

The following was the vote recorded for **Res Nos. 1104**:

Affirmative – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Vacca, Van Bramer, Vann, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – **45**.

Negative – Ignizio, Oddo, Ulrich, and Vallone, Jr. – **4**.

The following was the vote recorded for **SLR No. 14**:

Affirmative – Arroyo, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Foster, Garodnick, Gennaro, Gonzalez, Greenfield, Jackson, James, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Van Bramer, Weprin, Williams, Wills, Rivera, and the Speaker (Council Member Quinn) – **40**.

Negative – Barron, Fidler, Halloran, Ignizio, Koo, Oddo Vallone, Jr., and Vann – **8**.

Abstention – Gentile – **1**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 412-A and 656-A.

For **Introduction and Reading of Bills**, see the material following the **Resolutions** section below:

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote Res. No.870-A

Report of the Committee on Technology in favor of approving and adopting, as amended, a Resolution calling on the United States Congress to pass and the President to sign into law the Public Safety Spectrum and Wireless Innovation Act (S.911), which amends the Communications Act of 1934 to provide public safety providers an additional ten (10) megahertz of spectrum to support a national, interoperable wireless broadband network and authorizes the Federal Communications Commission to hold incentive auctions to provide funding to support such a network.

The Committee on Technology, to which the annexed resolution was referred on June 14, 2011 (Minutes, page 1988), respectfully

REPORTS:

I. INTRODUCTION

On November 2, 2011, the Committee on Technology, chaired by Council Member Fernando Cabrera, will vote on Proposed Resolution No. 999-A, a resolution authorizing the New York City Department of Citywide Administrative Services (DCAS) to donate City-owned computers to certain types of educational and not-for-profit organizations, and Proposed Resolution No. 870-A, a resolution calling on the United States Congress to pass and the President to sign into law the Public Safety Spectrum and Wireless Innovation Act (S.911). The Committee first heard Proposed Resolution No. 870-A on September 27, 2011 and Proposed Resolution No. 999-A on October 28, 2011.

II. PROPOSED RESOLUTION NO. 999-A

Section 104-c of the New York State General Municipal Law (GML), enacted by Chapter 618 of the Laws of 1998, allows the governing board of a municipality to adopt policies by resolution authorizing the donation of spare computer equipment to schools, public libraries, and other public and private educational programs for secular educational use, and to not-for-profit institutions serving persons with disabilities. On August 15, 2011, Chapter 390 of the Laws of 2011 amended GML § 104-c to allow not-for-profit institutions serving senior citizens or low income individuals to also receive computer donations.

The Office of Surplus Activities is the unit with DCAS responsible for transfers of equipment and supplies from one City agency to another but does not currently have the authority to create a policy for the donation of surplus computer equipment to non-City entities.¹

Many educational programs and not-for-profit institutions have an insufficient supply of computers or computers and computer equipment of inadequate quality to keep up with the growing demand for technology.

Proposed Resolution No. 999-A authorizes DCAS to donate surplus city-owned computers, computer software and computer equipment to public and private institutions for secular educational use and to not-for-profit institutions for use by individuals with disabilities, senior citizens, or low income individuals.²

These donations would be required to be based on a public notification process and competitive proposals from eligible organizations, through which the institutions requesting donations must demonstrate need and specific plans for the use of such equipment. However, the transfer of computer software is not permitted if such transfer would cause a breach of a computer software license agreement or an infringement of a copyright.

Donations of computer equipment to institutions operating educational programs and those providing services for persons with disabilities, senior citizens, or low income individuals will assist in the disposal of unneeded equipment, is mutually beneficial for the City and the recipients of the donations and is an efficient use of government resources.

During the October 28, 2011 Committee hearing on Resolution No. 999, representatives from MOUSE Inc. and Computers for Youth testified in strong support of the resolution stating that donation of City computers will assist these organizations in ensuring that the most vulnerable populations have access to technology.³

III. PROPOSED RESOLUTION NO. 870-A

Proposed Resolution No. 870-A calls on the United States Congress to pass and the President to sign into law the Public Safety Spectrum and Wireless Innovation Act (S. 911), which amends the Communications Act of 1934 to provide

public safety providers an additional ten megahertz of spectrum to support a national, interoperable wireless broadband network and authorizes the Federal Communications Commission (FCC) to hold incentive auctions to provide funding to support such a network.

When an emergency occurs, first responders must be able to communicate without interference and across departments and regions. The National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) urged Congress to enact legislation that provides for the expedited and increased assignment of radio spectrum for public safety purposes.⁴ As Senator Gillibrand has stated, “Nearly ten years after 9/11, it’s time to bring our first responder technology into the 21st century. If we’re going to keep New Yorkers safe, we must ensure that local, state, and federal first responders can effectively communicate with each other in real time during a national crisis.”⁵

S. 911, a bipartisan bill introduced by Senators John D. Rockefeller IV and Kay Bailey Hutchison, would grant a license for ten megahertz of spectrum within the 700 megahertz band, called the D-Block, to a new entity called the “Public Safety Broadband Corporation.” The Corporation would be a private nonprofit corporation responsible for developing and operating a nationwide, interoperable, wireless broadband network for public safety, which would enable first responders to communicate across jurisdictions and share critical information in real-time. The Corporation’s board of directors would include members of the President’s Cabinet; experts in the fields of public safety, technology, networks and financing; representatives of states, localities, tribes, and territories; and public safety professionals.

S. 911 would allow public safety officials, when not using the network, to lease capacity on a secondary, but preemptible, basis to non-public safety entities, including other governmental and commercial users. This bill would also grant FCC the authority to conduct voluntary incentive auctions, which would allow over-the-air TV broadcasters to return some or all of their existing allocation of frequency and receive a portion of the proceeds of the commercial auction of their spectrum.⁶ The funds from these incentive auctions, in conjunction with funds from the auction of other specified spectrum bands, and funds earned from leasing the public safety network on a secondary basis, would be used to build and maintain the nationwide interoperable broadband network. Surplus revenue would go towards reducing the deficit.

S. 911 has been endorsed by Senators Kirsten Gillibrand and Charles Schumer, Congressman Peter King,⁷ New York City Mayor Michael Bloomberg,⁸ New York City Fire Commissioner Salvatore Cassano, and New York City Police Commissioner Raymond W. Kelly.⁹ On June 8, 2011, S. 911 passed out of the United States Senate Committee on Commerce, Science, and Transportation and was reported to the full Senate. The House of Representatives has several bills that are similar to S. 911, but none that are identical.

During the September 27, 2011 Committee hearing on Proposed Resolution No. 870-A, a representative from The Public Safety Alliance testified in strong support of the resolution.¹⁰

¹ The Rules of the City of New York require City property with resale value to be disposed of by auctioning to the highest bidder or transferring between City agencies. See: Rules of the City of New York, title 55, § 5-01

² Public schools and libraries were not included in the resolution because the New York City Department of Education and the New York Public Library are City entities and therefore eligible to receive surplus equipment from other City agencies through the DCAS Office of Surplus Activities.

³ Mike Capobiano, MOUSE Inc., testimony at NYC Council Committees on Technology and Governmental Operations Hearing, October 28, 2011.

⁴ *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States*. New York: Norton, 2004. 397. Web. <<http://www.9-11commission.gov/report/index.htm>>.

⁵ Gillibrand Press Release, *supra* note 68.

⁶ Television broadcasters are permitted to sublease their spectrum, but FCC Chairman Genachowski argues this will not provide “contiguous blocks of spectrum over broad geographic areas, which is what’s needed for mobile broadband.” See Genachowski’s Remarks on Broadband at: <http://www.fcc.gov/document/genachowski-broadband-clock-ticking>

⁷ U.S. Senate Committee on Commerce, Science and Transportation. *Rockefeller, Gillibrand, Schumer, King Stand with 9/11 First Responders to Urge Passage of Public Safety Network Bill*. 20 July 2011. Web. 12 Sept. 2011. <<http://commerce.senate.gov/public/index.cfm?p=PressReleases>>.

⁸ U.S. Senate Committee on Commerce, Science and Transportation. *New York Mayor Michael Bloomberg Endorses Rockefeller-Hutchison Public Safety Bill*. 9 June 2011. Web. 12 Sept. 2011. <<http://commerce.senate.gov/public/index.cfm?p=PressReleases>>.

⁹ Gillibrand Press Release, *supra* note 68.

¹⁰ Yucel Ors, The Public Safety Alliance, testimony at NYC Council Committees on Technology, Fire and Criminal Justice Services, and Public Safety Hearing, September 27, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 870-A:)

Res. No. 870-A

Resolution calling on the United States Congress to pass and the President to sign into law the Public Safety Spectrum and Wireless Innovation Act (S.911), which amends the Communications Act of 1934 to provide public safety providers an additional ten (10) megahertz of spectrum to support a national, interoperable wireless broadband network and authorizes the

Federal Communications Commission to hold incentive auctions to provide funding to support such a network.

By Council Members Vallone, Jr., James, Williams, Crowley, Brewer, Nelson, Mark-Viverito, Cabrera and Gennaro.

Whereas, Many police, fire and medical personnel across the nation still rely on radios with separate voice channels assigned by the Federal Communications Commission (FCC); and

Whereas, Police, fire and other first responders could not communicate effectively with one another during the terrorist attacks on September 11, 2001; and

Whereas, The National Commission on Terrorist Attacks Upon the United States (also known as the 9/11 Commission) urged Congress to enact legislation that provides for the expedited and increased assignment of radio spectrum for public safety purposes; and

Whereas, In order to ensure that first responders have the resources to communicate in an emergency, Senators Charles E. Schumer and Kirsten E. Gillibrand are supporting the Public Safety Spectrum and Wireless Innovation Act (S.911); and

Whereas, S.911 would allocate ten (10) megahertz of spectrum, known as the “D-block,” to public safety providers; and

Whereas, S.911 creates a “Public Safety Broadband Corporation,” a private nonprofit corporation that would be granted a license for the use of the D-block to develop a nationwide, interoperable, wireless broadband network for public safety and operate it on behalf of public safety users; and

Whereas, S.911 would direct the FCC to establish standards that allow public safety officials, when not using the network, to lease capacity on a secondary, but preemptible, basis to non-public safety entities, including other governmental and commercial users; and

Whereas, S.911 would also provide the FCC with incentive auction authority, which allows existing spectrum licensees to voluntarily relinquish their airwaves in exchange for a portion of the proceeds of the commercial auction of their spectrum; and

Whereas, The funds from these incentive auctions, in conjunction with funds from the auction of other specified spectrum bands, and funds earned from leasing the public safety network on a secondary basis would be used to build and maintain a nationwide, interoperable, wireless broadband public safety network; and

Whereas, Surplus revenue from spectrum auctions would be directed to the United States Treasury to reduce the deficit; and

Whereas, Such an increase in radio spectrum for public safety purposes would assist the City as it enhances its communication abilities among first responding agencies; and

Whereas, S.911 promotes the efficient use of our nation’s airwaves; and

Whereas, S.911 would ensure that our first responders have access to the airwaves they need when tragedy strikes; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass and the President to sign into law the Public Safety Spectrum and Wireless Innovation Act (S.911), which amends the Communications Act of 1934 to provide public safety providers an additional ten (10) megahertz of spectrum to support a national, interoperable wireless broadband network and authorizes the Federal Communications Commission to hold incentive auctions to provide funding to support such a network.

FERNANDO CABRERA, Chairperson; GALE A. BREWER, G. OLIVER KOPPELL, LETITIA JAMES, MARK S. WEPRIN; Committee on Technology, November 2, 2011.

Pursuant to Rule 8.50 of the Council, the President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing no objections, President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 697

By Council Members Barron, Jackson, Mendez, Rose, Seabrook, Vann and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of information regarding past engagement in slavery by city contractors.

Be it enacted by the Council as follows:

Section 1. Legislative Intent and Findings. In recent years, companies in existence today have discovered and revealed that they had engaged in and/or

profited from the commerce generated by the trade or use of the labor of enslaved Africans during the period of the Trans-Atlantic Slave Trade, from approximately 1441 to 1888. It has been reported that some large companies, for example, Aetna, a company that apparently insured slaveholder interests in slaves in the case of their death or damage, have been found to have directly profited from such commerce. J.P. Morgan Chase issued a letter of apology after it discovered that two of its predecessor companies actually participated in the slave trade and owned slaves it had taken as collateral for loans. J.P. Morgan Chase attributed the discoveries to the requirement of disclosure for contractors of the City of Chicago.

While it is specifically not the intent of this legislation that the question of past links to slavery serve as a litmus test to determine who the City should do business with, such information is important for the City and the country as they reappraise the history of slavery as a result of these new findings. Accordingly, this local law would require companies doing business with the City to search their pasts and reveal whether they have engaged in or profited from slavery.

§2. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-115.2 to read as follows:

§ 6-115.2. *Disclosure of profit from or engagement in slavery.*

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

(1) *"Affiliated company" means the parent company of a contractor and any subsidiaries of the contractor.*

(2) *"Contract" means any written agreement, purchase order or instrument whereby the city is committed to expend or does expend funds in return for an interest in real property, work, labor, services, supplies, equipment, materials, construction, construction related service or any combination of the foregoing.*

(3) *"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.*

(4) *"Contractor" means any individual, sole proprietorship, partnership, joint venture, corporation or other form of doing business that enters into a contract with any contracting agency.*

(5) *"Predecessor company" means an entity whose ownership, title and interest, including all rights, benefits, duties and liabilities were acquired in an uninterrupted chain of succession by a contractor.*

(6) *"Subsidiary company" means an entity that is controlled directly or indirectly through one or more intermediaries by a contractor or such contractor's parent company.*

b. *No contracting agency shall enter into or renew any contract for an amount in excess of one hundred thousand dollars with any proposed contractor who does not certify as a material condition of such contract that the proposed contractor has searched its records and relevant history to determine whether it or any predecessor or affiliated company ever engaged in or profited from the trade or use of slaves. Such certification shall also include a statement of the results of such search. If the contractor determines that it or its predecessor or affiliated companies engaged in or profited from slavery then the contractor shall also provide a statement detailing the nature and extent of such engagement or profit, including relevant historical and other documentation, to the contracting agency which shall forward such information to the council.*

c. *The requirements of this section shall not apply: (i) to emergency contracts entered into pursuant to section 315 of the charter and for which no entity that will comply with the requirements of this section and which is capable of fulfilling such contract is immediately available; or (ii) where such compliance would violate or be inconsistent with the terms or conditions of a grant, subvention or contract with a public agency or the instructions of an authorized representative of any such agency with respect to any such grant, subvention or contract.*

§3. This local law shall take effect ninety days after its enactment into law, provided that city agencies, including, but not limited to, the procurement policy board, may take any actions necessary to effectuate its provisions prior to such effective date.

Referred to the Committee on Contracts.

Int. No. 698

By Council Members Chin, Garodnick, Jackson, James, Lander, Mendez, Palma, Rose and Seabrook.

A Local Law to amend the New York city charter, in relation to modernizing the notice requirements for public hearings.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 1043 of chapter 45 of the New York city charter is amended to read as follows:

b. Notice. 1. Each agency shall publish the full text of the proposed rule in the City Record at least thirty days prior to the date set for a public hearing to be held pursuant to the requirements of subdivision e of this section or the final date for receipt of written comments, whichever is earlier, *and shall provide information regarding such public hearing in a prominent location on such agency's website at*

least seven days prior to the date set for such hearing. A proposed rule amending an existing rule shall contain in brackets any part to be deleted and shall have underlined or italicized any new part to be added. A proposed rule repealing an existing rule shall contain in brackets the rule to be repealed, or if the full text of the rule was published in the Compilation required to be published pursuant to section one thousand forty-five, shall give the citation of the rule to be repealed and a summary of its contents. Such published notice shall include a draft statement of the basis and purpose of the proposed rule, the statutory authority, including the particular sections and subdivisions upon which the action is based, the time and place of public hearing, if any, to be held or the reason that a public hearing will not be held, and the final date for receipt of written comments. If the proposed rule was not included in the regulatory agenda, such notice shall also include the reason the rule was not anticipated, as required in subdivision c of section one thousand forty-two of this chapter.

2. Copies of the full text of the proposed rule shall be electronically transmitted to the office of the speaker of the council, the council's office of legislative documents, the corporation counsel, each council member, the chairs of all community boards, the news media and civic organizations no later than the date the proposed rule is transmitted to the City Record for publication pursuant to paragraph one of subdivision b of this section; provided that an inadvertent failure to fully comply with the notice requirements of this paragraph shall not serve to invalidate any rule.

3. (a) News media, for the purposes of this subdivision, shall include (i) all radio and television stations broadcasting in the city of New York, all newspapers published in the city of New York having a city-wide or borough-wide circulation, and any newspaper of any labor union or trade association representing an industry affected by such rule, and (ii) any community newspaper or any other publication that requests such notification on an annual basis.

(b) Civic organizations, for the purposes of this subdivision, shall include any city-wide or borough-wide organization or any labor union, trade association or other group that requests such notification on an annual basis.

4. *Each agency shall, to the greatest extent practicable, and in addition to the electronic transmissions required by paragraph 2 of this subdivision, publicize upcoming public hearings via electronic means that are likely to reach interested members of the public.*

§ 2. This local law shall take effect ninety days after enactment.

Referred to the Committee on Governmental Operations.

Res. No. 1092

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A. 6679 and S. 4192, legislation that would amend the Tax Law, in relation to providing a tax deduction for the installation of mechanical insulation property.

By Council Members Crowley, James and Seabrook.

Whereas, Mechanical insulation is defined to encompass all thermal, acoustical and personnel safety requirements for mechanical piping, equipment and Heating, Ventilating and Air Conditioning (HVAC) applications; and

Whereas, Mechanical insulation can be used in a variety of commercial buildings and industrial manufacturing facilities, such as power plants, refineries, hospitals, schools, universities, government and office buildings, high-rise multi-family dwellings, hotels and motels, retail and wholesale establishments, and similar types of commercial and industrial facilities; and

Whereas, According to a report prepared by the National Insulation Association (NIA), a not for profit trade association, mechanical insulation is a proven technology long revered for its energy saving qualities and is a great source for green job opportunities; and

Whereas, Buildings are responsible for 40% of the energy demand and 40% of the greenhouse gases, making efficiency gains in this area crucial; and

Whereas, According to the NIA, although mechanical insulation will greatly benefit the environment and create jobs, it is often viewed as an additional expense of building rather than an investment; and

Whereas, A buildings, mechanical system constantly undergoes routine maintenance, and many times this results in removal of mechanical insulation from portions of the building's HVAC system which is often not replaced; and

Whereas, Legislation was introduced in the State Senate on March 23, 2011 and in the State Assembly on March 24, 2011 as A.6679 and S.4192, respectively; and

Whereas, A.6679 and S.4192 would amend the tax law to provide for a tax deduction for the installation of mechanical insulation property; and

Whereas, This legislation has been referred to the Ways and Means Committee in the Assembly and the Investigation and Government Operations Committee in the Senate; and

Whereas, This bill would provide a tax deduction for the installation of mechanical insulation property in any taxable year; and

Whereas, This deduction shall be the lesser of 30% of the cost of the mechanical insulation property placed in service or the excess energy savings

provided by such mechanical insulation property; and

Whereas, The cost of the mechanical insulation property shall include amounts paid for the installation of such mechanical insulation property and labor to install; and

Whereas, The excess energy savings will be determined by the percentage such mechanical installation property is required to meet by standards developed and published by the American Society of Heating, Refrigerating and Air Conditioning Engineers; and

Whereas, This bill would encourage commercial industrial entities to go beyond the current minimum requirements as defined by the American Society of Heating, Refrigerating and Air Conditioning Engineers for new construction or retrofit projects; and

Whereas, According to the NIA, New York City has the largest district energy steam system in the world, which contains more than 105 miles of mains and service piping; and

Whereas, New York City commercial and high occupancy residential customers use steam for heating, hot water and air conditioning; and thus the extent of piping that is not insulated or damaged which feeds universities, hospitals and housing projects is immeasurable; and

Whereas, Mechanical insulation reduces energy consumption, lowers harmful emissions, creates green jobs, and provides residual savings; 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. 6679 and S. 4192, legislation that would amend the Tax Law, in relation to providing a tax deduction for the installation of mechanical insulation property.

Referred to the Committee on Finance.

Int. No. 699

By Council Members Dromm, Eugene, James, Mendez, Palma, Rose, Seabrook, Williams and Halloran.

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

Be it enacted by the Council as follows:

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

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

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

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

3. A soldiers' monument corporation incorporated pursuant to section fourteen hundred

five of the not-for-profit corporation law.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 700

By Council Members Dromm, James, Lander, Mendez, Palma, Rose, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that the Administration for Children's Services and the Department for the Aging include in their collection of demographic data information regarding the sexual orientation and gender identity of individuals who interact with such agencies.

Be it enacted by the Council as follows:

Section 1. Findings and Intent. The Council finds that the lesbian, gay, bisexual and transgender (LGBT) community has significant needs with respect to its physical and mental health. Research suggests that due to societal homophobia and its consequences, LGBT individuals are likely to be at higher risk for mental health problems such as depression, anxiety, substance abuse and suicide. According to the National Alliance on Mental Illness, lesbian, gay and bisexual individuals are approximately 2.5 times more likely than heterosexual men and women to have a mental health disorder in their lifetime. In addition, research conducted by the National Coalition of Anti-Violence Programs suggests that 40% of lesbians and gay men in the U.S. consider themselves the victims of hate violence in their adult lifetime, and in particular, LGBT youth experience a significant rate of hate violence. In a 2009 national survey, the Gay, Lesbian and Straight Education Network found that 8 out of 10 LGBT students aged 13-21 in the United States had been verbally harassed at school, 4 out of 10 had been physically harassed at school, and 1 out of 5 had been a victim of a physical assault at school because of their sexual orientation.

The Council therefore finds that because of the LGBT community's unique circumstances, an increased focus is needed on the research into and development of policies and programs tailored to LGBT children, youth and seniors in areas including, but not limited to, the prevention of suicide, depression, violence, and the spread of sexually transmitted diseases and the cultivation of a healthy self-image. Currently, it is unclear how many individuals who identify themselves as LGBT receive services from the Administration for Children's Services (ACS) and the Department for the Aging (DFTA). The Council finds that, as evidenced by the fact that the U.S. Census began collecting data on same-sex households in 2010, as the stigma against the LGBT community gradually erodes, individuals are increasingly willing to identify themselves as LGBT. It is the intent of the Council, therefore, to ensure that ACS and DFTA capture this information and utilize it to tailor programs to best serve the LGBT community. Accordingly, the Council finds that it is necessary for ACS and DFTA to include an additional field on certain form documents that will capture data on individuals' sexual orientation and gender identity.

§2. Chapter 9 of Title 21 of the administrative code of the city of New York is amended by adding a new section 21-905 to read as follows:

§21-905. *Collection of data regarding the sexual orientation and gender identity of individuals who come into contact with the Administration for Children's Services.*

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

1. "Child" shall mean (i) any person who has not attained the age of eighteen years; or (ii) any person between and including the ages of eighteen and twenty-one who is in foster care; and

2. "Child welfare system" shall mean the set of services provided by ACS and/or its contracting agencies to identify, protect and care for abandoned, destitute, dependent, neglected or abused children or persons in need of supervision, such terms as defined in section 371 of the Social Services Law, including but not limited to investigation of any report filed with the statewide central register of child abuse and maltreatment pursuant to section 422 of the Social Services Law, and services offered by ACS and/or its contracting agencies as a result of such investigation.

3. "Youth in the juvenile justice system" shall mean (1) any person who is an alleged juvenile delinquent as defined in section 301.2 of the Family Court Act who has a pending proceeding under Article 3 of the Family Court Act; (2) any person who is an alleged juvenile offender as defined in section 10.00 of the Penal Law who has a pending proceeding in the criminal court; or (3) any person who is a post-adjudicated juvenile delinquent or juvenile offender who is awaiting transfer to a placement facility operated or contracted by the New York State Office of Children and Family Services.

b. *On all form documents that ACS and/or its contracting agencies use to capture demographic data such as age, gender, race, ethnicity or religion, ACS and all of its contracting agencies shall include a field to record data regarding the sexual orientation and gender identity of the individuals who are the subjects of such forms, to the extent that such individuals identify themselves as heterosexual, gay, lesbian, bisexual or transgender.*

c. *Upon request by the Council, ACS shall provide the following information to the Council within thirty days following the date of such request:*

1. *total number of children involved in the child welfare system, at the time of such request, who have identified their sexual orientation and gender identity, sorted by the number of such children who have identified themselves as each of these categories: heterosexual, gay, lesbian, bisexual or transgender;*

2. *total number of youth involved in the juvenile justice system, at the time of such request, who have identified their sexual orientation and gender identity, sorted*

by the number of such youth who have identified themselves as each of these categories: heterosexual, gay, lesbian, bisexual or transgender; and

3. total number of individuals, other than the children involved in the child welfare system and the youth involved in the juvenile justice system, who came into contact with ACS and/or its contracting agencies, sorted by the number of such individuals who have identified themselves as each of these categories: heterosexual, gay, lesbian, bisexual or transgender. Such data shall be disaggregated by ACS and/or contracting agency units, including but not limited to child care and head start, child protection, youth and family justice and foster care.

§3. Chapter 2 of Title 21 of the administrative code of the city of New York is amended by adding a new section 21-204 to read as follows:

§21-204. Collection of data regarding the sexual orientation and gender identity of individuals who come into contact with the Department for the Aging.

a. On all form documents that DFTA and/or its contracting agencies use to capture demographic data such as age, gender, race, ethnicity or religion, DFTA and all of its contracting agencies shall include a field to record data regarding the sexual orientation and gender identity of the individuals who are the subjects of such forms, to the extent that such individuals identify themselves as heterosexual, gay, lesbian, bisexual or transgender.

b. Upon request by the Council, DFTA shall provide the following information to the Council within thirty days following the date of such request: total number of individuals, at the time of such request, who have identified their sexual orientation and gender identity, sorted by the number of individuals who have identified themselves as each of these categories: heterosexual, gay, lesbian, bisexual or transgender.

§4. This local law shall take effect one hundred and twenty days after it is enacted into law, provided that the commissioners may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

Referred to the Committee on General Welfare.

Int. No. 701

By Council Members Dromm, Brewer, Fidler, Foster, Jackson, James, Koslowitz, Lander, Mendez, Palma, Rose, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to the online publication of information relating to stop work orders issued by the department of buildings.

Be it enacted by the Council as follows:

Section 1. Section 28-207.2.1 of the New York city administrative code is amended to read as follows:

§ 28-207.2.1 Issuance. Upon issuance of a stop work order by the commissioner, all work shall immediately stop unless otherwise specified. Such order may require all persons to forthwith vacate the premises pursuant to the provisions of section 28-207.4 and may also require such work to be done as, in the opinion of the commissioner, may be necessary to remove any danger therefrom. The police department or other law enforcement agency or officer shall, upon the request of the commissioner, assist the department in the enforcement of this section 28-207.2. Such enforcement may include the arrest of persons engaged in criminal activity, and, to the extent permitted by law, the seizure of equipment being used to engage in criminal activity. The stop work order may be given verbally or in writing to the owner, lessee or occupant of the property involved, or to the agent of any of them, or to the person or persons executing the work. A verbal order shall be followed promptly by a written order and shall include the reason for the issuance of the stop work order

§2. Chapter two of title 28 of the administrative code of the city of New York is amended by adding a new section 28-207.2.5 to read as follows:

§28-207.2.5 Publication of information pertaining to stop work orders. The commissioner shall make available and maintain on its website the following information:

(i) a list of addresses, disaggregated by zip code, and for each zip code, disaggregated by community district and council district, for which a notice or order to stop work has been given, and the date when such notice or order was given; and

(ii) a list of addresses, disaggregated by zip code, and for each zip code, disaggregated by community district and council district, for which a notice or order to stop work has been rescinded, and the date of such rescission.

No rescission of a stop work order shall be valid unless it is made in writing, and immediately upon the issuance or rescission of a notice or order to stop work, the department shall post the information regarding such notice or order on the appropriate website as required in this section.

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

Referred to the Committee on Housing and Buildings.

Res. No. 1093

Resolution calling upon the United States Congress to defeat any bill that would require all employers to check prospective employees' work authorization status by using the federal electronic system, E-Verify, which is subject to error, costly to maintain, and bad for the United States economy.

By Council Members Dromm, Foster, Gonzalez, Jackson, James, Koppell, Lander, Mendez, Rose, Seabrook, Williams and Rodriguez.

Whereas, To prevent unauthorized workers from obtaining employment in the United States, Congress established the I-9 verification process, which requires prospective and current employees to submit documentation proving their work eligibility to their employers; and

Whereas, E-Verify was introduced as part of the Illegal Immigration Reform and Responsibility Act of 1996 as a pilot program that ostensibly seeks to aid employers in accurately determining the work eligibility of current and prospective employees; and

Whereas, E-Verify is a federal electronic system that determines an employee's work eligibility by comparing the information on an employee's I-9 form to Social Security Administration (SSA) and Department of Homeland Security (DHS) records; and

Whereas, If the employee's I-9 information does not match SSA and DHS records, E-Verify will issue a tentative non-confirmation or a final non-confirmation result, which signifies that the employee is not currently authorized to work; and

Whereas, Except for federal agencies and their contractors and vendors, E-Verify is currently a voluntary program; and

Whereas, On June 14, 2011, Congressman Lamar Smith introduced the Legal Workforce Act (H.R. 2164), a bill that would require employers to use E-Verify to validate the work status of all employees and would allow employers to use the system before hire; and

Whereas, If E-Verify becomes mandatory it could negatively effect the three million immigrants residing in New York City; and

Whereas, According to the U.S. Government Accountability Office (GAO), since inception, the E-Verify system processed approximately 7.8 million inquiries from over 258,000 employers; and

Whereas, The GAO also reports that in 2010, an estimated 80,000 work eligible employees lost their position as a result of erroneous E-Verify non-confirmation results; and

Whereas, According to the National Immigration Law Center (NILC), the compulsory use of E-Verify may prevent approximately 770,000 work-authorized employees from working in the United States due to E-Verify errors; and

Whereas, An employee who receives a non-confirmation result is often not given the opportunity to contest the finding since employers do not always notify employees about non-confirmation results or about the necessary procedures to rectify potential errors; and

Whereas, Challenging a non-confirmation result is a time consuming process that can take several days; and

Whereas, Foreign-born United States nationals receive more erroneous non-confirmation results than native-born United States nationals; and

Whereas, E-Verify is a costly system to maintain that puts a strain on government resources; and

Whereas, The Congressional Budget Office (CBO) estimates that it will cost the federal government approximately three billion dollars over five years and six billion dollars over ten years to impose E-Verify on all employers nationwide; and

Whereas, According to the CBO, requiring all employers to use E-Verify will result in the loss of 22 billion dollars of tax revenue over a decade; and

Whereas, According to NILC, mandating the use of E-Verify will have a severe impact on the small business community, costing approximately 2.6 billion dollars per year to properly operate the E-Verify system; and

Whereas, Fifty to seventy-five percent of the agricultural industry's labor workforce is comprised of unauthorized workers, and mandating the use of E-Verify will cripple the agricultural industry, resulting in increased food prices in New York City and throughout the country; and

Whereas, The goal of preventing unauthorized workers from obtaining employment in the United States will not be achieved without broader immigration reform that does not solely focus on enforcement programs such as E-Verify; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to defeat any bill that would require all employers to check prospective employees' work authorization status by using the federal electronic system, E-Verify, which is subject to error, costly to maintain, and bad for the United States economy.

Referred to the Committee on Immigration.

Res. No. 1094

Resolution urging the United States Congress to pass, and the President to sign, the Liberian Refugee Immigration Fairness Act of 2011, which would grant permanent residency to qualifying Liberian nationals who have been continuously present in the United States for a certain defined period of

time, or are the spouse, child, or unmarried son or daughter of such an individual.

By Council Members Dromm, Rose, Brewer, Dickens, Eugene, Foster, Gentile, Jackson, James, Koppell, Lander, Mendez, Palma, Seabrook, Vann and Williams.

Whereas, On March 28, 2011, Senator Jack Reed and Representative Keith Ellison introduced the Liberian Refugee Immigration Fairness Act of 2011 (S. 656/H.R. 1293), a bill that would provide benefits to certain Liberian immigrants; and

Whereas, This legislation would provide the population of Liberian immigrants who are legally present in the United States and contributing members of their communities with a pathway to obtain permanent residency in the United States; and

Whereas, A brutal civil war in Liberia in the 1990s killed over 150,000 people and forced more than half of the population to become internally displaced or flee the country, in most instances to the United States; and

Whereas, In 1991, these Liberian refugees in the United States depended on the short-term provision of Temporary Protected Status (TPS), a temporary immigration status granted to certain undocumented immigrants who cannot return to their home country due to ongoing conflict, the temporary effects of an environmental disaster, or other extraordinary and temporary conditions; such immigrants may not be removed from the United States during the period in which such status is in effect; and

Whereas, Upon the expiration of TPS designation for Liberia in September 2007, President George W. Bush directed that Deferred Enforced Departure (DED) be provided to Liberians in the United States; and

Whereas, According to the U.S. Citizenship and Immigration Services, DED is not an immigration status, but allows qualified individuals to remain in the United States for limited periods of time according to a presidential directive; and

Whereas, On August 16, 2010, President Obama signed a memorandum extending DED to Liberian nationals through March 31, 2013, which will only provide temporary work authorization but will not provide a pathway to obtain lawful permanent residency; and

Whereas, According to the Lutheran Immigration and Refugee Service (LIRS), a nonprofit agency serving refugees, immigrants, asylum seekers, detainees and other migrants through resettlement, advocacy and social ministry, the Liberian Refugee Immigration Fairness Act, if enacted, will prevent the deportation of thousands of Liberians, who have been living in the United States for over twenty years, have developed roots in their communities, started families, and have made significant economic and cultural contributions to New York City and to the United States; and

Whereas, If enacted, this Act would finally settle the status of Liberian refugees in the United States; and

Whereas, According to LIRS, this Act would prevent families from making the painful decision of either leaving American-born children behind or bringing them to an unstable country; and

Whereas, The Liberian community is vital to the strength and well-being of New York City, particularly in Staten Island; and

Whereas, According to the Staten Island Foundation, Staten Island has the largest community of Liberians living outside of Liberia; and

Whereas, Clifton is a neighborhood northeast of Staten Island which has been commonly known as "Little Liberia" because of its large population of Liberian residents, restaurants and supermarkets; and

Whereas, New York City has long been a refuge and safe harbor for people fleeing unstable conditions in their home countries and seeking better opportunities for themselves and their families, and this Act would continue this worthy tradition of protection and supporting vulnerable populations and giving them new hope; now, therefore, be it

Resolved, That the Council of the City of New York urges the United States Congress to pass, and the President to sign, the Liberian Refugee Immigration Fairness Act of 2011, which would grant permanent residency to qualifying Liberian nationals who have been continuously present in the United States for a certain defined period of time, or are the spouse, child, or unmarried son or daughter of such an individual.

Referred to the Committee on Immigration.

Res. No. 1095

Resolution calling on the New York State Legislature to pass, and for the Governor to sign, A.8183-A, which would increase protections for limited English proficient New Yorkers seeking work through employment agencies by requiring contracts in English and the language in which they were negotiated, requiring conspicuous disclosure of the right to a refund, and increasing agency bond requirements.

By Council Members Dromm, Brewer, Chin, Eugene, Garodnick, James, Lander, Mendez, Palma, Rose, Seabrook and Rodriguez.

Whereas, Immigrants account for approximately 36 percent of New York City's population and approximately 43 percent of its workforce; and

Whereas, Unfortunately, some immigrants have difficulty obtaining employment in New York because of either their lack of English proficiency or their undocumented status; and

Whereas, Due to their limited options, many immigrant New Yorkers turn to for-profit employment agencies seeking work; and

Whereas, The New York State General Business Law defines an employment agency as "any person... who, for a fee, procures or attempts to procure (1) employment or engagements for persons seeking employment or engagements, or (2) employees for employers seeking the services of employees"; and

Whereas, Although the industry is governed by the General Business Law, employment agencies operating in New York City are licensed and regulated by the Department of Consumer Affairs (DCA); and

Whereas, According to immigrant advocates, there are over 1,000 businesses operating as employment agencies in New York City, far in excess of the 349 that are currently licensed by DCA; and

Whereas, Less scrupulous employment agencies have been known to require non-English speakers to sign contracts that are written in English, robbing these prospective employees of the knowledge that they are legally entitled to a number of rights and protections relating to wages, working conditions, types of work performed and rights to a refund; and

Whereas, Employment agencies rank among DCA's top ten complaint categories, and the industry's rate of compliance with state law has averaged below 50 percent for the past five years; and

Whereas, Although DCA has the authority to enter into settlement agreements requiring those employment agencies that violate state law to produce contracts in the languages of their original negotiation, the General Business Law does not require contracts to be drafted in any language other than English; and

Whereas, If passed, A.8183-A, introduced by Assembly Member Karim Camara in the 2010-2011 legislative session, would address this issue by protecting prospective workers with limited English proficiency; and

Whereas, Specifically, A.8183-A would require that contracts used by employment agencies for prospective jobs be printed in both English and the language in which they were negotiated; and

Whereas, A.8183-A would also require employment agencies to conspicuously disclose the fact that all clients have the right to a refund in a box immediately above the signature line of such contract and on the receipt for any transaction with the agency; and

Whereas, Finally, because current bond requirements are inadequate to cover the high fines and restitution that are frequently assessed against the industry, A.8183-A would quadruple the existing \$5,000 bond for employment agencies and \$10,000 bond for modeling and au pair agencies; and

Whereas, A.8183-A passed the New York State Assembly on June 16, 2011 but has not passed in the Senate; and

Whereas, Immigrant New Yorkers are the lifeblood of this city and this state, and it is imperative that we take whatever steps are necessary to protect their well-being; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and for the Governor to sign, A.8183-A, which would increase protections for limited English proficient New Yorkers seeking work through employment agencies by requiring contracts in English and the language in which they were negotiated, requiring conspicuous disclosure of the right to a refund, and increasing agency bond requirements.

Referred to the Committee on Consumer Affairs.

Res. No. 1096

Resolution calling upon the Department of Homeland Security to create a Haitian Family Reunification Parole Program, which would benefit Haitians recovering from the January 12, 2010 earthquake by allowing Haitians with approved family-sponsored immigrant visa petitions to come to the United States.

By Council Members Eugene, Dromm, Brewer, Dickens, Fidler, James, Koppell, Koslowitz, Lander, Mendez, Palma, Recchia, Rose, Seabrook, Vann, Williams and Rodriguez.

Whereas, New York City is home to the largest Haitian population in the nation; and

Whereas, On January 12, 2010, Haiti was struck by a 7.0 magnitude earthquake that killed approximately 250,000 people, left more than one million people homeless and injured, and left the nation with limited access to potable water and food; and

Whereas, Haitians living in New York City were devastated by the news of the January 12, 2010 earthquake and extremely concerned for the well-being of their family members still living in Haiti; and

Whereas, On January 21, 2010, President Barack Obama issued an executive order to grant Temporary Protected Status (TPS) to eligible nationals of Haiti, and

on May 17, 2011, Janet Napolitano, Secretary of the Department of Homeland Security (DHS), announced the extension of TPS for eligible Haitians for an additional 18 months; and

Whereas, At the end of 2010, the U.S. Citizenship and Immigration Services (USCIS) approved 105,193 Haitians' petitions for TPS; and

Whereas, In response to the mere fraction of those Haitians who are in need and who are being helped by TPS, immigrant and human rights advocates have called upon DHS to utilize the Immigration and Nationality Act's humanitarian parole authority in order to allow Haitians with approved visas to immigrate to the United States without having to wait up to 11 years; and

Whereas, According to the Bureau of Consular Affairs, the following categories of immigrant visa applicants from Haiti are on the waiting list as of November 2010: 15,584 unmarried sons and daughters of United States citizens; 16,216 spouses and children of permanent residents; 26,238 unmarried sons and daughters (21 years of age or older) of permanent residents; an unspecified number of married sons and daughters of United States citizens; and 37,244 brothers and sisters of adult United States citizens; and

Whereas, USCIS-approved family-based visa petition beneficiaries already have a family support system in place, making it less likely that they would require or avail themselves of public benefits; and

Whereas, The Haitian Family Reunification Parole Program would permit Haitian beneficiaries of approved family-based immigrant petitions to wait in the United States, rather than in Haiti, for their visa priority dates to become current; and

Whereas, The purpose of the Haitian Family Reunification Parole Program would be to hasten family reunification and to discourage Haitian nationals from resorting to illegal and dangerous means of migration into the United States; and

Whereas, Broad support exists for the creation of a Haitian Family Reunification Parole Program, including a May 5, 2011 resolution passed by the Council of the City of Philadelphia; a June 14, 2010 resolution passed unanimously by the U.S. Conference of Mayors; a letter to DHS Secretary Janet Napolitano from the U.S. House Committee on Foreign Affairs Chairman and seven other House members; and a letter to President Barack Obama from six U.S. Senators, including New York Senator Kirsten Gillibrand; and

Whereas, DHS has the authority to promptly create and implement a Haitian Family Reunification Parole Program; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Department of Homeland Security to create a Haitian Family Reunification Parole Program, which would benefit Haitians recovering from the January 12, 2010 earthquake by allowing Haitians with approved family-sponsored immigrant visa petitions to come to the United States.

Referred to the Committee on Immigration.

Res. No. 1097

Resolution calling upon the United States Congress to pass H.R. 2759, the Business Transparency on Trafficking and Slavery Act.

By Council Members Ferreras, Palma, Brewer, Chin, Foster, James, Koppell, Koslowitz, Lander, Mendez, Rose, Seabrook, Williams and Dromm.

Whereas, The United Nations (U.N.) defines human trafficking as the recruitment, transportation, transfer, or harboring of persons by means of threat or force; and

Whereas, Adults and children are forced into human trafficking through many methods including coercion, abduction, and deception; and

Whereas, Human trafficking has been referred to as the modern day version of slavery; and

Whereas, The purpose of human trafficking is to exploit another human being for monetary purposes; and

Whereas, The International Labor Organization (I.L.O.), a U.N. agency which seeks to promote social justice, estimates that at least 12.3 million people worldwide have been forced into slave labor as of 2005; and

Whereas, Siddharth Kara, a Fellow with the Carr Center Program on Human Trafficking and Modern Slavery at the Harvard Kennedy School, estimates the number to be even higher; according to his calculations, between 24 million and 32 million worldwide were forced into slave labor as of 2006; and

Whereas, Girls Educational and Mentoring Services (GEMS), a New York City based organization that serves young women who have experienced trafficking and commercial sexual exploitation, estimates that in the United States (U.S.) 100,000 children are bought and sold for commercial sex and approximately 300,000 children are at risk of such exploitation each year; and

Whereas, The I.L.O. has identified 128 items from 70 countries around the world that were made through forced and child labor, many of which are sold in the U.S.; and

Whereas, It is conceivable that many Americans unknowingly purchase goods that were made by victims of human trafficking; and

Whereas, These findings are significant and it is apparent that proactive measures must be taken to combat forced labor; and

Whereas, On August 3, 2011, U.S. Representative Carolyn Maloney (D-NY) introduced the Business Transparency on Trafficking and Slavery Act; and

Whereas, The Act would prevent goods produced through forced labor, slavery, human trafficking and child labor from entering American commerce; and

Whereas, This legislation requires companies with more than \$100 million in worldwide receipts to be transparent about their anti-trafficking policies, including measures taken to identify and address instances of trafficking, slavery and child labor in their supply chains; and

Whereas, This legislation would also require companies to include certain disclosures in their annual reports to the U.S. Securities and Exchange Commission; and

Whereas, The federal government must ensure that products made by exploited persons do not enter the U.S. and must take appropriate steps to eradicate human exploitation; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass H.R. 2759, The Business Transparency on Trafficking and Slavery Act.

Referred to the Committee on Women's Issues.

Int. No. 702

By Council Members Fidler, Rivera, Brewer, Dickens, Eugene, Gentile, James, Koppell, Lander, Mendez, Nelson, Recchia, Rose, Seabrook and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that all signs advertising the price of gasoline and/or diesel motor fuel disclose the total selling price for cash and credit card purchases.

Be it enacted by the Council as follows:

Section 1. Subdivisions b of section 20-672 of subchapter five of chapter four of title twenty of the New York city administrative code is amended by adding paragraph one to read as follows:

b. Where a sign, poster or placard advertises the selling price per gallon of gasoline or diesel motor fuel on, at or about the premises where such gasoline or diesel motor fuel is sold or offered for sale, or where such sign, poster or placard directly or indirectly refers to a premises where the advertised gasoline or diesel motor fuel is sold or offered for sale, such sign, poster or placard shall state the name, trade name, brand, mark or symbol and grade or quality classification of such gasoline or diesel motor fuel, together with the total selling price per gallon. Total selling price shall be the sum of the basic price per gallon plus all applicable taxes. A retail dealer shall only sell at such posted price. Any such price when posted may not be raised for a period of not less than twenty-four hours. Such sign, poster or placard shall conform to the rules and regulations of all governmental agencies with jurisdiction as to structure and location.

1. Where the total selling price for cash purchases is less than the total selling price for credit card purchases, such sign, poster or placard shall either (i) state "CASH PRICE" next to each total selling price for cash purchases; or (ii) shall state both the total selling price for cash purchases and the total selling price for credit card purchases.

c. All numbers referring to price shall be the same height, width and thickness. Identification of the gasoline or diesel motor fuel offered for sale, and any non-numerical language distinguishing the total cash selling price from the total credit card selling price shall be in letters and numbers not less than one-half of the height, width and thickness of the numbers referring to price. Letters and numbers shall be black on a white background.

§ 2. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided that the commissioner and the commissioner of the department of transportation may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

Referred to the Committee on Consumer Affairs.

Int. No. 703

By Council Members Fidler, Dickens, James, Lander and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of water sub-meters in certain residential buildings.

Be it enacted by the Council as follows:

Section 1. Section PC 606 of the New York city plumbing code is amended by adding a new subsection 606.7.1 to read as follows:

606.7.1 Water sub-meters required in certain residential units. Water distribution pipe lines serving a dwelling unit in a 1-4 family dwelling shall be equipped with at least one water sub-meter for each dwelling unit to measure the amount of water supplied through such lines to each dwelling unit.

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

Referred to the Committee on Housing and Buildings.

Int. No. 704

By Council Members Fidler, Williams, Brewer, Chin, Dromm, James, Koslowitz, Rivera, Wills, Comrie, Dickens, Ferreras, Garodnick, Lander, Nelson and Palma (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to extending the rate of the additional tax on the occupancy of hotel rooms.

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision a of section 11-2502 of the administrative code of the city of New York, as amended by local law number 43 for the year 2009, is amended to read as follows:

(3) In addition to the tax imposed by paragraph two of this subdivision, there is hereby imposed and there shall be paid a tax for every occupancy of each room in a hotel in the city of New York (A) at the rate of five percent of the rent or charge per day for each such room up to and including August thirty-first, nineteen hundred ninety, (B) at the rate of six percent of the rent or charge per day for each such room on and after September first, nineteen hundred ninety and before December first, nineteen hundred ninety-four, (C) at the rate of five percent of the rent or charge per day for each such room on and after December first, nineteen hundred ninety-four and before March first, two thousand nine, (D) at the rate of five and seven-eighths percent of the rent or charge per day for each such room on and after March first, two thousand nine and before December first, two thousand [eleven] *thirteen*, and (E) at the rate of five percent of the rent or charge per day for each such room on and after December first, two thousand [eleven] *thirteen*.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Finance.

SLR No. 14

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Squadron, S.2325, and Assembly Member Millman, A.4266, "AN ACT to amend the vehicle and traffic law, in relation to authorizing a residential parking permit system in the city of New York".

By Council Members Foster, Levin, James, Koppell, Van Bramer and Williams.

Whereas, Bills have been introduced in the New York State Legislature by Senator Squadron, S.2325, and Assembly Member Millman, A.4266, "AN ACT to amend the vehicle and traffic law, in relation to authorizing a residential parking permit system in the city of New York".

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. 705

By Council Members Gennaro, Brewer, Chin, Fidler, James, Koppell, Lander, Palma, Recchia, Rose and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to the use of b-5 biodiesel diesel fuel in diesel-powered generators used in the production of films, television programs and advertisements, and at street fairs in New York City.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that the use of five percent biodiesel fuel, also known as b-5 biodiesel fuel, would reduce the emission of air pollutants in diesel-powered generators used in the production of films, television programs and advertisements, and at street fairs and would strengthen the alternative fuels market, support regional farmers and local businesses, and increase energy independence and the diversity of our energy supply.

Therefore, the Council finds that it is in the best interests of the City to address pollutants from the fossil fuels sector by requiring the use of b-5 biodiesel diesel fuel in diesel-powered generators used in the production of films, television programs and advertisements, and at street fairs in New York City.

§2. Subdivision a of section 24-163.8 of the administrative code of the city of New York is amended by adding a new paragraph 1-a to read as follows:

(1-a) "*b-5 biodiesel*" shall mean an ultra low sulfur diesel fuel which contains five percent biodiesel or 5 percent of a designated B100, that is composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock and that meets the specifications of the American Society of Testing and Materials designation D 6751-09a.

§3. Subdivision b of section 24-163.8 of the administrative code of the city of New York is amended to read as follows:

(1) Any diesel-powered generator that is used to provide electrical power for equipment used in the production of any film, television program or advertisement, or for a street fair, where such production or street fair requires a permit from a city agency, shall be powered by [ultra low sulfur diesel fuel] *b-5 biodiesel or an alternative*.

(2) The mayor's office of film, theatre, and broadcasting shall issue to all film, television and advertising production companies that apply for a filming permit a notice that recites the provisions of this section and states that any diesel-powered generator that is utilized in a film, television or advertising production must use [ultra low sulfur diesel fuel] *b-5 biodiesel or an alternative fuel*.

(3) The street activity permit office shall issue to all applicants for a street activity permit for a street fair a notice that recites the provisions of this section and states that any diesel-powered generator that is utilized for a street fair must use [ultra low sulfur diesel fuel] *b-5 biodiesel or an alternative fuel*.

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

Referred to the Committee on Environmental Protection.

Res. No. 1098

Resolution calling upon the New York State Legislature to pass, and Governor Cuomo to sign into law, the New York Solar Jobs Act of 2011.

By Council Members Gennaro, Brewer, Fidler, James, Koppell, Lander, Mendez, Palma, Recchia, Rose and Seabrook.

Whereas, It is imperative to the health of the environment and for our national security to increase significantly the use of locally generated renewable energy, such as that derived from solar power; and

Whereas, Other states have taken advantage of the strategies included in the New York Solar Jobs Act of 2011 (S. 4178/A. 5713) to expand solar power use and create clean, "green" jobs that put them at a competitive advantage over New York; and

Whereas, To date, less than 0.1% of New York State's electricity is generated from solar power, a statistic that indicates that the proper incentives and policies are not currently in place in New York State to support solar power; and

Whereas, The New York Solar Jobs Act of 2011 calls for a strong solar target-5000 megawatts distributed around the state by 2025, or enough solar-generated electricity to power 500,000 homes-but one that is reasonable and to be attained in steps to allow for a local solar industry to grow in the state and to build the infrastructure needed to meet the target; and

Whereas, According to Vote Solar, an advocacy group that works at the local, state, and federal levels to help create a strong solar power market, it is estimated that this legislation, when enacted, will generate more than 22,000 jobs, many local, and \$20 billion in economic output, while costing rate payers only 39 cents each per month; and

Whereas, The environmental and human health benefits of this legislation would be enormous because solar power produces zero emissions, including no particulate matter, which contributes to the state's high asthma rates, and no carbon emissions, which are the primary cause of human induced global warming; and

Whereas, This legislation enjoys broad support from those within and outside of the solar industry, with over 100 organizations filing memoranda of support for the bill; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and Governor Cuomo to sign into law, the New York Solar Jobs Act of 2011.

Referred to the Committee on Environmental Protection.

Int. No. 706

By Council Members James, Dickens, Foster, Koppell, Lander, Palma and Seabrook.

A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for owning or harboring a dangerous dog and requiring the Department of Health and Mental Hygiene to report on dangerous dogs.

Be it enacted by the Council as follows:

Section 1. Subdivision a and b of section 17-350 of the administrative code of the city of New York is amended to read as follows:

§17-350 **Violations and penalties.** a. Any person who violates any provision of this subchapter or any of the regulations promulgated hereunder shall be guilty of a class A misdemeanor punishable by a fine [or] of not less than [five hundred] *one thousand* nor more than [five thousand] *ten thousand* dollars or by imprisonment for not more than one year, or both.

b. In addition to the penalties prescribed by subdivision a of this section, any person who violates any of the provisions of this subchapter or any rule or regulation promulgated hereunder shall be liable for a civil penalty of not less than [five hundred] *one thousand* nor more than [five thousand] *ten thousand* dollars.

§2. Subchapter 6 of chapter 3 of the administrative code of the city of New York is amended by adding a new section 17-354.1 to read as follows:

§17-354.1 **Reporting requirement.** *Before January 1, 2012, and every year thereafter, the department shall provide the mayor and the city council with a report including, but not limited to, the following information:*

a. the number of dangerous dog complaints received by the department during the previous calendar year;

b. the number of dangerous dog complaints that the department investigated during the previous calendar year;

c. an aggregation of the outcomes of the dangerous dog complaints investigated by the department during the previous calendar year;

d. the number of dogs that were classified as dangerous by the commissioner or a court of competent jurisdiction;

e. the number of dog bite complaints received by the department during the previous calendar year;

f. the number of dogs that were found to have rabies;

g. an aggregation of the outcomes of the dog bite complaints investigated by the department during the previous calendar year.

§3. This local law shall take effect ninety days after enactment; provided, however, that the commissioner shall take such actions, including the promulgation of rules, as are necessary for timely implementation of this local law.

Referred to the Committee on Health.

Int. No. 707

By Council Members James, Fidler, Foster, Koppell, Lander, Mendez, Nelson, Palma, Rose and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to cost overruns on city contracts.

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 6-131 to read as follows:

§ 6-131. *Contract cost overruns.*

a. For the purposes of this section, “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.

b. If an agency that has entered into a contract valued at more than one million dollars authorizes a payment pursuant to a contract modification or extension that (i) is greater or equal to five hundred thousand dollars and/or (ii) results in a total revised maximum cost that exceeds the original contract price by ten percent, such agency shall notify the Council within seven business days and provide details of the cost overrun, including the basis for and scope of the estimated additional costs.

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

Referred to the Committee on Contracts. (Preconsidered but laid over by the Committee on Contracts and the Committee on Technology).

Res. No. 1099

Resolution calling upon the New York City Department of Health and Mental Hygiene to repeal the requirement that transgender individuals obtain corrective surgery prior to altering the sex designation on their birth certificate.

By Council Members James, Dickens, Lander, Mendez, Palma, Rodriguez and Dromm.

Whereas, A birth certificate is a vital form of identification required to participate in numerous government programs, to obtain other important forms of government identification including driver’s licenses and passports, to demonstrate eligibility for work or school, among other crucial uses; and

Whereas, The sex listed on the birth certificates of transgender people, or those whose sex designation ascribed at birth does not correlate with their gender identity, does not accurately reflect their sex; and

Whereas, The inaccuracy of a transgender person’s birth certificate may lead to harassment, discrimination, denial of services, and/or accusations of fraud; and

Whereas, In recognition of the importance of an accurate birth certificate, The New York City Department of Health and Mental Hygiene’s Office of Vital Records issues amended birth certificates to transgender people; and

Whereas, The New York City Health Code requires that a person seeking to change their sex on their birth certificate submits proof, including a detailed surgical record, a post-operative examination signed by a physician and a post-operative psychiatric evaluation signed by a psychiatrist, that they have undergone “corrective surgery,” and

Whereas, The term “corrective surgery” has been interpreted to mean either phalloplasty- a surgical procedure in which a penis is constructed- or vaginoplasty- a surgical procedure in which a vagina is constructed; and

Whereas, According to the Transgender Legal Defense and Education Fund, only a small minority of transgender people undergo these surgeries due to potential risks of surgery and the high costs associated with the procedures, which are typically not covered by most insurance plans; and

Whereas, The “corrective surgery” requirement for amending birth certificates was set by the Board of Health, the entity that regulates the registration of births in New York City, in 1971; and

Whereas, In the intervening forty years, medical, legal, and psychological understandings of transgender people and sexual identity have greatly evolved such that it is now accepted that a person’s sex may be determined by a variety of factors beyond just anatomy; and

Whereas, The Board of Health convened a committee in 2006 to consider whether to amend existing requirements for amending the sex designation on birth certificates; and

Whereas, The committee recommended amending the Health Code to permit the sex designation on a birth certificate to be amended when a person submitted proof, including affidavits from a physician and a mental health professional, that he or she had transitioned to another gender and intended to permanently remain living in that gender, regardless of whether or not the person had undergone corrective surgery; and

Whereas, The Department of Health and Mental Hygiene, after soliciting written comments and holding a hearing on the proposed amendment, chose to not amend the Health Code to alter the requirements for changing the sex designation on a birth certification; and

Whereas, Several other state and federal agencies, including the New York State Department of Motor Vehicles and the United States Department of State, do not require proof of sex reassignment surgery prior to issuing amended driver’s licenses or passports, but only require a letter from a medical or mental health professional stating that the applicant has transitioned to and is living as a new gender; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Health and Mental Hygiene to repeal the requirement that transgender individuals obtain corrective surgery prior to altering the sex designation on their birth certificate.

Referred to the Committee on Health.

Res. No. 1100

Resolution calling upon the New York State Legislature to enact S. 5403-2011 and A. 7137-2011, which would amend the Environmental Conservation Law and the State Finance Law, in relation to requiring retained deposits on unredeemed containers to be deposited in the Environmental Protection Fund.

By Council Members Koppell, James, Lander, Palma, Seabrook and Vann.

Whereas, The New York State Returnable Container Act, commonly known as the “Bottle Bill,” establishes a consumer deposit and redemption program for certain beverage containers whereby deposit initiators collect a deposit of at least 5 cents from every dealer or distributor for every relevant container, dealers pay either a distributor or deposit initiator at least a nickel deposit for each container, and consumers then pay the dealers the deposit for each container; and

Whereas, Upon return of the used container, a dealer or redemption center returns the deposit to the consumer, and the dealer or redemption center is reimbursed the deposit plus a 3.5-cent handling fee from the distributor or deposit initiator for each container; and

Whereas, From October 1, 2006, to September 30, 2007, the most recent period for which data is available, the statewide recovery rate of containers included in the Bottle Bill was 66.8 percent, and deposits paid for these unreturned bottles totaled \$103,434,828; and

Whereas, Under the original Bottle Bill, this unredeemed money was returned to the deposit initiators and distributors; and

Whereas, In 2009, amendments to the Bottle Bill resulted in 80% of these unredeemed deposits being paid to the State General Fund through the Department of Taxation and Finance on a quarterly basis; and

Whereas, The State’s Environmental Protection Fund is largely funded by proceeds from the real estate transfer tax and is used to help pay for projects and programs related to smart growth, farm preservation, open space protection, recycling, landfill closure, and other environmental concerns; and

Whereas, The deposits on unredeemed beverage containers should be deposited into the Environmental Protection Fund; and

Whereas, By depositing these unclaimed deposits into the Environmental Protection Fund, the Bottle Bill’s contribution to environmental protection would be substantially enhanced; and

Whereas, Such additional expenditures on protecting the environment would directly benefit the entire State of New York, including New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact S. 5403-2011 and A. 7137-2011, which would amend the Environmental Conservation Law and the State Finance Law, in relation to requiring retained deposits on unredeemed containers to be deposited in the Environmental Protection Fund.

Referred to the Committee on Environmental Protection.

Int. No. 708

By Council Members Oddo, Rose, Williams and Halloran.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the naming of city streets and parks.

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 2800 of the New York City Charter is amended by adding a new paragraph 22 to read as follows:

(22) *Evaluate or initiate proposals to co-name city streets and to change the name of city parks within the community district, consult with the department of city planning, the department of transportation or department of parks and recreation, as applicable, regarding such proposals; conduct public hearings on such proposals; and refer resolutions which receive the approval of a majority of the community board members present and voting to the council for further action, together with any other supporting materials that the community board deems necessary and appropriate.*

§ 2. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new subchapter 4 to read as follows:

Subchapter 4 - STREET NAMES

19-190 Street names; restrictions on

§ 19-190 *Street names; restrictions on. a. Proposals to co-name city streets may be approved following a public hearing held pursuant to paragraph 22 of subdivision d of section 2800 of the charter, by resolution of the community board, or boards, for the community district, or districts, within which such public street is located. Such approvals may thereafter be referred to the council for further review. Within ninety days following receipt of such resolution or resolutions and their accompanying materials, the council may approve or disapprove such determination by local law, after having adopted a resolution to review that determination. In the event that the council fails to act by local law within the ninety day period provided for in this section, the proposed street name shall become effective.*

§ 3. Chapter one of title 18 of the administrative code of the city of New York is amended by adding a new section 18-141 to read as follows:

§ 18-141. *Park names; requirements for change. Proposals to officially name, or to change the name, of a park under the jurisdiction of the commissioner may be approved following a public hearing held pursuant to paragraph 22 of subdivision d of section 2800 of the charter, by resolution of the community board, or boards, for the community district, or districts, within which such park is located. Such approvals may thereafter be referred to the council for further review. Within ninety*

days following receipt of such resolution or resolutions and their accompanying materials, the council may approve or disapprove such determination by local law, after having adopted a resolution to review that determination. In the event that the council fails to act by local law within the ninety day period provided for in this section, the proposed park name shall become effective.

§ 4. Subdivision a of section 25-102.1 of the administrative code of the city of New York is amended to read as follows:

§ 25-102.1 City map; street and park names. a. Unless the local law *or other action taken pursuant to the charter or this code* specifically provides otherwise, any local law *or other such action* naming a street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map, that does not bear a name indicated on the city map shall not be construed to require the addition of such name on the city map; provided, however, that the name given by such local law *or other such action* shall be posted on a sign placed at the location of such street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map.

§ 5. This local law shall take effect after it shall be approved by the voters at the next general election held after its enactment into law.

Referred to the Committee on Parks and Recreation.

Res. No. 1101

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

By Council Members Recchia and Rose.

Whereas, On June 29, 2011 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2012 with various programs and initiatives (the “Fiscal 2012 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local, aging and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, On June 29, 2010 the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2012 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and aging discretionary funding; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Jewish Community Council of Greater Coney Island, Inc., to read: “Funds to support services for seniors”; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for One Stop Richmond Hill Community Center, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “Funding for administrative costs, including salaries and fringe benefits for Program Director, Receptionist, Maintenance person, and 2 teachers for the Mommy & Me classes and 2 teachers for the Videoconferencing classes, as well as operating costs (utilities, insurance, supplies, rent, CPA, postage, etc.) for local residents,” and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for One Stop Richmond Hill Community Center, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “Funding for administrative costs, including salaries and fringe benefits for Program Director, Receptionist, Maintenance person, and 2 teachers for the Mommy & Me classes and 2 teachers for the Videoconferencing classes, as well as operating costs (utilities, insurance, supplies, rent, CPA, postage, etc.) for local residents,” and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Bobbi and the Strays, Inc., an organization receiving local discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “To support medical/veterinary costs for an animal protection and spay/neutering service open to all residents of Queens,” and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Prospect Park Alliance, Inc., an organization receiving youth discretionary funding in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: “Funds to support free public education programs at the Prospect Park Audubon Center and the Lefferts Historic House,” and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Flatbush Development Corporation, an organization receiving discretionary funding in the FY 2012 Budget in the amount of \$20,000 within the budget of the Department of Youth and Community Development to read: "Funds to support the Project Sweep supplemental sanitation program and provide assistance to other community-based projects in the Ditmas Park and greater Flatbush area," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for In the Spirit of the Children, Inc, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$4,000 within the budget of the Department of Youth and Community Development to read: "In the last year In the Spirit of the Children experienced an increase in the number of calls from child welfare service providers working with youth preparing for their exit from foster care. This demonstrated a need for increased knowledge in how to effectively prepare youth in foster care for discharge, and based on the number of youth that are aging out of foster care and into homelessness. In the spirit of the children is seeking to respond through the offering of training during FY12 to Child Welfare Staff working with older youth. In addition, separate training sessions will be provided to the youth," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Mind Builders Creative Arts Center, Inc, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "Funds to support Mind-Builders Positive Youth Troupe (teen musical theater training program with academic and counseling support services for 20 youth and 1000 live/20000 broadcast audience members benefitting). The program is being conducted from October 1, 2011 thru April 30, 2012," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Mind Builders Creative Arts Center, Inc, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$5,000 within the budget of the Department of Youth and Community Development to read: "Funds to support Mind-Builders Positive Youth Troupe (teen musical theater training program with academic and counseling support services for 20 youth and 1000 live/20000 broadcast audience members benefitting). The program is being conducted from October 1, 2011 thru April 30, 2012," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Mind Builders Creative Arts Center, Inc, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$7,000 within the budget of the Department of Youth and Community Development to read: "Funds to support Mind-Builders Positive Youth Troupe (teen musical theater training program with academic and counseling support services for 20 youth and 1000 live/20000 broadcast audience members benefitting). The program is being conducted from October 1, 2011 thru April 30, 2012," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Sunnyside Chamber of Commerce, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$39,500 within the budget of the Department of Small Business Services to read: "\$30,000 - to be used to continue a district-wide graffiti cleaning program in the 26th Council District which began in FY11. \$9,500 - Assist in paying overhead expenses and provide support for marketing of Sunnyside. This will include maintenance and improvements of the website a new blog and maintaining a calendar and photographic record of events as well as updated membership lists. Working with other community groups, the Queens Chamber of Commerce, the Queens Overall Economic Development Corp. for events to assist and promote businesses. Staffing at events to improve profile of Sunnyside and Sunnyside's businesses and to generally promote Sunnyside raising awareness of the businesses and opportunities in Sunnyside," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Staten Island NFP Association, Inc., an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$3,500 within the budget of the Department of Small Business Services. The Resolution changes the Description/Scope of services to read "The Staten Island NFP Association will engage in a series of activities designed specifically to address the needs of the targeted population of community-minded individuals wishing to start not-for-profit organizations on Staten Island's North Shore, to include professional development activities, unlimited one-on-one consulting, access to a full library of resources, and participation in the only Borough-wide network of not-for-profit professionals operating on Staten Island," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Bobbi and the Strays, Inc, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$1,000 within the budget of the Department of Youth and

Community Development to read: "To support medical / Veterinary costs for an animal protection and spay/neutering service open to all residents of Queens," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for United Chinese Association of Brooklyn, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$20,000 within the budget of the Department for the Aging to read: "To support a Senior Service Program which includes a senior center space rental cost and its direct social services expenses. The center provides the following available services for more than 600 registered members: educational classes: ESL, voter registration, naturalization, health enhancement, crime prevention, Tai Chi; direct services -translation, government welfare application; recreation - Chess, card, Mahjong, Chinese Folk Opera and monthly birthday party celebration; meal - hot lunch," and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for Greater Jamaica Development Corporation, an organization receiving discretionary funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$12,000 within the budget of the Department of Youth and Community Development to read: "Funding for the purchase of tables and chairs, flowers and plants for King Park,,"; and

Whereas, This Resolution approves the reduction of funding for Met Council, an organization receiving funding in the amount of \$213, 488 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunities Initiative in the Fiscal 2012 Expense Budget. Funding for the organization will be reduced from \$213, 488 to \$136,500; and

Whereas, This Resolution approves the reduction of funding for West Bronx Housing, an organization receiving funding in the amount of \$35,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunities Initiative in the Fiscal 2012 Expense Budget. Funding for the organization will be reduced from \$35,000 to \$26,250; now, therefor be it

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local discretionary funding in the Fiscal 2012 Expense Budget; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving local discretionary funding in the Fiscal 2012 Expense Budget; and be it further

Resolved, That the City Council approves the new Description/Scope of Services for certain organizations receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2012 Expense Budget; and be it further

Resolved, That the City Council approves the Resolution approves the reduction of funding for Met Council, an organization receiving funding within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunities Initiative in the Fiscal 2012 Expense Budget. Funding for the organization will be reduced from \$213, 488 to \$136,500; and be it further;

Resolved, That the City Council approves the approves the reduction of funding for West Bronx Housing, an organization receiving funding within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunities Initiative in the Fiscal 2012 Expense Budget. Funding for the organization will be reduced from \$35,000 to \$26,250; and be it and be it

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of a certain organization receiving youth discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural after School Adventure Program in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Immigrant Opportunity Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Food Pantries-DYCD Immigrant Opportunity Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Diversity in the Media Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of Christ the Rock International, an organization receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 10.

Resolved, That the City Council approves the new designation and changes in the designation of the Young Israel Of Queens Valley, a certain organization receiving aging discretionary funding in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 11.

Resolved, That the City Council approves the new designation of Christ the Rock International, an organization receiving funding pursuant to the Infant Mortality Reduction Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 12.

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

Res. No. 1102

Resolution amending and restating the resolution computing and certifying Adjusted Base Proportion of each class of real property for Fiscal 2012 to the State Board of Real Property Tax Services pursuant to Section 1803-a, Real Property Tax Law.

By Council Member Recchia.

Whereas, On May 27, 2011, pursuant to Section 1514 of the Charter of the City of New York, the Commissioner of the Department of Finance delivered to the Council the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for the fiscal year beginning on July 1, 2011 and ending on June 30, 2012 ("Fiscal 2012"), a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516, Real Property Tax Law (the "Fiscal 2012 Assessment Rolls"); and

Whereas, Section 1803-a (5), Real Property Tax Law, requires the Council subsequent to the filing of the final Fiscal 2012 Assessment Rolls, to adjust current base proportions computed pursuant to the Current Base Proportion Resolution to reflect additions to and removals from the Fiscal 2012 Assessment Rolls as described therein (each such current base proportion so adjusted to be known as an "Adjusted Base Proportion"); and

Whereas, Within five (5) days upon determination of the Adjusted Base Proportions, Section 1803-a (6), Real Property Tax Law, requires the Council to certify, to the State Board of Real Property Tax Services ("SBRPTS"), the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2012 Assessment Rolls resulting from the additions to or removals from the Fiscal 2012 Assessment Rolls as described above, and the net change in assessed value for each class on the Fiscal 2012 Assessment Rolls resulting from changes other than those referred to above; and

Whereas, On June 29, 2011, the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2012 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, After the June 29th adoption of the Current Base Proportion Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion to 2.5 percent; and

Whereas, Pursuant to the amendment to Section 1803-a, Real Property Tax Law, on November 3, 2011, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2012 to the SBRPTS pursuant to Section 1803-a, Real Property Tax Law;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Computation and Certification of Adjusted Base Proportions and Related Information for Fiscal 2012. (a) The Council hereby computes and certifies the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2012 Assessment Rolls resulting from the additions to or removals from the Fiscal 2012 Assessment Rolls as described in Section 1803-a (5), Real Property Tax Law, and the net change in assessed value for each class on the Fiscal 2012 Assessment Rolls resulting from

changes other than those described in Section 1803-a (5), Real Property Tax Law, as shown on SBRPTS Form RP-6702, attached hereto as Exhibit A and incorporated herein by reference (the "ABP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the ABP Certificate and to file it with the SBRPTS no later than five (5) days after the date hereof.

Section 2. Effective Date. This resolution shall take effect immediately.

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

Res. No. 1103

Resolution amending and restating the resolution computing and certifying Base Percentage, Current Percentage and Current Base Proportion of each class of real property for Fiscal 2012 to the State Board of Real Property Tax Services pursuant to Section 1803-a, Real Property Tax Law.

By Council Member Recchia.

Whereas, On June 20, 2011, the State Board of Real Property Tax Services (the "SBRPTS") certified the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2012 assessment rolls, required by Article 18, Real Property Tax Law; and

Whereas, Section 1803-a (1), Real Property Tax Law, requires the Council to compute and certify, to the SBRPTS, for each tax levy, the base percentage, the current percentage and the current base proportion of each class of real property in the City subsequent to the date on which the SBRPTS files with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2012 assessment rolls, pursuant to Section 1212, Real Property Tax Law; and

Whereas, On June 29, 2011, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2012 to the State Board of Real Property Tax Services pursuant to Section 1803-a, Real Property Tax Law (the "June 29th Resolution"); and

Whereas, The June 29th Resolution reflects a 5.0 percent cap on any increase in the current base proportion for any class of real property, as compared with the previous year's adjusted base proportion; and

Whereas, After the adoption of the June 29th Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the percent of increase in the current base proportion as compared with the previous year's adjusted base proportion to 2.5 percent;

NOW, THEREFORE, be it resolved by the Council of the City of New York as follows:

Section 1. Computation and Certification of Base Percentages, Current Base Percentages and Current Base Proportions for Fiscal 2012. (a) The Council hereby computes and certifies the base percentage, the current percentage and the current base percentage for the City's Fiscal 2012 assessment rolls as shown on SBRPTS Form RP-6700, attached hereto as Exhibit A and incorporated herein by reference (the "CBP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the CBP Certificate and to file it with the SBRPTS after the date on which the SBRPTS filed with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2012 assessment rolls, pursuant to Section 1212, Real Property Tax Law.

Section 2. Effective Date. This resolution shall take effect immediately.

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

Res. No. 1104

Resolution amending and restating the resolution to provide the amounts necessary for the support of the government of the City of New York and the counties therein and for the payment of indebtedness thereof, for the fiscal year beginning on July 1, 2011 and ending on June 30, 2012, by the levy of taxes on the real property in the City of New York, in accordance

with the provisions of the Constitution of the State of New York, the Real Property Tax Law and the Charter of the City of New York.

By Council Member Recchia.

Whereas, on May 6, 2011, pursuant to the Section 249 of the Charter of the City of New York ("the Charter"), the Mayor of the City of New York (the "Mayor") submitted to the Council of the City of New York (the "Council"), the executive budget for the support of the government of the City of New York and the counties therein (collectively, the "City") for the fiscal year beginning on July 1, 2011 and ending on June 30, 2012 ("Fiscal 2012"); and

Whereas, on May 27, 2011, pursuant to Section 1514 of the Charter, the Commissioner of the Department of Finance (the "Commissioner") delivered to the Council, the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2012, a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516, Real Property Tax Law (the "Fiscal 2012 Assessment Rolls"); and

Whereas, on June 29, 2010, the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2012 pursuant to Section 1803-a(1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, on June 29, 2011, pursuant to Section 1803-a, Real Property Tax Law, the Council adopted a resolution in which the Council adjusted the current base proportion of each class of real property in the City for Fiscal 2012, to reflect the additions to, and full or partial removal from, the Fiscal 2012 Assessment Rolls (the "Adjusted Base Proportion Resolution"); and

Whereas, on June 29, 2011, pursuant to Section 254 of the Charter, the Council adopted the budget for the support of the government of the City and for the payment of indebtedness thereof for Fiscal 2012 (the "Fiscal 2012 Budget"); and

Whereas, on June 29, 2011, pursuant to Section 1515(a) of the Charter, the Mayor prepared and submitted to the Council, a statement setting forth the amount of the Fiscal 2012 Budget as approved by the Council (the "Fiscal 2012 Budget Statement") and an estimate of the probable amount of receipts into the City treasury during Fiscal 2012 from all the sources of revenue of the general fund and all receipts other than those of the general fund and taxes on real property, a copy of which is attached hereto as Exhibit A (the "Fiscal 2012 Revenue Estimate"); and

Whereas, on June 29, 2011, pursuant to Section 1516 of the Charter, the Council adopted a resolution to provide the amounts necessary for the support of the government of the City, among other things, by the levy of taxes on real property in the City (the "Tax Fixing Resolution"); and

Whereas, after the adoption of the Current Base Proportion Resolution, the Adjusted Base Proportion Resolution, the Fiscal 2012 Budget and the Tax Fixing Resolution, Section 1803-a, Real Property Tax Law, was amended to lower the allowable percent increase in the current base proportion as compared with the previous year's adjusted base proportion from 5.0 percent to 2.5 percent; and

Whereas, the amendment to Section 1803-a, Real Property Tax Law, requires the amending and restating of the Tax Fixing Resolution;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

* As hereinafter provided, references to the Fiscal 2012 Budget will be deemed to reference such budget as adopted on June 29, 2011. Such references shall not include modifications of such budget during the Fiscal 2012 fiscal year.

Section 1. Fixing of Real Property Tax Rates for Fiscal 2012.

b. Determining the Amount of the Real Property Tax Levy.

- (v) The total amount of the Fiscal 2012 Budget as set forth in the Fiscal 2012 Budget Statement is \$65,910,705,998.
- (vi) The estimate of the probable amount of receipts into the City treasury during Fiscal 2012 from all the sources of revenue of the general fund and all receipts other than those of the general fund and taxes on real property as set forth in the Fiscal 2012 Revenue Estimate

is \$48,286,192,998.

(vii) Pursuant to Section 1516 of the Charter, the Council hereby determines that the amount required to be raised by tax on real property shall be \$17,624,513,000, which is derived from deducting the amount set forth in the Fiscal 2012 Revenue Estimate from the amount of the Fiscal 2012 Budget.

(viii) In order to achieve a real property tax yield of \$17,624,513,000 due to provision for uncollectible taxes and refunds and collection of levies from prior years, the Council hereby determines that a real property tax levy of \$19,284,547,840 will be required, calculated as follows:

<u>Not Subject to the 2 ½ percent Tax Limitation:</u>			
For Debt Service:			
Funded Debt		\$1,037,793,661	
 <u>Amount Required for Debt Service and Financing as:</u>			
Provision for Uncollectible Taxes		\$89,210,610	
Provision for Refunds		\$25,732,106	
Collection of Prior Years' Levies		(\$17,193,993)	\$1,135,542,384
 <u>Subject to the 2 ½ percent Tax Limitation:</u>			
For Debt Service:			
Temporary Debt			
Interest on Temporary Debt		\$0	
For General Operating Expenses:			
Funds Required		\$16,586,719,339	
 <u>Amount Required for Debt Service and Operating Expenses as:</u>			
Provision for Uncollectible Taxes		\$1,425,824,230	
Provision for Refunds		\$411,267,894	
Collection of Prior Years' Levies		(\$274,806,007)	18,149,005,456
			TOTAL REAL PROPERTY TAX LEVY
			<u>\$19,284,547,840</u>

The Council hereby determines that such amount, levied at such rates on the classes of real property pursuant to paragraph (iv) of subsection b below will produce a balanced budget within generally accepted accounting principles for municipalities.

(v) The real property tax levy, net of provision for uncollectible taxes and refunds and the collection of levies from prior years, determined pursuant to clause (iv) above shall be applied as follows:

(A) For payment of debt service not subject to the 2 ½ percent tax limitation:	\$1,037,793,661
(B) For debt service on short-term debt subject to the 2 ½ percent tax limitation:	\$0
(C) To provide for conducting the public business of the City and to pay the appropriated expenditures for the counties therein as set forth in the Fiscal 2012 Budget in excess of the amount of revenues estimated in the Fiscal 2012 Revenue Estimate:	\$16,586,719,339

b. Authorizing and Fixing the Real Property Tax Rates.

(i) Assessed Valuation Calculations of Taxable Real Property in the City. The Fiscal 2012 Assessment Rolls set forth the following valuations by class within each borough of the City.

(A) The assessed valuation by class of real property for the purpose of taxation in each borough of the City, exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes is set forth below:

Assessment by Class of Property Subject to Taxation

for All Purposes					
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property	Assessment of Property Subject to Taxation for All Purposes
Manhattan	\$736,565,347	\$38,501,566,827	\$4,194,479,421	\$55,868,740,887	\$99,301,352,482
The Bronx	1,347,549,841	3,059,673,412	1,349,251,532	2,958,578,985	8,715,053,770
Brooklyn	4,788,460,269	6,494,393,744	2,355,081,833	6,363,451,828	20,001,387,674
Queens	6,810,314,971	5,867,770,235	2,313,627,230	8,773,427,329	23,765,139,765
Staten Island	2,498,785,596	260,290,392	662,818,807	1,587,457,430	5,009,352,225
TOTAL	\$16,181,676,024	\$54,183,694,610	\$10,875,258,823	\$75,551,656,459	\$156,792,285,916

(B) The assessed valuation by class of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes in each borough of the City is set forth below:

Assessment by Class of Veterans' Property Exempted under State Law from Tax for General Purposes but Subject to Tax for School Purposes					
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property	Total Assessment of Veterans' Property Exempted under State Law from Tax for General Purposes but Subject to Tax for School Purposes
Manhattan	\$946,341	\$95,519,620	\$0	\$41,028	\$96,506,989
The Bronx	14,044,097	3,844,668	0	22,529	17,911,294
Brooklyn	41,689,820	11,454,014	0	23,960	53,167,794
Queens	78,465,417	34,611,513	0	39,377	113,116,307
Staten Island	47,011,510	993,718	0	10,459	48,015,687
TOTAL	\$182,157,185	\$146,423,533	\$0	\$137,353	\$328,718,071

*Includes condominiums of three stories or fewer which have always been condominiums.

(ii) Chapter 389 of the Laws of 1997 established a new real property tax exemption providing school tax relief (Section 425, Real Property Tax Law). Pursuant to subdivision 8 of Section 425, the assessment by tax class of property subject to taxation for all purposes and the assessment by tax class of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes has been increased by the amounts shown below for purposes of: (a) determining the City's tax and debt limits pursuant to law; (b) determining the amount of taxes to be levied; (c) calculating tax rates by tax class; and (d) apportioning taxes among classes in a special assessing unit under Article 18, Real Property Tax Law.

(A) The assessed valuation by class of real property for the purpose of taxation in each borough of the City exempted under Section 425, Real Property Tax Law, exclusive of the assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes is set forth below:

Assessment by Class of Property Exempted under Section 425, Real Property Tax Law, for All Purposes				
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property**	All Other Real Property	Exempted under Section 425, Real Property Tax Law, for All Purposes
Manhattan	\$4,615,872	\$196,960,655	\$295,943	\$201,872,470
The Bronx	82,697,765	32,802,992	68,034	115,568,791
Brooklyn	259,005,273	88,734,804	432,320	348,172,397
Queens	380,553,705	162,276,800	533,590	543,364,095
Staten Island	160,866,708	5,927,054	96,738	166,890,500
TOTAL	\$887,739,323	\$486,702,305	\$1,426,625	\$1,375,868,253

(B) The assessed valuation by class of veterans' real property exempt under state law from tax for general purposes and exempt under Section 425, Real Property Tax Law, for school purposes in each borough of the city is set forth below:

Assessment by Class of Veterans' Property Exempted under Section 425, Real Property Tax Law, for School Purposes				
Borough	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property**	All Other Real Property	Total Assessment of Veterans' Property Exempted under

Borough	Assessed Valuations	Assessment Percentage	Full Valuations	Section 425, Real Property Tax Law, for School Purposes
Manhattan	\$0	\$9,879	\$264	\$10,143
The Bronx	40,380	33,939	0	74,319
Brooklyn	68,435	37,100	1,125	106,660
Queens	69,115	81,941	427	151,483
Staten Island	50,358	15,513	0	65,871
TOTAL	\$228,288	\$178,372	\$1,816	\$408,476

*Includes condominiums of three stories or fewer which have always been condominiums.

** Only residential real property held in the cooperative or condominium form of ownership qualifies for the real property tax exemption providing school tax relief.

(iii) Operating Limit Provisions. The Council hereby determines that the amount to be raised by tax on real property for the Fiscal 2012 Budget pursuant to clause (iii) of subsection (a) of Section 1 hereof does not exceed the limit imposed by Section 10, Article VIII of the Constitution of the State of New York, as amended, and Article 12-A, Real Property Tax Law (the "Operating Limit Provisions").*

(A) The Operating Limit Provisions require that the City not levy taxes on real property in any fiscal year in excess of an amount equal to a combined total of two and one-half percent (2 1/2 %) of the average full valuation of taxable real property, less (i) the amount to be raised by tax on real property in such year for the payment of the interest on and the redemption of certificates or other evidence of indebtedness described therein and (ii) the aggregate amount of district charges, exclusive of debt service, imposed in such year by business improvement districts pursuant to Article 19-A, General Municipal Law.

(B) The Operating Limit Provisions require that average full valuations of taxable real property be determined by taking the assessed valuations of taxable real property on the last completed assessment roll and the four (4) preceding assessment rolls of the City and applying thereto the special equalization ratios which such assessed valuations of each such roll bear to the full valuations as fixed and determined by the State Office of Real Property Tax Services ("ORPTS") pursuant to Section 1251, Real Property Tax Law, as shown below:

Fiscal Year	Assessed Valuations	Assessment Percentage	Full Valuations
2008.....	125,777,268,853	0.1703	738,562,941,004
2009.....	134,294,731,881	0.1847	727,096,545,106
2010.....	143,334,172,616	0.1977	725,008,460,374
2011.....	149,311,931,232	0.1944	768,065,489,877
2012.....	157,121,003,987	0.1857	846,101,260,027
		AVERAGE	\$760,966,939,277

2 1/2 percent thereof for Fiscal 2012..... \$19,024,173,482

Less debt service subject to the 2 1/2 percent tax limitation:
 Temporary debt
 Interest on temporary debt
 \$0

Less aggregate amount of district charges subject to the 2 1/2 percent tax Limitation..... (\$88,272,920)

Constitutional amount subject to the limitation which may be raised for other than debt service in accordance with the provisions of Section 10, Article VIII, of the State Constitution..... \$18,935,974,194

*The amount to be raised by tax on real property for purposes of the Operating Limit determination is equal to the real property tax levy as reduced by the net reductions in amounts collected as authorized by New York State law.

** The tax fixing resolution adopted by the New York City Council on June 29, 2011 projected the amount of district charges to be \$88,199,228. Since the adoption of the June 29, 2011 resolution, estimates of Fiscal 2012 district charges have been decreased to \$88,272,920.

(iv) Adjusted Base Proportions. Pursuant to the Adjusted Base Proportion Resolution, the Council certified the following adjusted base proportions to be used in determining the Fiscal 2012 tax rates for the four classes of properties:

All One, - Two- and Three-Family Residential Real Property*..... 15.3852

All Other Residential Real Property.....	37.8064
Utility Real Property.....	7.0338
All Other Real Property.....	<u>39.7746</u>
Total.....	100.0000

**Includes condominiums of three stories or fewer which have always been condominiums.*

(v) Tax Rates on Adjusted Base Proportions.

(A) Pursuant to Section 1516 of the Charter, the Council hereby authorizes and fixes the rates of tax for Fiscal 2012 (1) by class upon each dollar of assessed valuation of real property subject to taxation for all purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

	All One, Two and Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property
Subject to the 2 ½ percent tax limitation as authorized by Article VIII, Section 10, of the State Constitution including a reserve for uncollectible taxes.....	0.17126	0.12641	0.11738	0.09554
Not subject to the 2 ½ percent tax limitation as authorized by Article VIII, Sections 10 and 11 of the State Constitution including a reserve for uncollectible taxes.....	<u>0.01079</u>	<u>0.00792</u>	<u>0.00735</u>	<u>0.00598</u>
Decimal rate on adjusted proportion for all purposes.....	<u>0.18205</u>	<u>0.13433</u>	<u>0.12473</u>	<u>0.10152</u>

**Includes condominiums of three stories or fewer which have always been condominiums.*

and (2) by class upon each dollar of assessed valuation of veterans' real property exempt under state law from tax for general purposes but subject to tax for school purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

	All One, Two And Three Family Residential Real Property*	All Other Residential Real Property	Utility Real Property	All Other Real Property
Subject to the 2 ½ percent tax limitation as authorized by Article VIII, Section 10, of the State Constitution including a reserve for uncollectible taxes.....	0.11512	0.08520	0.00000	0.06446
Not subject to the 2 ½ percent tax limitation as authorized by Article VIII, Sections 10 and 11 of the State Constitution including a reserve for uncollectible taxes.....	<u>0.00084</u>	<u>0.00062</u>	<u>0.00000</u>	<u>0.00047</u>
Decimal rate on adjusted proportion for all veterans' property exempted under state law from tax for general purposes but subject to tax for school purposes.....	<u>0.11596</u>	<u>0.08582</u>	<u>0.00000</u>	<u>0.06493</u>

**Includes condominiums of three stories or fewer which have always been condominiums.*

Section 2. Authorization of the Levy of Real Property Taxes for Fiscal 2012.

a. Pursuant to Section 1517 of the Charter, the Council hereby authorizes and directs the Commissioner to (i) set down in the Fiscal 2012 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the amended and restated respective sums, in dollars and cents, to be paid as a tax thereon, rejecting the fractions of a cent and add and set down the aggregate valuations of real property in the boroughs of the City and (ii) send a certificate of such aggregate valuation in each such borough to the Comptroller of the State.

b. Pursuant to Section 1518 of the Charter, immediately upon the completion of the Fiscal 2012 Assessment Rolls, the City Clerk shall procure the proper amended and restated warrants in the form attached hereto as Exhibit B to be signed by the Public Advocate of the City ("Public Advocate") and counter-signed by the City Clerk authorizing and requiring the Commissioner to collect the several sums therein mentioned according to law and immediately thereafter the Fiscal 2012 Assessment Rolls of each borough shall be delivered by the Public Advocate to the Commissioner with proper warrants, so signed and counter-signed, annexed thereto.

Section 3. Effective Date. The Tax Fixing Resolution, as hereby amended and restated, shall remain in full force and effect as of the date hereof.

EXHIBIT A



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

June 28, 2011

To The HONORABLE COUNCIL OF THE CITY OF NEW YORK

For the Expense Budget of the City of New York as adopted by the Council pursuant to Section 254 of the Charter for the Fiscal Year beginning July 1, 2011 and ending June 30, 2012 (Fiscal Year 2012) the amount of appropriation is:

Amounts Appropriated	\$65,910,705,998
The probable amounts and sources of revenues (other than Real Property Taxes) for Fiscal Year 2012, as estimated by me pursuant to Section 1515 of the Charter, are as set forth below:	
Taxes (excluding Real Property Taxes)	\$23,753,005,000
Miscellaneous Revenues	\$4,405,427,753
Grants:	
Federal	6,673,451,874
State	11,030,180,321
Provision for Disallowances	(15,000,000)
Unrestricted State and Federal Aid	37,407,069
Other Categorical Aid	1,193,060,616
Transfer from Capital Funds	549,010,365
Tax Audit Revenue	<u>659,650,000</u>
	\$24,533,187,998
Making the total amount of the Expense Budget for the Fiscal Year 2012 to be financed by Real Property Taxes (after provision for uncollectibles, refunds and collection of prior years' levies):	\$17,624,513,000

In order to achieve the required Real Property Tax yield of \$17,624,513,000, a Real Property Tax levy of \$19,284,547,840 will be required:

The amount of taxes on real estate to be levied subject to the 2-1/2 percent tax limitation as authorized by Article VIII Section 10 of the State Constitution including a provision for uncollectible taxes

\$18,149,005,456

The amount of taxes on real estate to be levied not subject to the 2-1/2 percent tax limitation as authorized by Article VIII Sections 10 and 11(a) of the State Constitution including a provision for uncollectible taxes

\$1,135,542,384

Total amount of Real Property Taxes to be levied for the Fiscal Year 2012 is

\$19,284,547,840

Very truly yours,

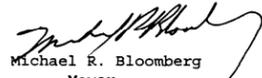

Michael R. Bloomberg
Mayor

EXHIBIT B

FORM OF WARRANT

WARRANT

To David M. Frankel, Commissioner of Finance of the City of New York:

You are hereby authorized and required, in accordance with the provisions of the Real Property Tax Law and the Charter of the City of New York, to collect the real property tax on the properties named and described in the real property assessment roll in accordance with the assessments thereon and the tax rates fixed by the City Council for the fiscal year beginning on July 1, 2011.

Public Advocate of the
City of New York

Clerk of the City of
New York

(SEAL)

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

Int. No. 709

By Council Members Vallone, Jr., Halloran, Chin, Mendez and Seabrook.

A Local Law to amend the administrative code of the city of New York, in relation to limits on the size of motor vehicles that may be parked in residential districts.

Be it enacted by the Council as follows:

Section 1 Subchapter two of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-171.3 to read as follows:

§19-171.3 Parking restrictions for oversize motor vehicles in residential districts. Notwithstanding any provision of the New York city charter or the code, parking rules shall not be suspended with respect to the parking, standing or stopping of any motor vehicle that exceeds forty eight feet in length, eight feet in width and thirteen feet and six inches in height on any part of a street that is within seventy-five feet of any residential premises or building that contains residential units.

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

Referred to the Committee on Transportation.

Int. No. 710

By Council Members Vallone, Jr., Koppell, Seabrook and Williams.

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

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-163.2 to read as follows:

§19-163.2 Prohibition on operating motor vehicles with snow and ice accumulation. Prior to the operation of any motor vehicle on any street, road or highway in the city, all snow and ice accumulation shall be removed from the top of the vehicle, including the roof and hood of such vehicle. Failure to comply with this section shall be a traffic infraction punishable in accordance with section eighteen hundred of the vehicle and traffic law. This section shall not require the driver of a motor vehicle to cease operation while snow or ice is accumulating.

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation.

Int. No. 711

By Council Members Van Bramer, Wills, Arroyo, Brewer, Dickens, Eugene, Fidler, Foster, Gentile, James, Koppell, Koslowitz, Lander, Mendez, Rodriguez, Williams and Ferreras.

A Local Law to amend the administrative code of the city of New York, in relation to requiring various agencies to distribute information on how to obtain a library card.

Be it enacted by the Council as follows:

Section 1. Section 3-209.1 of the administrative code of the city of New York is amended to read as follows:

§3-209.1 Distribution of library card application materials. a. Definitions. For the purposes of this section, the following terms shall be defined as follows:

1. "Department" shall mean the department of education.

2. "Public library systems" shall mean the New York Public Library, the Brooklyn Public Library and the Queens Borough Public Library.

3. "School" shall mean any public school in the city of New York under the jurisdiction of the department of education that contains any combination of grades from and including *pre-kindergarten* through grade twelve.

4. "*Participating Agency*" shall mean the administration for children's services, the department of homeless services, the department of youth and community development and the human resources administration.

5. "*Young person*" shall mean any person under the age of 24.

b. The department and participating agencies, in consultation with the public library systems, shall develop written or electronic materials containing information regarding each public library system and how students and young persons can obtain a library card. At a minimum, such written or electronic materials shall include: (i) a description of the public library system; (ii) an application for a library card; and (iii) instructions on how to obtain a library card. Such written or electronic materials shall be produced and distributed *as follows: (i)* by the department to each school for distribution to every student of such school upon his or her entry into *pre-kindergarten*, kindergarten, grade six and grade nine and to every student upon his or her entry into a school as a new student[.]; *and (ii)* by participating agencies for distribution to every young person who receives services from such agencies.

c. The department shall ensure that written or electronic materials developed pursuant to subdivision b of this section are provided to all schools in sufficient quantity to satisfy the requirements of subdivisions b and d of this section.

d. The department shall ensure that such written materials are available in the main or central office in each school for students and parents who wish to obtain such materials.

e. *The department and participating agencies shall include a mandate in all new or renewed agreements with those subcontractors having regular contact with young persons in the daily administration of their business to follow the guidelines of subdivision b of this section.*

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

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Int. No. 712

By Council Members Van Bramer, Brewer, Gentile, James, Koppell, Lander, Williams, Rodriguez and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring signage as to the location of libraries.

Be it enacted by the Council as follows:

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

§19-175.4 Library Signage. The department shall post signage at prominent locations within a five block radius of public libraries that indicates the location of such public libraries.

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

Referred to the Committee on Transportation.

Res. No. 1105

Resolution urging the New York State Legislature to pass and the Governor to sign legislation that would enable the spouse of someone enrolled in the Senior Citizen Rent Increase Exemption Program (SCRIE) to continue receiving SCRIE benefits when the enrolled spouse dies, and the widow/widower is within 5 years of the age requirement for receipt of SCRIE.

By Council Members Van Bramer, Chin, Dickens, Eugene, Fidler, Foster, Gentile, James, Koppell, Lander, Mendez, Recchia, Rose, Seabrook, Vann and Williams.

Whereas, The Senior Citizen Rent Increase Exemption (SCRIE) program offers eligible tenants an exemption from rent increases; and

Whereas, New York City tenants are eligible for the SCRIE program if the tenant or his or her spouse is 62 years of age or over, they live in a rent regulated apartment, have a combined household income at or below \$29,000 per year, and are paying at least one third of their income toward their rent; and

Whereas, Additionally, owners of buildings that house SCRIE recipients receive a credit against their real estate taxes from the City of New York; and

Whereas, Currently, according to the New York City Department of Finance (DOF), more than 47,000 New York City tenants rely on the SCRIE program, which is administered by DOF; and

Whereas, In New York State the number of adults age 60 and older is projected to grow by 50 percent over the next twenty years, from 2.7 million in 2011 to 3.9 million in 2030; and

Whereas, When a tenant who is enrolled in the SCRIE program dies, the owner of the building is responsible for notifying DOF so benefits are terminated the first day of the month following the date of death; and

Whereas, A surviving household member who meets the eligibility requirements may apply for a transfer of SCRIE benefits by simply sending a letter of request to DOF, along with a copy of the Certificate of Death, and proof of birth; and

Whereas, If the transfer of benefits is denied due to age eligibility, the widow/widower will likely be forced to either generate a significant amount of new income to continue paying the rent or seek other housing options; and

Whereas, Generating new income may be difficult because adults 55 years and older face significant challenges to finding employment; and

Whereas, By the end of 2010, 11.2 percent of those who are unemployed nationwide are people 55-64 years old, and it takes them on average 52.7 weeks to obtain employment, compared to 36.5 weeks for people under 55; and

Whereas, Even when reemployed, studies show that between 1996 and 2007, displaced men age 50 to 61 saw their median hourly wage fall 20 percent below the median wage of their former job; and

Whereas, There is a lack of affordable housing in New York City, which also makes finding a new housing option difficult; and

Whereas, It is necessary to ensure that low income New Yorkers who will soon become eligible for the SCRIE program are not displaced as a result of the death of a spouse; now, therefore, be it

Resolved, That the Council of the City of New York urges the New York State Legislature to pass and the Governor to sign legislation that would enable the spouse of someone enrolled in the Senior Citizen Rent Increase Exemption Program (SCRIE) to continue receiving SCRIE benefits when the enrolled spouse dies, and the widow/widower is within 5 years of the age requirement for receipt of SCRIE.

Referred to the Committee on Aging

Int. No. 713

By Council Member Weprin.

A Local Law to amend the administrative code of the city of New York, in relation to portable storage containers.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 28 of the administrative code of the city of New York is amended by adding a new section 28-505 to read as follows:

§28-505 *Permit for portable storage containers. a. For the purposes of this section, "portable storage container" shall mean any weather resistant boxlike container transported by truck or trailer to a desired location and designed for the outdoor storage of personal property of household goods for temporary use only. For the purposes of this section, dumpsters, the trailer portion of a tractor-trailer, or prefabricated sheds, shall not be considered a portable storage container.*

b. No person shall place a portable storage container on residential property unless a permit for such container has been issued by the commissioner. Such

permit shall be for a period of no more than six months and may be renewed for one additional six-month period at the discretion of the commissioner.

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

Referred to the Committee on Housing and Buildings.

L.U. No. 507

By Council Member Recchia:

Kelly Street Apartments, Block 2711, Lots 6,7,8 & 10, Block 2703, Lot 18, Bronx, Council District No. 17

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

L.U. No. 508

By Council Member Comrie:

Application no. 20125046 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of A. Veniero, Inc. d.b.a. Venieros Pasticceria & Café, to continue, maintain and operate an unenclosed sidewalk café located at 342 East 11th Street, Borough of Manhattan, Council District no.2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 509

By Council Member Comrie:

Application no. 20125058 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 151 Second Ave. Rest. Inc. d.b.a. Ryan's Irish Pub, to continue, maintain and operate an unenclosed sidewalk café located at 151 Second Avenue, Borough of Manhattan, Council District no.2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 510

By Council Member Comrie:

Application no. 20125179 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Mezzogiorno Associates d.b.a Mezzogiorno, to continue to maintain and operate an unenclosed sidewalk café located at 195 Spring Street, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 511

By Council Member Comrie:

Application no. C 110382 ZMK submitted by the Brooklyn Navy Yard Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M1-2 District to an M1-4 District. Council District 33.

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

L.U. No. 512

By Council Member Comrie:

Application no. N 110383 ZRK submitted by the Brooklyn Navy Yard Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 4 (Special Permits by the City Planning Commission), relating to ownership requirements for Large Scale Developments, Community District 2, Borough of Brooklyn, Council District 33.

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

L.U. No. 513

By Council Member Comrie:

Application no. C 110375 ZSK submitted by the Brooklyn Navy Yard Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743(a)(2) of the Zoning Resolution to allow the location of a proposed building without regard for the rear yard regulations of Section 43-20 (Yard Regulations) in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street Borough of Brooklyn, Community District 2. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 514

By Council Member Comrie:

Application no. C 110376 ZSK submitted by the Brooklyn Navy Yard Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the sign regulations of Section 32-64 and Section 32-65 in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street Borough of Brooklyn, Community District 2. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 515

By Council Member Comrie:

Application no. C 110377 ZSK submitted by the Brooklyn Navy Yard Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-53 of the Zoning Resolution to modify the requirements of Section 44-12 to allow a group parking facility accessory to uses in a large scale development, with a maximum capacity of 266 spaces in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street Borough of Brooklyn, Community District 2. This application is

subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 516

By Council Member Comrie:

Application no. C 110378 ZSK submitted by the Brooklyn Navy Yard Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with a proposed commercial development on property located at 2 Wallabout Street (Block 2023, Lot 50), in an M1-4 District, within a Large-Scale General Development generally bounded by Navy Street, Nassau Street, a line 683 feet easterly of Navy Street and a line 420 feet northerly of Nassau Street Borough of Brooklyn, Community District 2. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 517

By Council Member Comrie:

Application no. C 110380 POK submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at the Brooklyn Navy Yard, (Block 2023, Lot 50), Community District 2, Borough of Brooklyn. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 518

By Council Member Comrie:

Application no. C 110381 PPK submitted by the NYC Department of Small Business Services pursuant to Section 197-c of the New York City Charter for disposition to the Brooklyn Navy Yard Development Corporation of city-owned property located in the Brooklyn Navy Yard at 2 Wallabout Street, on the northeasterly corner of Navy and Nassau Streets (Block 2023, Lots 50 and p/o Lot 1), Community District 2, subject to restrictions limiting development to the project that is the subject of a special permit for bulk modification to allow certain rear yard encroachments pursuant to ZR Section 74-743 (a)(2), a special permit to provide a 266 space group parking facility pursuant to ZR Section 74-53, and a special permit to construct and occupy five retail buildings with no limitation on floor area per establishment pursuant to ZR Section 74-922, respectively. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 519

By Council Member Comrie:

Application no. C 110386 ZMK submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c and 16d., Council Districts 33, 38 and 39.

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

L.U. No. 520

By Council Member Comrie:

Application no. N 110387 ZRK submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapters I, II and IV, and Article XIII, Chapter 2, to establish the Special Fourth Avenue Enhanced Commercial District, Community District 2, 6 and 7, Borough of Brooklyn, Council Districts 33, 38 and 39.

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

L.U. No. 521

By Council Member Comrie:

Application no. M 830094(B) ZMK submitted by 8902 Foster Avenue, LLC for a modification to Restrictive Declaration D-86, which was approved as a part of Zoning Map Amendment (C 830094 ZMK), involving eliminating the restriction on Use Group 16B uses only on Block 5807, Lot 40, with a prohibition on automotive paint spraying; allowing open accessory parking on the zoning lot; and updating the plan attached as Exhibit D, governing tree replacement, to reflect the proposed conditions; on property bounded by 2nd Avenue, 63rd Street, 3rd Avenue and 64th Street (Block 5807, Lots 1 and 40), in a C8-1 District, Borough of Brooklyn, Community District 7, Council District no. 39.

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

L.U. No. 522

By Council Member Comrie

Application no. 20115470 SCK, a proposed site for a new, approximately 750 seat Primary/Intermediate School Facility, (Block 5321, Lots 44, 64 and 73), Council District No.39, Borough of Brooklyn. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

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

At this point the Speaker (Council Member Quinn) made the following announcements:

ANNOUNCEMENTS:

Monday, November 7, 2011

★ *Deferred*

Committee on **ECONOMIC DEVELOPMENT**.....10:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Karen Koslowitz, Chairperson

Committee on **VETERANS** jointly with the
Committee on **GENERAL WELFARE**..... 1:00 P.M.
Oversight - Veterans Homelessness
Committee Room – 250 Broadway, 14th Floor
..... Mathieu Eugene, Chairperson
..... Annabel Palma, Chairperson

Tuesday, November 8, 2011

ELECTION DAY

Wednesday, November 9, 2011

★ *Deferred*

Committee on **TECHNOLOGY**10:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor
..... Fernando Cabrera, Chairperson

Thursday, November 10, 2011

Committee on **HEALTH** jointly with the
Committee on **GENERAL WELFARE**10:00 A.M.
Oversight - Coordination between the Department of Health and the Administration for Children’s Services when inspecting and monitoring child care centers in New York City
Committee Room – 250 Broadway, 14th Floor
..... Maria del Carmen Arroyo, Chairperson
..... Annabel Palma, Chairperson

Friday, November 11, 2011

VETERANS’ DAY OBSERVED

Monday, November 14, 2011

★ *Deferred*

Committee on **CIVIL RIGHTS**.....10:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Deborah Rose, Chairperson

Committee on **GOVERNMENTAL OPERATIONS** jointly with the
Committee on **FINANCE**..... 1:00 P.M.
Oversight - Evaluating the Mayor’s Management Report
Committee Room – 250 Broadway, 16th Floor Gale Brewer, Chairperson
..... Domenic Recchia, Chairperson

Committee on **ENVIRONMENTAL PROTECTION**.....1:00 P.M.
Oversight - Impediments to the Installation of Solar Energy Systems in New York City.
Committee Room – 250 Broadway, 14th Floor James Gennaro, Chairperson

Tuesday, November 15, 2011

Committee on **HIGHER EDUCATION**.....10:00 A.M.
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor Ydanis Rodriguez, Chairperson

Committee on **FINANCE**.....10:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor Domenic Recchia, Chairperson

Committee on **PARKS AND RECREATION** jointly with the
Committee on **PUBLIC SAFETY**...10:00 A.M.
Oversight – Examining Public Safety in City Parks.
Committee Room – 250 Broadway, 14th Floor
..... Melissa Mark-Viverito, Chairperson
..... Peter Vallone, Chairperson

★ *Deferred*

Committee on **AGING**.....1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor
..... Jessica Lappin, Chairperson

Committee on **LOWER MANHATTAN REDEVELOPMENT**1:00 P.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Margaret Chin, Chairperson

★ *Deferred*

Committee on **COMMUNITY DEVELOPMENT**1:00 P.M.
 Agenda to be announced
 Hearing Room – 250 Broadway, 16th Floor Albert Vann, Chairperson

Wednesday, November 16, 2011

Committee on **TRANSPORTATION**...10:00 A.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th FloorJames Vacca, Chairperson

★ *Deferred*

Committee on **SMALL BUSINESS** jointly with the
 Committee on **ECONOMIC DEVELOPMENT**.....10:00 A.M.
 Oversight – Industrial Business Zones and Retaining Small Manufacturing
 Businesses
 Hearing Room – 250 Broadway, 16th Floor Diana Reyna, Chairperson
 Karen Koslowitz, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING &
 MARITIME USES**.....11:00 A.M.
 See Land Use Calendar Available Thursday, November 10, 2011
 Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

★ *Time Change*

Subcommittee on **ZONING & FRANCHISES** ★1:00 P.M.
 See Land Use Calendar Available Thursday, November 10, 2011
 Committee Room – 250 Broadway, 16th Floor
 Mark Weprin, Chairperson

★ *Location Change*

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**. 1:00 P.M.
 See Land Use Calendar Available Thursday, November 10, 2011
 ★Hearing Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

Committee on **HOUSING AND BUILDINGS**.....1:00 P.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Erik Martin-Dilan, Chairperson

Thursday, November 17, 2011

Committee on **LAND USE**.....10:00 A.M.
 All items reported out of the subcommittees
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

Committee on **CULTURAL AFFAIRS, LIBRARIES &
 INTERNATIONAL INTERGROUP RELATIONS**..... 1:00 P.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor
 James Van Bramer, Chairperson

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES**..... 1:00 P.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor
 Elizabeth Crowley, Chairperson

Friday, November 18, 2011

★ *Topic Addition*

Committee on **MENTAL HEALTH, MENTAL RETARDATION,
 ALCOHOLISM,
 DRUG ABUSE AND DISABILITY SERVICES** jointly with the
 Subcommittee on **DRUG ABUSE**...10:00 A.M.

★Proposed Res. 94-A - By Council Members Dromm, James, Vann, Brewer,
 Comrie, Jackson, Koppell, Koslowitz, Mark-Viverito, Nelson, Williams, Mealy,
 Mendez, Rodriguez, Lander, Rivera, Crowley, Sanders Jr., Reyna and Koo -
 Resolution calling upon the New York State Legislature to pass A.7347/S.2774,
 legislation that would legalize the medicinal use of marijuana.

Oversight – Medical Marijuana
 Committee Room – 250 Broadway, 16th Floor Oliver Koppell, Chairperson
 Ruben Wills, Chairperson

★ *Addition*

Committee on **CIVIL RIGHTS**.....10:00 A.M.
 Agenda to be announced
 Committee Room– 250 Broadway, 14th Floor
 Deborah Rose, Chairperson

★ *Topic Additions*

Committee on **EDUCATION** 1:00 P.M.
 Proposed Int. 563-A - By Council Members Ignizio, Levin, Greenfield, Arroyo,
 Brewer, Cabrera, Chin, Dickens, Dromm, Ferreras, Fidler, Gentile, Koslowitz,
 Lander, Mendez, Palma, Rose, Sanders Jr., Seabrook, Van Bramer, Vann, Williams,
 Vallone, Nelson, Foster, Vacca, Mark-Viverito, Garodnick, James, Barron, Halloran
 and Koo – A Local Law to amend the New York city charter, in relation to the
 notification of information related to polychlorinated biphenyls (pcbs) in schools.
 Proposed Int. 566-A - By Council Members Levin, Ignizio, Arroyo, Brewer,
 Dickens, Dromm, Ferreras, Fidler, Lander, Mendez, Palma, Rose, Seabrook, Van
 Bramer, Vann, Williams, Vallone, Vacca, Wills, Chin, Nelson, Halloran and Koo -
 A Local Law to amend the New York city charter, in relation to requiring the
 reporting of information related to polychlorinated biphenyls (pcbs).
 Committee Room – 250 Broadway, 16th Floor
Robert Jackson, Chairperson

Monday, November 21, 2011

Committee on **IMMIGRATION**...10:00 A.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Daniel Dromm, Chairperson

★ *Deferred*

Committee on **WOMEN'S ISSUES**.....1:00 P.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th FloorJulissa Ferreras, Chairperson

★ *Addition*

Committee on **CIVIL SERVICE AND LABOR**..... 1:00 P.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor James Sanders, Chairperson

Committee on **GENERAL WELFARE**..... 1:00 P.M.
 Oversight - Fighting hunger in NYC
 Committee Room – 250 Broadway, 16th Floor
Annabel Palma, Chairperson

Tuesday, November 22, 2011

Committee on **PUBLIC HOUSING**.....10:00 A.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Rosie Mendez, Chairperson

★ *Addition*

Committee on **SMALL BUSINESS** jointly with the
 Committee on **ECONOMIC DEVELOPMENT**.....10:00 A.M.
 Oversight - Industrial Business Zones and Retaining Small Manufacturing
 Businesses
 Committee Room – 250 Broadway, 16th Floor Diana Reyna, Chairperson
 Karen Koslowitz, Chairperson

★ *Addition*

Committee on **COMMUNITY DEVELOPMENT** 1:00 P.M.
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor Albert Vann, Chairperson

Committee on **ENVIRONMENTAL PROTECTION**..... **1:00 P.M.**

Agenda to be announced

Committee Room – 250 Broadway, 14th Floor James Gennaro, Chairperson

Committee on **CONTRACTS** **1:00 P.M.**

Proposed Int. 251-A - By Council Members Koppell, Palma, Brewer, Arroyo, Cabrera, Chin, Dromm, Ferreras, James, Lander, Mendez, Sanders Jr., Mark-Viverito, Foster, Seabrook, Barron, Gonzalez, Rivera, Rodriguez, Van Bramer, Vann, Williams, Rose, Jackson, Eugene, Levin, Dickens, Mealy, Garodnick and Gentile (by the request of the Bronx Borough President) - A Local Law to amend the administrative code of the city of New York, in relation to requiring the payment of a living wage to employees employed on property developed by recipients of financial assistance for economic development.

Emigrant Savings Bank – 49-51 Chambers Street..... Darlene Mealy, Chairperson

Thursday, November 24, 2011

THANKSGIVING DAY OBSERVED

Monday, November 28, 2011

Committee on **FINANCE**..... **1:00 P.M.**

Agenda to be announced

Committee Room – 250 Broadway, 16th Floor

..... Domenic Recchia, Chairperson

Tuesday, November 29, 2011

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*

..... *Agenda – 1:30 p.m.*

Location *~ Emigrant Savings Bank ~ 49-51 Chambers Street*.....

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Tuesday, November 29, 2011.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int Nos. 155-A, adopted at the October 17, 2011 Stated Council Meeting, was signed into law by the Mayor on November 1, 2011 as, respectively, Local Law Nos. 60 of 2011.

