

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
THURSDAY, DECEMBER 8, 2011

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## THE COUNCIL

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*Minutes of the Proceedings for the  
STATED MEETING*

*of*  
Thursday, December 8, 2011, 2:25 p.m.

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

### Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Foster, Gonzalez, and Seabrook.

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 48 Council Members marked present at this Stated Meeting held in the newly renovated Council Chambers in the east wing of City Hall.*

### INVOCATION

The Invocation was delivered by Minister James Clemons, Greater Eternal Baptist Church, 746 Elton Avenue, Bronx, NY 10451.

Let us pray.

Heavenly Father, It is at this appointed time and hour

that we come together to acknowledge you, to honor you, and that these New York City Council Members convene and administrate the affairs of this City. I humbly ask that you bless those who are in attendance here; direct them to govern justly and fairly. Please Lord, continue to travel with them on their particular destination as they continue to do their work. And bless those who are yet and still on their way to this place; grant them traveling mercy. Bless the leadership of this Council, Lord, Speaker Quinn and her staff, keep them steady in these unsteady times. And now, Dear Lord, we invite you into this Meeting, take charge of this session and have it to be what you want it to be; we pray Your blessing upon this Council in the work that they do in the name of Jesus we pray. Amen.

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

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

Matthew Sapolin, 41, the Commissioner of the Mayor's Office of People with Disabilities died on November 29, 2011 of cancer. He served as commissioner for nine years and advocated legislation that included increasing the number of wheelchair accessible taxis, expanding passenger ferry terminal accessibility, instituting rent freezes for qualified disabled tenants and providing 311 operators with the latest in accessibility technology. He leaves behind a wife and two daughters. The floor was yielded to Council Member Koppell who spoke in praise of Mr. Sapolin.

Dr. Muriel Petioni, 97, medical and community activist died on December 6, 2011. She was born in Trinidad and immigrated to the United States at age five where her family settled in Harlem. Her father became a prominent Harlem physician and activist. She herself received her medical degree from Howard University in 1937 and went to her work at Harlem Hospital. Dr. Petioni then worked at her private practice for 40 years where she served mostly poor, disadvantaged and medically uninsured and underinsured individuals. She was an advocate of women issues, community-based medicine, social justice and health care for all. The floor was yielded to Council Member Dickens who spoke in praise of Dr. Petioni.

### LAND USE CALL UPS

M-730

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 342-344 West 11<sup>th</sup> Street, CB 2, Application no. 20125094 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-731

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 Application no. C 100122 MMM, shall be subject to Council review. This application is related to application no. N 120037 ZRM that is subject to Council review pursuant to Section 197-d of the New York City Charter**

Coupled on Call – Up Vote

M-732

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 88 University Place, Council District no. 3 Application no. 20125025 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 motion which was decided in the **affirmative** by the following vote:

**Affirmative** –Arroyo, Barron, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera and the Speaker (Council Member Quinn) –**48**.

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

#### REPORTS OF THE STANDING COMMITTEES

##### Report of the Committee on Consumer Affairs

Report for Int. No. 720-A

**Report of the Committee on Consumer Affairs 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 bicycle parking in garages and parking lots.**

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on November 29, 2011 (Minutes, page 5103), respectfully

#### REPORTS:

##### I. INTRODUCTION

On Tuesday, December 6, 2011, the Committee on Consumer, chaired by Council Member Dan Garodnick, will vote on Proposed Introductory Bill Number 720-A (“Intro. 720-A”), a Local Law to amend the administrative code of the city of

New York, in relation to bicycle parking in garage and parking lots. The Committee first heard Intro. 720-A on Wednesday, November 23, 2011.

##### II. BACKGROUND

New York City is increasingly becoming a biker’s city. In its 2009 Community Health Survey, the Department of Health and Mental Hygiene (“DOHMH”) found that approximately 521,000 New Yorkers ride their bikes several times a month.<sup>1</sup> Additionally, bicycle commuting is experiencing an upward trend, doubling between 2006 and 2010, and increasing by 13% between 2009 and 2010 according to the Department of Transportation’s (“DOT”) Commuter Cycling Indicator.<sup>2</sup> Recognizing this increase in bicycle use, the City has made efforts to accommodate cyclists over the past several years. Starting with 220 miles of bicycle lanes in 2006,<sup>3</sup> DOT has since added over 250 miles of new lanes with a goal of reaching 1,800 miles by 2030.<sup>4</sup> Increased cycling creates a need for bike storage. DOT has worked to meet this need and in the Fall of 2010, installed its 10,000<sup>th</sup> bike rack.<sup>5</sup> While the increase in bike racks is a positive development for the City’s cyclists, adverse weather conditions and theft concerns increase the appeal of indoor bike parking and attended bike parking lots. Mindful of this, the City Council passed Local Law 51 of 2009, which required parking garages to reserve space for bikes, thereby providing additional secure parking spaces and promoting bike riding as a viable transportation alternative for many New Yorkers.

##### III. CURRENT REGULATIONS FOR BIKE PARKING IN GARAGES AND LOTS IN NEW YORK CITY

On August 13, 2009, Mayor Michael R. Bloomberg signed into law Local Law 51, which amended the administrative code of the city of New York, in relation to bicycle parking in garage and parking lots. Local Law 51, which went into effect on November 11, 2009, requires all licensed parking lots or garages<sup>6</sup> with capacity for 51 or more vehicles to create and maintain parking spaces for bicycles.<sup>7</sup> Local Law 51 requires parking garages and lots to create at least one bicycle parking space for every ten authorized vehicle parking spaces in garages, up to one hundred car parking spaces. Thereafter, parking garages and lots are required to provide one bicycle parking space for every one hundred car parking spaces.

Local Law 51 exempts any parking garage or lot that is in compliance with the zoning text amendment pertaining to bicycle parking in new construction. Additionally, the law permits garages and lots to apply for a waiver from DCA if compliance with the law would result in a violation of otherwise applicable zoning regulations. In order to obtain a waiver, a garage must submit certification from a design professional demonstrating that compliance as written would not be possible.

Local Law 51 requires an area of at least two by three by six feet in volume for each bike, to accommodate vertical bike storage. Parking garages that permit car owners to access their vehicles must also provide such access to bike owners. Local Law 51 also requires operators to provide secure and locked parking for all bikes, unless the bike parking spaces are located in an area not accessible to the public, in which case a rack or other secure system is not required.

Parking operators are required to file a schedule of bicycle parking rates with DCA and post the rates, hours of operation and the minimum capacity of bicycle parking spaces at the garage entrance. Bicycle parking rates cannot be changed without prior notice to DCA.

Finally, Local Law 51 mandates that DCA submit a report to the Council on the effectiveness of the legislation within twelve months of its effective date. DCA fulfilled this requirement, submitting its report (the “Report”) to the Council on November 12, 2010.<sup>8</sup> According to the Report, DCA licenses 1,949 parking lots and garages. At the time of the Report, Local Law 51 applied only to garages or lots with one-hundred or more car parking spaces, which accounted for 939 facilities.<sup>9</sup> Those 939 facilities were required to provide a total of 16,378 bike parking spaces by Local Law 51 parking requirements.<sup>10</sup> The Report contained data derived from a survey by the Metropolitan Parking Association, which DCA reports is comprised of the largest operators in the industry. The survey was based on bike parking at all five-hundred of the Association’s member facilities during February 2010 through September 2010. The survey revealed a utilization rate of only .48% for bike

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<sup>1</sup> “Community Health Survey, 2009,” DOHMH, Available at <https://a816-healthpsi.nyc.gov/epiquery/EpiQuery/CHS/index2009.html>. Accessed on November 16, 2011.

<sup>2</sup> “Bicycle Counts”, DOT, Available at <http://www.nyc.gov/html/dot/html/bicyclists/nycbicyclesrcrct.shtml>. Accessed on November 16, 2011.

<sup>3</sup> Neuman, W., “City Hall Promises Major Increase in Bike Lanes on Streets,” *N.Y. Times*, September 13, 2006.

<sup>4</sup> Ngo, E., “LANE CHANGE; City adds more bike paths to East Side but move triggers neighborhood debate,” *Newsday*, July 26, 2011, at A36.

<sup>5</sup> “Rack ‘Em Up,” *NYC Cycles*, November 9, 2010, Available at <http://www.nyc.gov/html/dot/html/email/newsletter-bicycles-2010-11.html>. Accessed on November 15, 2011.

<sup>6</sup> According to NYC Ad Code §20-231, all parking lots and garages in the City capable of holding five or more vehicles are required to be licensed by DCA.

<sup>7</sup> At the time of enactment, Local Law 51 required only garages with 100 or more spaces to create and maintain parking spaces for bicycles. However, pursuant to §20-327.1(a)(1) of Local Law 51, this requirement was expanded on November 13, 2011 to include garages with 51 or more spaces.

<sup>8</sup> Dep’t of Consumer Affairs, *Report to the New York City Council Authorized by Local Law 51 of 2009*, November 2010.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

parking spaces.<sup>11</sup> On average, the survey showed that 27.7 bike parking spaces were used per day.<sup>12</sup> This average included both one-day bike parking spaces and monthly bike parking spaces.

In addition to DCA’s November 2010 report to the Council, DCA provided the Council with a breakdown of violations received by licensed parking lots and garages from January 1, 2009 to September 8, 2011. According to DCA, parking facilities received 1,855 violations relating to bike parking during that time period. Bike parking violations were the second most common type of violation. Of the 1,855 violations, 1,005 were for what DCA referred to as “inadequate, improper or no bike parking.” Of that 1,005 violations, 842 violations were issued for inadequate or improper bike parking spaces.

In light of both the low utilization of bicycle parking spaces and the number of violations issued for “inadequate or improper bike parking spaces,” the committee heard Intro 720-A<sup>13</sup> on November 23, 2011. DCA, The Metropolitan Parking Association, as well as Transportation Alternatives, testified in favor of the bill.

**IV. PROPOSED INTRO. 720-A**

Proposed Intro. No. 720-A would preserve the core bike parking requirements of Local Law 51, while giving parking facilities more flexibility in how they park the bikes. Proposed Intro. No. 720-A would eliminate the requirement that a two by three by six foot area be maintained for each bike parking space, as well as the requirement that each space be protected by barriers.

Proposed Intro. No. 720-A would require parking facilities to maintain racks, hooks, poles or other devices to which bicycles can be secured as well as locks, chains or other devices with which to secure them. In keeping with the basic requirements of Local Law 51, such devices would be required to be sufficient to park no less than one bike for every ten car parking spaces. Nevertheless, parking garages or lots that permit customers to park and lock their own bicycles using the customers’ own locks, chains or other devices to secure the bicycles would be only be required to maintain locks, chains or other devices sufficient to accommodate customers who do not bring their own lock or chain. Additionally, Proposed Intro. No. 720-A would require that bicycles be parked at least two feet away from any motor vehicles.

Further, Proposed Intro. No. 720-A would generally require that bikes parked pursuant to Local Law 51 be locked to a rack, pole or other device capable of securing the bicycle, or hung on the wall from a securely anchored hook or rack to which the bicycle frame and at least one wheel shall be locked. These requirements for locking up the bikes would not apply to a parking facility that provides bicycle parking in a manner that prohibits any person other than employees of the facility from parking or removing the bicycle from the facility garage or lot.

(The following is the text of the Fiscal Impact Statement for Int. No. 720-A:)



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

PROPOSED INTRO. NO: 720-A  
COMMITTEE:  
Consumer Affairs

**TITLE:** To amend the administrative code of the city of New York, in relation to bicycle parking in garages and parking lots. **SPONSOR:** Council Member **Koslowitz**

**SUMMARY OF LEGISLATION:** Proposed Intro. 720-A would require non-city owned parking facilities to: (1) park bicycles at least two feet away from any motor vehicles; (2) maintain racks, hooks, poles or other devices to which bicycles can be secured; and (3) maintain locks, chains or other devices with which to secure them. Such devices would be required to be sufficient to park no less than one bike for every ten car parking spaces. Proposed Intro. 720-A would also require that bicycles be locked to a rack, pole or other device capable of securing the bicycle, or hung on the wall from a securely anchored hook or rack. These requirements for locking up the bikes would not apply to a parking facility that provides bicycle parking in a manner that prohibits any person other than employees of the facility from parking or removing the bicycle from the facility garage or lot. The Department of Consumer Affairs (DCA) can impose a maximum fine of \$500 per violation for non-compliance.

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<sup>11</sup> *Id.*  
<sup>12</sup> *Id.*  
<sup>13</sup> Formerly Preconsidered Int. No.

**EFFECTIVE DATE:** This local law would take effect 120 days after its enactment except that the commissioners of consumer affairs and/or buildings can take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2012

**FISCAL IMPACT STATEMENT:**

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

**IMPACT ON REVENUES:** The City assumes full compliance. The impact on revenue would be minimal.

**IMPACT ON EXPENDITURES:** 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:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Ralph P. Hernandez, Principal Legislative Financial Analyst

Nathan Toth, Deputy Director

**HISTORY:** The Consumer Affairs Committee held a hearing and laid over Intro. 720 on November 23, 2011. The City Council introduced the legislation and referred the bill to the Committee as Int. 720 on November 29, 2011. An amendment has been proposed, and the Committee will vote on the bill as Proposed Int. No. 720-A on December 6, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 720-A:)

Int. No. 720-A

By Council Members Koslowitz, Lander, Mealy, Van Bramer, Dromm, Rodriguez, Levin, Barron, Gennaro, Greenfield and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to bicycle parking in garages and parking lots.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 of the laws of 2009, is amended to read as follows:

b. Bicycle parking spaces in garages and lots.

1. The operator of every garage or lot subject to the provisions of this section shall [provide not less than] *maintain: (i) racks, hooks, poles or other devices to which bicycles can be secured; and (ii) locks, chains or other devices with which to secure them.*

*Such devices shall enable the garage or lot to park and secure at least one bicycle [parking space] for every ten automobile parking spaces provided, up to two hundred automobile parking spaces. Thereafter, the garage or lot shall be equipped to park one bicycle [parking space shall be provided] for every one hundred automobile parking spaces. Fractions equal to or greater than one-half resulting from this calculation shall be [considered] deemed to [be] require parking for one bicycle [parking space]. Parking garages or lots that permit customers to park and lock their bicycles using the customers’ own locks, chains or other devices with which to secure such bicycles shall be required to maintain locks, chains or other devices with which to secure bicycles sufficient to accommodate customers who do not have their own lock, chain or other device with which to secure their bicycles.*

2. [The] A bicycle [parking spaces] parked in [garages and lots] a garage or lot that is subject to the provisions of this section shall be [enclosed to the same extent that parking spaces for automobiles are enclosed] parked at least two feet away from any motor vehicle.

3. [Each such bicycle parking space] Bicycles parked pursuant to this section shall [adjoin] be locked to a rack, pole or [similar system for] other device capable of securing the bicycle [and shall be located in an area secured by a lock or similar

means], or [adjoin a] *shall be hung on the wall from a securely anchored rack or hook* to which the bicycle frame and at least one wheel [can] *shall be locked* [without damage to the wheels, frame or components of the bicycle, unless the bicycle is parked in a]. *Such requirements for racks, poles, or hooks and locks, chains or other securing devices shall not be required where a parking garage or lot provides bicycle parking in a location* [not accessible to the public and bicycles are parked therein] *that prohibits any person other than* [only by] employees of the facility *from parking or removing the bicycle from the garage or lot.*

[4. An area consisting of at least two by three by six feet in volume shall be provided for each such bicycle parking space.]

§ 2. Subdivision c of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, is amended to read as follows:

c. Bicycle parking racks [or other devices shall be securely anchored so they cannot be easily removed and], *hooks, poles or other devices used by garage or lot operators to secure bicycles* shall be of sufficient strength and design to resist vandalism and theft.

§ 3. Subdivision d of section 20-327.1 of the administrative code of the city of New York is REPEALED.

§ 4. Subdivision e of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, is re-lettered as subdivision d and amended to read as follows:

[e]d. Bicycle parking [spaces] shall be accessible to bicycle owners/operators to at least the same extent as vehicle parking [spaces are] *is accessible to vehicle owners/operators. The operator of a garage or lot subject to this section shall not refuse to provide parking for a bicycle unless there is no room for such bicycle at that time because the total number of bicycles required to be accommodated by paragraph one of subdivision b of this section has been met.*

§ 5. Subdivisions f, g, i, and j of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, are re-lettered as subdivisions e, f, h and i, respectively.

§ 6. Subdivision h of section 20-327.1 of the administrative code of the city of New York, as added by local law number 51 for the year 2009, is re-lettered as subdivision g and amended to read as follows:

[h]g. The operator of each garage or parking lot subject to the provisions of this section shall post conspicuously at the public entrance to the garage or parking lot a sign composed of letters and figures of such size, height, width, spacing, color and description as shall be prescribed by the rules of the commissioner. Such sign shall set forth the rate to be charged by such garage or parking lot for bicycle parking [spaces], the hours during which such garage or parking lot will remain open for business and the minimum capacity of bicycles [parking spaces] of such garage or parking lot.

§ 7. This local law shall take effect 120 days after its enactment except that the commissioners of consumer affairs and/or buildings shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

DANIEL R. GARODNICK, Chairperson; MICHAEL C. NELSON, CHARLES BARRON, G. OLIVER KOPPELL, KAREN KOSLOWITZ; Committee on Consumer Affairs, December 6, 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 Contracts

Override Report for Int. No. 624-A

**Report of the Committee on Contracts in favor of approving and adopting, as amended, notwithstanding the objection of the Mayor, a Local Law to amend the New York city charter, in relation to the procedure governing agency service contracts.**

The Committee on Contracts, to which the annexed amended proposed local law was referred on June 29, 2011 (Minutes, page 2686) originally adopted by the Council on October 5, 2011 (Minutes, page 4503) but vetoed by the Mayor on November 4, 2011, respectfully

### REPORTS:

#### Introduction

On December 7, 2011, the Committee on Contracts (the Committee), chaired by Council Member Darlene Mealy, will meet to vote on Int. No. 624-A, a bill to amend Local Law 35 of 1994 to increase transparency, enhance competition, and maximize cost efficiencies in the procurement of service contracts, and to file the veto message of Mayor Michael Bloomberg, M 708.

The Committee held a hearing on the original introduction, Int. No. 624, on June 27, 2011. On September 21, 2011, the Committee passed a revised version of the bill, Int. No. 624-A. The legislation was then unanimously passed by the Council on October 5, 2011. On November 4, 2011, the Mayor issued a message of

disapproval, vetoing the legislation. (See attached). That veto message was formally accepted by the Council at its stated meeting held on November 30, 2011.

The question before the Committee is whether Int. No. 624-A should be re-passed notwithstanding the objections of the Mayor.

#### Background

##### *Goal of Local Law 35*

The New York City Council enacted Local Law 35 of 1994 (Local Law 35 or the law) in order to ensure that contracting agencies consider the costs and benefits to the City whenever proposing to enter into service contracts that would displace City employees.<sup>1</sup> Specifically, the law mandates that the City weigh cost efficiencies before outsourcing service contracts by performing a comparative analysis between the costs and benefits of providing the service in-house and outside before entering into any such contract.<sup>2</sup> By this process, the law is meant to ensure that agency outsourcing decisions are in the best fiscal interests of New Yorkers.

##### *Mechanics of Local Law 35*

Codified at Section 312(a) of Chapter 13 of the New York City Charter, the law applies to new or renewal contracts for technical, consultant, or personal services with a value of at least \$100,000 that would directly result in the displacement of a city employee.<sup>3</sup> The law requires each agency to first determine whether such a proposed service contract would result in the displacement of a city employee.<sup>4</sup> If the agency finds that the contract would yield no displacement, the agency certifies to that fact in bid solicitation documentation and no further inquiry is required.<sup>5</sup> If, however, the agency determines that the proposed contract would result in displacement, the agency must then conduct a cost benefit analysis of performing the services in-house and provide that analysis to the Comptroller prior to soliciting any bids or proposals.<sup>6</sup> Once the agency receives bids or proposals, the agency must submit its displacement determination, cost benefit analysis, and any supporting documentation to the Council and appropriate collective bargaining representatives of the prospective displaced employees.<sup>7</sup> Prior to awarding the contract, the agency must conduct a comparative analysis of the costs and benefits of performing the services in-house versus contracting out, based on the vendor's best/final offer.<sup>8</sup> Upon completing the comparative analysis, if the agency intends to award the contract to the vendor, it must submit that comparative analysis and any supporting documentation to the Comptroller, the Council, and collective bargaining representatives.<sup>9</sup> The Council may hold a hearing on the proposed contract within 30 days of receiving the documents; no contract may be awarded until the expiration of that 30-day period.<sup>10</sup>

##### *Prior Oversight Concerning Local Law 35*

Since the law was enacted, the Council has conducted three oversight hearings regarding Local Law 35. On January 24, 2005, the Committee on Contracts broadly reviewed the law in an oversight hearing entitled "Does Local Law 35 of 1994 Work?" (the 2005 hearing).<sup>11</sup> On October 15, 2009, the Committee on Civil Service & Labor joined the Committee on Contracts to review a specific case where a city agency failed to reach the cost benefit analysis stage of Local Law 35's review process in a hearing entitled "Oversight of Charter Section 312(a) analysis by City agencies and why it did not work for the painters employed by the Department of Homeless Services" (the 2009 hearing).<sup>12</sup> On April 11, 2011, the Committees on Contracts and Civil Service & Labor again convened to probe the City's application of Local Law 35 and explore ways that the law might be improved in a hearing entitled "Evaluating the Application and Efficacy of Local Law 35 of 1994" (the 2011 hearing).<sup>13</sup>

Int. 624-A addresses the facts, concerns, and criticisms raised during the 2005, 2009, and 2011 hearings. First, the City explained that it seldom reached the cost benefit analysis stage of Local Law 35's procedure because, based on its interpretation of the law, in the overwhelming majority of cases, contracts fall outside of the universe of contracts defined in the law and/or failed to meet the law's standard for displacement.<sup>14</sup> Second, unions indicated that they have been excluded from the earliest phases of the solicitation process, which has hindered their ability to provide the City with competitive alternatives to bids and proposals from vendors.<sup>15</sup> Finally, the City noted that it does not maintain records that would reflect the analysis, if any, supporting agencies' (non-)displacement determinations.<sup>16</sup> The proposed revisions to Local Law 35 address each of these issues.

#### Int. No. 624-A

Int. No. 624-A would amend subdivision a of section 312 of the New York City Charter (312(a)) in four ways.

(1) The legislation would add a new paragraph to 312(a) to require the City to publish annual contracting plans that would chart for the upcoming fiscal year the intended service contracts for each City agency, including those entities that receive funds from the city treasury but are exempt from the other procedural aspects of Local Law 35, such as the Department of Education, the Health and Hospitals Corporation, and the New York City Housing Authority, for the upcoming fiscal year. For any contract actions that are omitted from such plans, the bill would require the City to provide public notice of an agency's intent to solicit bids for services sixty days before it issues requests for proposals, invitations for bids, or other solicitations. This would permit the public to review the slated contracting

actions for City agencies. Additionally, City employees and private vendors would have an increased opportunity to prepare bids/proposals.

(2) The legislation would enlarge the universe of contracts covered by 312(a). First, the bill deletes the term “technical, consultant, or personal” and identifies the applicable services under the law as “standard or professional.” This is important because the City interprets personal services to include only those where the performance by a specific individual is the essence of what one is contracting for; such services would not include those hired on the basis of price alone.<sup>17</sup> Accordingly, using the terms “standard and professional services” would capture a more comprehensive array of types of work solicited by the City, including those based on specialized field experience, such as consulting, information technology, and accounting, as well as more commoditized work, such as secretarial, janitorial, and food-related services.<sup>18</sup> Second, the bill would expand the law’s procedural mandate to cover agencies seeking to extend existing contracts.

(3) The legislation would modify the ways in which agencies determine displacement under the law. First, the bill would remove the term “directly,” so that a contract need not “directly result in the displacement of any city employee” in order to trigger a cost benefit analysis. Second, the bill would add “attrition” to its examples of types of reductions in the number of funded positions that would constitute displacement. Taken together, these modifications would require the City to adjust its consideration of displacement under Local Law 35, beyond that which “occurs contemporaneously with the solicitation of a new contract or the renewal of a prior one” (emphasis added),<sup>19</sup> to include a more circumspect review of the ultimate impact of City contracting decisions.

Further, the bill would create a presumption of displacement whenever any of the following events occurred in the three year period preceding the proposed contract:

- Any reduction in funded positions (attrition, layoffs, demotion, etc.) of employees who performed the kinds of services sought in the proposed contract
- Announced PEGs (Program to Eliminate the Gap) that could impact employees who perform the kinds of services sought in the proposed contract
- Any other statement of a specific anticipated employment action that could impact employees who perform the kinds of services sought in the proposed contract

If any such event occurred, a contracting agency would be required to conduct a cost-benefit analysis, weighing the efficiencies of outsourcing the service versus performing the work in-house. The City’s poor record of performing cost-benefit analyses under the current law highlights the pitfalls of the existing framework, which relies solely on a subjective determination to trigger cost-efficiency procedures. This amendment establishes objective indicators to ensure that cost benefit analyses are conducted when it appears that a contract will result in or is the result of the displacement of City employees.

(4) Finally, the legislation would revise the certification procedure set forth in the law—the process by which agencies attest that a proposed service contract will not displace City employees—to require enhanced reporting of displacement determinations. The bill would require agencies to broadly construe the nature of the services sought, provide details regarding the bases upon which they determined that no displacement of employees performing such services would occur, and include specific information concerning the agency capacity to perform such services. This information would shed light on the City’s decisions to outsource services and would document that the City regularly weighs its capacity to perform work in-house.

**Legislative Objectives**

Int. No. 624-A is designed to clarify and better effectuate the intent of Local Law 35 of 1994. The annual contracting plan will provide City employees and private vendors with increased opportunities to prepare bids and proposals and the City will benefit from enhanced competition. The legislation in no way limits the City’s ability to contract out. It is not meant to stymie outsourcing. Rather, the bill intends to ensure that services contracts are in the best fiscal interests of the City. As the economy continues to wane, now more than ever, it is imperative that the City protect the public fisc by considering carefully its expenditure of tax dollars. Int. No. 624-A seeks to increase transparency and implement safeguards in the contracting process to make certain that the City’s limited resources are used efficiently.

<sup>1</sup> See Local Law 35 of 1994, §1.  
<sup>2</sup> *Id.*  
<sup>3</sup> N.Y.C. Charter §312(a).  
<sup>4</sup> *Id.*  
<sup>5</sup> *Id.*  
<sup>6</sup> *Id.*  
<sup>7</sup> *Id.*  
<sup>8</sup> *Id.*  
<sup>9</sup> *Id.*  
<sup>10</sup> *Id.*

<sup>11</sup> See Briefing Paper, *Oversight: Does Local Law 35 of 1994 Work*, Jan. 24, 2005, Committee on Contracts.

<sup>12</sup> See Briefing Paper, *Oversight of Charter Section 312(a) analysis by City agencies and why it did not work for the painters employed by the Department of Homeless Services*, Oct. 15, 2009, Committees on Contracts and Civil & Service and Labor.

<sup>13</sup> See Briefing Paper, *Oversight: Evaluating the Application and Efficacy of Local Law 35 of 1994*, Apr. 11, 2011, Committees on Contracts and Civil & Service and Labor.

<sup>14</sup> See, e.g., Transcript, *Oversight: Does Local Law 35 of 1994 Work*, Jan. 24, 2005, Committee on Contracts, at 20, 32-33; Transcript, *Oversight of Charter Section 312(a) analysis by City agencies and why it did not work for the painters employed by the Department of Homeless Services*, Oct. 15, 2009, Committees on Contracts and Civil & Service and Labor, at 15-19, 28; Transcript, *Oversight: Evaluating the Application and Efficacy of Local Law 35 of 1994*, Apr. 11, 2011, Committees on Contracts and Civil & Service and Labor, at 10-13, 20-22, 37, 45-49.

<sup>15</sup> See, e.g., Transcript, *Oversight: Evaluating the Application and Efficacy of Local Law 35 of 1994*, Apr. 11, 2011, Committees on Contracts and Civil & Service and Labor, at 67-68, 70, 88, 103-104.

<sup>16</sup> See, e.g., Transcript, *Oversight: Does Local Law 35 of 1994 Work*, Jan. 24, 2005, Committee on Contracts, at 16-17; Transcript, *Oversight of Charter Section 312(a) analysis by City agencies and why it did not work for the painters employed by the Department of Homeless Services*, Oct. 15, 2009, Committees on Contracts and Civil & Service and Labor, at 77; Transcript, *Oversight: Evaluating the Application and Efficacy of Local Law 35 of 1994*, Apr. 11, 2011, Committees on Contracts and Civil & Service and Labor, at 23, 50.

<sup>17</sup> See Transcript, *Oversight of Charter Section 312(a) analysis by City agencies and why it did not work for the painters employed by the Department of Homeless Services*, Oct. 15, 2009, Committees on Contracts and Civil & Service and Labor, at 28.

<sup>18</sup> The City defines professional and standardized services as follows:

Professional services are a class of services that require an individual to hold an advanced degree or have experience in a specialized field. Professional services are usually procured through a Request for Proposals, where emphasis is placed on the quality of the vendor’s approach as the service is likely to be highly individualized. Services of this type include: legal, management consulting, information technology, accounting, auditing, actuarial, advertising, health, architecture, pure construction management (without including construction) and environmental analysis.

Standardized services typically do not require the provider to have experience in a specialized field or hold an advanced degree. A standardized service is clearly defined and highly commoditized; procurements for these services are generally awarded based on the lowest price. Examples include: security, janitorial, secretarial, transportation, collection and food related services. Contracts for services such as plumbing, electrical and HVA for maintenance and repair not related to new construction also fall into this category.

Mayor’s Office of Contract Services, *Agency Procurement Indicators, Fiscal Year 2010*, at 78-79.

<sup>19</sup> Transcript, *Oversight: Evaluating the Application and Efficacy of Local Law 35 of 1994*, Apr. 11, 2011, Committees on Contracts and Civil & Service and Labor, at 11.

**(The following is the text of the Fiscal Impact Statement for Int. No. 624-A:)**



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

**PROPOSED INTRO. NO: 624-A**

**COMMITTEE: Contracts**

**TITLE:** A Local Law to amend the New York city charter, in relation to the procedure governing agency service contracts.

**SPONSORS:** By Council Members Mealy, James, Williams, Comrie, Jackson, Arroyo, Levin, Barron, Gennaro, Brewer and Dickens

**SUMMARY OF LEGISLATION:** Proposed Int. 624-A, would amend Local Law 35 of 1994 in order to further the goals of the law to increase transparency and maximize cost efficiencies in the procurement of service contracts. The New York City Council enacted Local Law 35 of 1994 in order to ensure that contracting agencies consider the costs and benefits to the City whenever proposing to enter into service contracts that would displace City employees. Specifically, the law mandates that the City weigh cost efficiencies before outsourcing service contracts by performing a comparative analysis between the costs and benefits of providing the service in-house and outside before entering into any such contract. By this process, the law is meant to ensure that agency outsourcing decisions are in the best fiscal interests of New Yorkers. Prop. Int 624-A replaces the term “technical, consultant, or personal” to instead identify the applicable services under the law as “standard or professional.” It would require the Mayor to provide public notice of the intent of City agencies, including those entities that receive funds from the city treasury but are exempt from the other procedural aspects of Local Law 35, such as the Department of Education, the Health and Hospitals Corporation, and the New York City Housing Authority, to solicit bids for standard or professional services in annual contracting plans or at least sixty days before they issue requests for proposals, invitations for bids, or other solicitations for service contracts.. The legislation would modify the ways in which agencies determine displacement under the law. The bill would require agencies to provide details regarding the bases upon which they determined that no displacement would occur, and require agencies to include specific information concerning the agency capacity to perform the solicited services.

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

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

**FISCAL IMPACT STATEMENT:**

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

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

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

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

**ESTIMATE PREPARED BY:** John Lisianskiy, Legislative Financial Analyst  
Scott Crowley, Deputy Director

**HISTORY:** Hearing held by the Committee on June 27, 2011 and the legislation was laid over by the Committee. Subsequent to this hearing Int 624 was amended and voted on by the Committee on September 21, 2011 as Proposed Int. 624-A. Proposed 624-A is slated to be voted by the Full Council on October 5, 2011.

**DATE SUBMITTED TO COUNCIL:** JUNE 27, 2011

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 624-A:)**

Int. No. 624-A

By Council Members Mealy, James, Williams, Comrie, Jackson, Arroyo, Levin, Barron, Gennaro, Brewer, Dickens, Rose, Chin, Crowley, Lander, Mark-Viverito, Van Bramer, Wills, Vann, Eugene, Sanders and Rodriguez.

**A Local Law to amend the New York city charter, in relation to the procedure governing agency service contracts.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 312 of the New York city charter is amended to read as follows:

§ 312. Procurement; general rule and exceptions. a. Prior to entering into [or], renewing, or extending a contract valued at more than [one] two hundred thousand dollars to provide [technical, consultant, or personal] standard or professional services, including agency task orders pursuant to multi-agency task order contracts, but excluding emergency procurements, government-to-government purchases, and the procurement of legal services or consulting services in support of current or anticipated litigation, investigative or confidential services, an agency shall follow the procedure established herein and the mayor shall comply with the reporting requirements set forth in paragraph 8.

1. Prior to issuing an invitation for bids, request for proposals, or other solicitation, or renewing or extending an existing contract, the agency shall determine whether such contract is the result of or would [directly] result in the displacement of any city employee within the agency. For the purpose of this section, "displacement" shall mean a reduction in the number of funded positions, including but not limited to, that resulting from the attrition; layoff; demotion; bumping; involuntary transfer to a new class, title, or location; time-based reductions, or reductions in customary hours of work, wages, or benefits of any city employee.

a. There shall be a presumptive determination that a proposed contract is the result of or would result in displacement if any of the following events occurred in the three year period preceding the date the agency intends to issue an invitation for bids, request for proposal, or other solicitation, or renew or extend an existing contract:

(1) the displacement of a city employee within the agency who performs or has performed the services sought by the proposed contract and/or services of a substantially similar nature or purpose; or

(2) the announcement of spending reductions in connection with a budgetary program, including but not limited to a Program to Eliminate the Gap, that could result or has resulted in the displacement of a city employee within the agency who performs or has performed the services sought by the proposed contract and/or services of a substantially similar nature or purpose; or

(3) any other statement by an agency or the mayor of a specific anticipated employment action that could result or has resulted in the displacement of a city employee within the agency who performs or has performed the services sought by the proposed contract and/or services of a substantially similar nature or purpose.

b. If the agency determines that [such result] displacement would not occur, it shall include a certification to that effect, signed by the agency head, in any invitation for bids, request for proposals, or other solicitation, or with any contract renewal or extension. Such certification shall detail the basis upon which the agency determined that displacement would not occur, construing broadly the nature of the services sought and providing information including but not limited to: (i) whether any civil service title and/or job title within the agency currently performs the services solicited and/or services of a substantially similar nature or purpose, the names of such titles, and the extent to which agency employees within such titles currently perform such services; (ii) whether the solicited services expand, supplement, or replace existing services, and a detailed description comparing the solicited services with such existing services; (iii) whether there is capacity within the agency to perform the services solicited and, if there is no such capacity, a detailed description specifying the ways in which the agency lacks such capacity; (iv) for the term of the proposed contract, the projected headcount of employees within such titles or employees who perform such services and/or services of a substantially similar nature or purpose; and (v) confirmation that none of the events set forth in subparagraph a of this paragraph occurred within the agency in the three year period preceding the date such agency intends to issue an invitation for bids, request for proposal, or other solicitation, or renew or extend an existing contract.

c. If the agency determines that [such result] displacement would occur, the agency shall determine the costs incurred and the benefits derived in performing the service, consistent with the scope and specifications within the solicitation, renewal, or extension, with city employees, and shall submit such analysis, with all supporting documentation, prior to issuance of any solicitation or entry into any contract renewal or extension, to the comptroller.

2. Immediately upon receipt of bids, [and] proposals, and other solicitation responses, or prior to the renewal or extension of an existing contract, the agency shall submit such determination, analysis, and supporting documentation to the council and to the appropriate collective bargaining representatives representing employees who would be affected pursuant to paragraph 1 of subdivision a of this section.

3. Prior to award of a contract, a renewal, or an extension, the agency shall perform a comparative analysis of the costs expected to be incurred and the benefits expected to be derived from entering into, renewing, or extending a contract with the proposed vendor, based on such vendor's best and final offer, and such agency's analysis of the costs incurred and the benefits derived from providing the service with city employees. If the agency head intends to award, renew, or extend the contract, he or she shall submit the reasons therefor, together with such analysis, and all supporting documentation, to the comptroller, the council, and the appropriate collective bargaining representatives representing employees who would be affected pursuant to paragraph 1 of [paragraph]subdivision a of this section.

4. The council may, within thirty days after receipt of such reasons, analysis, and supporting documentation hold a hearing on this matter. No contract award, renewal, or extension shall be made prior to the expiration of this thirty-day period or a council hearing, whichever is sooner.

5. a. All cost and comparative analyses required under this section shall be conducted in accordance with standard methodology of the office of management

and budget, and consistent with the rules of the procurement policy board, as both are modified herein, subject to further modification by local law. Such analyses shall include all reasonable costs associated with performing the service using city employees and all reasonable costs associated with performing the service under the proposed contract *or contract renewal or extension*.

b. Such analyses shall further include[,] the total number, qualifications, job descriptions, and titles of all personnel to be employed by the vendor under the proposed contract *or contract renewal or extension*, as well as the nature and cost of salaries and benefits to be provided to such personnel.

c. Such analyses shall further include, but not be limited to, the cost of employee supervision directly related to the provision of the service, vendor solicitation, contract preparation, contract administration, monitoring and evaluating the contractor, capitalization of equipment over the period such equipment shall be in use, supplies[;], the cost of providing the equivalent quantity and quality of service by city employees compared to the cost of providing such service by contract, based upon the best and final offer of the proposed vendor, and such other factors as will assist in arriving at full and accurate cost determinations and comparisons.

6. The reasons given to award, *renew*, or *extend* the contracts shall include all factors that have been considered in determining whether contracting for this service is in the best interest of the city, whether or not such reasons are contained within the cost or comparative analyses. Such factors shall include, but not be limited to, the potential for contractor default, the time required to perform the service, and the quality of the service to be delivered.

7. The mayor or his or her designee may prepare and implement a plan of assistance for displaced city employees, which may include, but need not be limited to, training to place such employees in comparable positions within the contracting agency or any other agency. The cost of such assistance plan may be included within the cost of contracting-out in the cost and comparative analyses.

8. a. For the purposes of this paragraph, "agency" means a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation, advisory committee or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include but not be limited to, the department of education, the health and hospitals corporation, and the New York city housing authority, but shall not include any court, or any local development corporation or other not for profit corporation or institution, including such a corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.

b. The mayor shall, no later than July 31st of each year, produce and publish on the mayor's office of contract services website a plan and schedule for each agency detailing the anticipated contracting actions of each such agency for the upcoming fiscal year. The plan and schedule shall include: (i) information specific to each prospective invitation for bids, request for proposal, or other solicitation, including, but not limited to, the nature of services sought, the term of the proposed contract, the method of the solicitation the agency intends to utilize, the anticipated fiscal year quarter of the planned solicitation, the civil service and/or job titles within the agency who perform the services sought and/or services of a substantially similar nature or purpose, if any, and the headcount of employees within such titles who perform such services; and (ii) information specific to each proposed contract renewal or extension, including, but not limited to, any modifications sought to the nature of the services performed under the contract, the term of the proposed renewed or extended contract, the reason(s) the agency intends to renew or extend such contract, the month and year of the expiration of the existing contract, the civil service and/or job titles within the agency who perform the services sought and/or services of a substantially similar nature or purpose, if any, and the headcount of employees within such titles who perform such services.

c. If an agency intends to issue an invitation for bids, request for proposal, or other solicitation, or renew or extend an existing contract, but the mayor fails to include such prospective invitation, request, solicitation, renewal or extension in the plan and schedule, the mayor shall provide public notice sixty days before such agency issues such invitation, request, or solicitation, or enters into such renewal or extension. Such notice, which shall be posted on the mayor's office of contract services website and in the city record, shall include: (i) information specific to the prospective invitation for bids, request for proposal, or other solicitation, including, but not limited to, the nature of services sought, the term of the proposed contract, the method of the solicitation the agency intends to utilize, the civil service and/or job titles within the agency who perform the services sought and/or services of a substantially similar nature or purpose, if any, and the headcount of employees within such titles who perform such services; or (ii) information specific to the proposed contract renewal or extension, including, but not limited to, any modifications sought to the nature of the services performed under the contract, the term of the proposed renewed or extended contract, the reason(s) the agency intends to renew or extend such contract, the civil service and/or job titles within the agency who perform the services sought and/or services of a substantially similar nature or purpose, if any, and the headcount of employees within such titles who perform such services.

[8. For the purpose of this section, "displacement" shall mean any employment action that results in a reduction in the number of funded positions, including but not limited to, those resulting from the layoff; demotion; bumping; involuntary transfer to a new class, title, or location; time-based reductions, or reductions in customary hours of work, wages, or benefits of any city employee.]

§2. Effect of invalidity; severability. If any section, subdivision, paragraph, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent

jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

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

DARLENE MEALY, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO; Committee on Contracts, December 7, 2011.

Coupled for an Override Vote.

Report for M-708

**Report of the Committee on Contracts in favor of filing a Communication from the Mayor - Mayors veto and disapproval message of Introductory Number 624-A, in relation to the procedure governing agency service contracts.**

The Committee on Consumer Affairs, to which the annexed amended proposed local law was referred on November 29, 2011 (Minutes, page 4892), respectfully

#### REPORTS:

*Since this Committee is voting to re-pass Int No. 624-A, notwithstanding the objection of the Mayor, the Committee recommends the filing of M-708 (the Mayoral Veto and Disapproval Message for Int No. 624-A). Accordingly, this Committee recommends the filing of M-708.*

Accordingly, this Committee recommends its adoption.

DARLENE MEALY, Chairperson; MICHAEL C. NELSON, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO; Committee on Contracts, December 7, 2011.

Coupled to be Filed

#### Report of the Committee on Finance

Report for Int. No. 643-A

**Report of the Committee on Finance 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 authorizing the taxi and limousine commission to collect the commercial motor vehicle tax imposed on medallion taxicabs and on certain other motor vehicles for the transportation of passengers.**

The Committee on Finance, to which the annexed amended proposed local law was referred on July 28, 2011 (Minutes, page 3818), respectfully

#### REPORTS:

#### BACKGROUND

*Commercial Motor Vehicle Tax ("CMVT")*<sup>1</sup>

Since 1960, the CMVT has been levied on vehicles used for the transportation of passengers (medallion taxicabs, omnibuses<sup>2</sup> and other passenger vehicles<sup>3</sup>) in the city and on all other non-passenger-commercial vehicles used principally in the City or principally in connection with a business carried on in the City<sup>4</sup>. The CMVT is an annual flat tax charged at different rates, based on the maximum gross weight<sup>5</sup> of the vehicle, and the purpose for which the vehicle is used. Payment of the tax is indicated by a stamp issued by the Department of Finance ("DOF") affixed in a conspicuous space available for inspection within the motor vehicle.<sup>6</sup>

*Tax administration and collection*

The agency that collects the tax depends on purpose or weight of vehicle, and where the vehicle is registered. The tax is administered by the DOF for the following vehicles:

- Medallion taxicabs,
- Non-passenger commercial motor vehicles weighing more than 10,000 pounds (and those weighing 10,000 pounds or less if they are registered outside of New York City), and
- All passenger vehicles that are registered outside of New York City but used within the City.

The New York State Department of Motor Vehicles (“DMV”) collects the tax on the following vehicles:

- All for hire vehicles licensed by the New York City Taxi & Limousine Commission (“TLC”), such as liveries and omnibuses, that are registered within the State of New York;
- All non-passenger commercial motor vehicles weighing 10,000 pounds or less that are registered within New York City; and
- All passenger vehicles that are registered within New York City.

Prior to legislation enacted by the Council in 1996, the CMVT was collected by DOF

on most vehicles.<sup>7</sup> Payment was due every year in June. However, DOF had problems enforcing payment of the tax when it was due. To enforce payment of the CMVT on liveries, omnibuses and other for hire passenger vehicles licensed by the TLC and registered in New York State, except medallion taxis, in 1996, legislation was enacted to transfer the collection of the CMVT on these vehicles to the DMV.<sup>8</sup> Once transferred to the DMV, the annual tax on these vehicles became due at the time of registration, thereby making the collection of tax more efficient and facilitating payment by taxpayers by combining the DMV registration fee and the CMVT on a single bill.<sup>9</sup> Because vehicle registration occurs every 2 years, the amount of tax paid when due increased for these vehicles even though the rate remained the same. Since its enactment, collection of the CMVT for medallion taxis and heavy commercial vehicles has remained with DOF.

#### *Tax Rates<sup>10</sup>*

The CMVT is a function of the maximum gross weight of the vehicle and the purpose for which the vehicle is used. Significant legislative changes in 1990 resulted in a revision of the rate schedules for many commercial motor vehicles. Since 1990, the rates for passenger vehicles have remained unchanged and are as follows:

**Chart 1: CMVT rates**

Vehicle Type	Flat Tax Rate
Medallion taxis	\$1,000
Other passenger vehicles (eg. Livery Cabs & Omni Buses)	\$400
Non-Passenger Commercial vehicles weighing less than 10k lbs.	\$40
**Non-passenger Commercial Vehicles weighing 10k lbs. to 12.49k lbs	\$200
**Non-passenger Commercial Vehicles weighing 12.5k to 14.9k lbs	\$275
Non-passenger Commercial Vehicles weighing over 15k lbs.	\$300

\*\*The rates for non-passenger commercial vehicles were noted for purposes of completeness. The remainder of this report will not go into further detail regarding the rates and payment schedule for non-passenger commercial vehicles as it does not meaningfully relate to the legislation considered by the Committee today.

#### *Tax Payment frequency*

Payments for the CMVT is based on a tax year that runs from June 1st to May 31st.<sup>11</sup> Generally, DOF mails a Motor Vehicle Tax Return (“return”) by June 1st each year to every owner of a medallion taxicab and other commercial motor vehicles indicating the amount of tax owed. As set by DOF, returns generally must be filed by June 20th.

Currently, Medallion taxicabs pay twice a year, in December and June, and in two equal installments.<sup>12</sup> Owners of other types of commercial vehicles pay annually in June. If the first taxable use of a motor vehicles on or after December 1<sup>st</sup> but before March 1st, then the tax is 50% of the amount otherwise due; and if the first taxable use of a motor vehicle is after March 1st, then the tax is 25% of the amount otherwise due.<sup>13</sup>

#### *Replacement of Vehicles<sup>14</sup>*

Where an owner of a motor vehicle subject to the CMVT replaces it with another motor vehicle during a tax year, a waiver shall be granted, and the owner shall be entitled, upon approval by the commissioner of finance, to have any tax paid for the replaced vehicle credited toward the tax payable for the replacement vehicle for the balance of such tax year if the replacement vehicle has the same maximum gross weight.<sup>15</sup> If the replacement vehicle has a higher maximum gross weight then a supplemental return must be filed to determine tax payable.

#### **Problems with collection of tax for out of state vehicles**

The TLC regulates for-hire passenger vehicles, and collects licensing and other fees from them every two years. The TLC issues initial (probationary) licenses for a term of one year, and renewal licenses for a term of two years.<sup>16</sup> As mentioned previously, the DMV collects payment of the CMVT on vehicles licensed by the TLC, if they are registered in New York State. However, the TLC licenses a number of for hire vehicles within New York City that are not registered with the NYS DMV because their business address is located outside New York State, and therefore are

registered out of state. As a result, the DMV does not collect the tax for these vehicles, and failure to pay the tax will not result in a registration denial, suspension, or revocation. According to the Taxi and Limousine Commission, it is their belief that, in many instances, the tax is not collected because non-New York City based vehicle owners may be unaware of the tax and the City may not be able to easily identify all vehicles to which the tax is applicable.

Currently, there are 1,714 liveries registered out of state. According to the Administration, there are about 1,500 for hire vehicles, and such vehicles owe the City \$400 in CMVT, totaling \$600,000. In order to strengthen collection efforts, the Administration has proposed to transfer the collection of the CMVT imposed on some vehicles to the TLC, so that the tax would be paid before, or at the time, medallion license or livery licenses are issued. As a result, the tax collection would be part of the registration/license issuance process, and all licensed vehicles would be compelled to pay the tax, regardless if the vehicles are registered in or out of state.

#### **PROPOSED INT. 643-A**

Proposed Int. 643-A would add a new section 11-809.2 to the Administrative Code of the City of New York to provide that the TLC will collect the commercial motor vehicle tax for medallion taxicabs and for-hire passenger vehicles licensed by the TLC, if the tax is not currently being collected by the DMV. Provisions relating to non-passenger vehicles and passenger vehicles not licensed by the TLC remain unchanged by this legislation. The new section 11-809.2 provides that payment of the CMVT is a condition precedent to the TLC’s issuance of licenses to medallion taxicabs and for-hire vehicles licensed by the Commission.

The proposed legislation would also amend subdivision e of subdivision 19-504 of the Administrative Code to indicate that the right to renew a vehicle license will be based on compliance with the new section 11-809.2.

Similar in intent when collection efforts was transferred to the DMV, this bill transfers collection to TLC to enforce payment of the CMVT and to assist taxpayers by combining the license renewal fee and the CMVT on a single bill. Payment of the tax would be linked to license renewal (every 2 years).

For TLC licensees affected by the transfer, the proposed legislation would have the advantage of streamlining the process by which the tax is collected. The effects of the transfer include:

- Owners of Medallion Taxicabs currently make 4 payments of CMVT in a two year period. Once the proposed legislation is implemented, owners will only need to make 1 payment every two years.
- Owners of other licensed vehicles to which the transfer is applicable, if they pay the CMVT at all, currently make 1 payment every year. Once the proposed legislation is implemented, these owners will only need to make 1 payment in each two year period.
- Because the TLC will make collections as part of its bi-annual licensing process for affected vehicles, the owners of those vehicles will be able to make payment as part of that process, and will not need to undergo a separate, additional tax filing and payment process at the DOF, as is current practice.

This bill ensures that non-New York State registered vehicles licensed by the TLC will be treated similarly to all other vehicles licensed by the TLC, as payors of the CMVT.

#### **Detailed Summary of Provisions**

**Section 1** amends the definition of “medallion taxicab” to modify the reference to the Taxi and Limousine Commission so that it is consistent with the term defined in the Administrative Code §11-801, which is added by bill section 2.

**Section 2** adds a definition for the “Taxi and Limousine Commission” to section 11-801.

**Section 3** adds a new section, 11-809.2, to authorize TLC to collect the commercial motor vehicle tax imposed on medallion taxicabs and other licensed vehicles on behalf of the Department of Finance. Its subdivisions are detailed below:

#### **Subdivision (a)**

Subdivision (a) authorizes the TLC to collect the CMVT for medallion taxicabs and “other licensed vehicles” on behalf of the Department of Finance. Subdivision (a) defines “other licensed vehicles” as a vehicle used for the transportation of passengers and licensed by TLC, but tax on which is not collected by the Commissioner of Motor Vehicles (because the vehicles are not registered in New York State). Subdivision (a) requires persons subject to pay the tax before the date on which such person licenses or renews the license of the taxicab or other licensed vehicle subject to this tax, except as noted in subdivision (m).

#### **Subdivision (b)**

Subdivision (b) makes payment of this tax a condition precedent to the licensing or license renewal of the taxicab or other licensed vehicle with the TLC. Subdivision (b) also provides that the tax required to be paid is the tax described in

§11-802(a)(2)(C) multiplied by the number of years in the license period. So while the CMVT is an annual tax, the annual CMVT will now be paid every 2 years.

Subdivision (c)

Subdivision (c) defines “tax period” as the license period and, to the extent the license period is greater than one year, the number of twelve-month periods, and any periods less than twelve months within the license period.

Subdivision (d)

Subdivision (d) provides for the granting of a refund or a credit to a taxpayer who has paid the CMVT to the Department of Finance and in the same tax year pays the tax to the TLC.

Subdivision (e)

Subdivision (e) provides that if a license has been revoked, surrendered or otherwise terminated, DOF must refund the tax paid for any twelve-month period that commences after the revocation or termination of the license.

Subdivision (f)

Subdivision (f) provides a schedule for determining the pro-rata tax required to be paid by taxicabs and other licensed vehicles that become licensed after a fixed-date license period has commenced.

Subdivision (g)

Subdivision (g) provides that §11-808(b) applies to this section with the modifications necessary to carry out this section. Section 11-808(b) authorizes an owner of a motor vehicle subject to the CMVT to have any tax paid with respect to that vehicle credited towards a vehicle that replaces the first vehicle.

Subdivision (h)

Subdivision (h) provides that the taxpayer’s application for a license or renewal application shall constitute the return required to be filed with the TLC at the time the tax is paid. An exception to this requirement is subdivision (m), which governs the transitional period described in such subdivision.

Subdivision (i)

Subdivision (i) authorizes the DOF to collect the CMVT in cases in which the required tax is not paid to the TLC.

Subdivision (j)

Subdivision (j) provides that to the extent the Department of Finance is responsible for collecting the CMVT, and the Department has notified the TLC that the tax has not been paid for a particular taxicab or other licensed vehicle, the TLC shall not issue a license for such medallion taxicab or vehicle.

Subdivision (k)

This subdivision authorizes the Commissioner of Finance to enter into an agreement with the TLC regarding the collection and remittance of the taxes to the Finance Department, and an annual audit of the payments and remittances to the Finance Department.

Subdivision (l)

This subdivision requires that the TLC must notify the Corporation Counsel and the Finance dept of any litigation instituted against the TLC regarding this chapter.

Subdivision (m) (see Appendix A)

Subdivision (m) is a transitional provision designed to help move the payment of CMVT from an annual period (June 1 to the following May 31) to a tax period matching the two-year licensing period of the TLC. Approximately one half of the medallions expire each May 31. Paragraph (1) of this subdivision applies to medallion taxicabs which are on a fixed-date two-year licensing period from June 1 of a given calendar year to May 31 of the calendar year two years in the future. Paragraph (1) provides that for medallion taxicabs whose license expires on May 31, 2012, the entire CMVT for the two-year period from June 1, 2012 through May 31, 2014 is due and payable on or before June 1, 2012. Paragraph (1) also provides that owners of medallion taxicabs whose license expires on May 31, 2013 must pay the amount of CMVT due for the one-period from June 1, 2012 through May 31, 2013 on or before June 1, 2012.

Paragraph (2) deals with the transition for other licensed vehicles (i.e. for-hire vehicles subject to the CMVT whose owners do not pay CMVT to the Commissioner of Motor Vehicles because the vehicles do not have TLC license plates because they are licensed out of state). Subparagraph (A) of paragraph (2) requires the CMVT for another licensed vehicle to be due and payable on or before June 1, 2012 for the irregular period from June 1, 2012 until the date the license for the other licensed vehicle expires. The amount of CMVT due for this irregular period is the sum of the amount of annual CMVT for any 12-month period plus an amount for any period of less than 12 months. Subparagraph (B) of paragraph (2) provides a schedule for proration of the CMVT for any period of less than 12 months contained within the irregular period. If the CMVT for the irregular period has not been paid within 30 days of the June 1, 2012 due date, the license for the offending other licensed vehicle shall be suspended and shall not be renewed until the CMVT for the irregular period has been paid. Following the irregular period, the CMVT for other licensed vehicles will be determined for the same two-year period for which the other licensed vehicle has been licensed.

Subparagraph (C) of paragraph (2) deals with other licensed vehicles for which the CMVT for the prior CMVT period (June 1, 2011 through May 31, 2012) has not been paid and past due. The subparagraph requires the submission of proof of payment of the CMVT for this prior period as a condition for relicensing by the TLC. If the CMVT has not been paid for the other licensed vehicle for this prior period, the CMVT must be paid to the Commissioner of Finance for this licensed vehicle before it can be relicensed. In addition, if the CMVT for the prior period remains unpaid at the end of the 30-day period beginning on June 1, 2012, the

license for this offending other licensed vehicle shall be suspended until such time as the tax for the prior period has been paid.

Subdivision (n)

This subdivision authorizes the TLC to promulgate rules, to require its licensees to maintain records, and to grant extensions for filing for a maximum of 60 days.

Subdivision (o)

This subdivision provides that to the extent there are any conflicts between this section and other provisions of this chapter, this section shall control.

**Bill section 4** amends §19-504(e) to indicate that renewal of a license issued by the TLC is conditioned on compliance with the provisions of §19-504 and §11-809.2 of the Administrative Code.

**Bill section 5** would make the bill take effect immediately.

<sup>1</sup> See Chapter 8 of Title 11 of the Administrative Code of the City of New York.

<sup>2</sup> An omnibus is any motor vehicle for transportation of passengers for hire having a seating capacity of more than seven persons. See § 11-801 (6). An omnibus does not include 1) a motor vehicle used principally for the transportation of children to and from schools and day camps operated by non-profit agencies; 2) any motor vehicle used exclusively for transportation of persons in connection with funerals; or 3) any motor vehicle for transportation of passengers where neither the owner of such motor vehicle nor any person or business engaged in transporting passengers by motor vehicle for-hire that is affiliated with such owner has a place of business in such city, a telephone number in such city, or solicits business or specifically advertises in such city. See § 11-802 (4)(b).

<sup>3</sup> A motor vehicle for the transportation of passengers is a any motor vehicle licensed as a taxicab or as a coach, or any motor vehicle, not so licensed, which carries passengers for compensation, including limousine service, whether the compensation paid by or on behalf of the passenger is based on mileage, trip, time consumed or any other basis. See § 11-802 (4)(a).

<sup>4</sup> Non-passenger commercial vehicles include trucks, tractor-trailers and semi-trailers, Auto trucks, Light delivery cars, Traction engines, Road rollers, Tractor cranes, Truck cranes, Power shovels, Road-building machines, Snowplows, Road sweepers, Sand spreaders, Well drillers and servicing rigs, Any earth-moving equipment, Pick-up and panel trucks, Fork lifts (if operated on public streets), and Camper trucks and station wagons (if they require commercial registrations). See § 11-802 (1)(c); see also 11-802(2)(c). The following are exempt from the tax: any nonprofit organization that is organized and operated exclusively for religious, charitable or educational purposes or for the prevention of cruelty to children or animals; dealers in new or used motor vehicles where the use of the vehicle is confined solely to demonstrate to prospective buyers or delivery; a foreign nation or representative of a foreign nation who is exempt from paying a motor vehicle registration fee under New York State law; New York State or any public corporation, improvement district, or other political subdivision of the State; the United Nations or other worldwide international organization of which the US is a member; and the United States. See § 11-803. Non-passenger commercial motor vehicles that are principally used in the City or in connection with a business carried on in the City, and Motor vehicles regularly used in New York City for the transportation of passengers, regardless of the mileage within the City, are subject to this tax. See § 11-801(3).

<sup>5</sup> **Maximum gross weight** is the weight of the motor vehicle, plus the weight of the maximum load to be carried by the vehicle, if any. See § 11-801(8).

<sup>6</sup> See § 11-809 (a). On October 20, 2010, the Federal Motor Carrier Safety Administration (FMCSA) rendered a decision barring the City of New York from requiring the display of the CMVT stamp in commercial vehicles engaged in interstate commerce. The NYC Department of Finance is currently requesting a reconsideration of the decision of the FMCSA, and will not enforce the requirement that the stamps be displayed in such vehicles. See NYC DOF website, available at [http://www.nyc.gov/html/dof/html/business/business\\_tax\\_cmvt.shtml](http://www.nyc.gov/html/dof/html/business/business_tax_cmvt.shtml) (last accessed November 26, 2011).

<sup>7</sup> See New York City Local Law 57 of 1996, codified in See § 11-809.1.

<sup>8</sup> See *id.*

<sup>9</sup> See *id.*

<sup>10</sup> See § 11-802.

<sup>11</sup> See § 11-802(a); §11-808(a); see also §11-801(14).

<sup>12</sup> See § 11-808 (c).

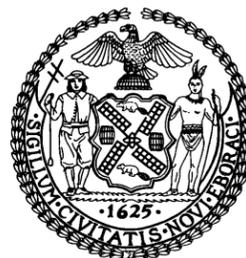
<sup>13</sup> See § 11-802(c).

<sup>14</sup> See § 11-808(b).

<sup>15</sup> The owners of replacement vehicles who has received a waiver from DOF must submit to DOF a return or supplemental return, a certificate or its equivalent (as prescribed by the commissioner of finance) signed by the prior owner to the effect that the prior owner did not receive a credit for any replacement vehicle and will not seek to obtain such a credit for any replacement vehicle purchased in the future. See *id.*

<sup>16</sup> See 19-504(a)(1); 35 RCNY 54-04; see also 35 RCNY 54-05.

(The following is the text of the Fiscal Impact Statement for Int. No. 643-A:)



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

INTRO. NO: 643-A

COMMITTEE:  
Finance

TITLE: A Local Law to amend the administrative code of the city of New York  
SPONSORS: Council Members Recchia Jr. and Koo (by request of the Mayor)

York, in relation to authorizing the Taxi and Limousine Commission to collect the commercial motor vehicle tax on medallion taxicabs and on certain other motor vehicles for the transportation of passengers.

**SUMMARY OF LEGISLATION:** The proposed legislation would amend Chapter eight of title eleven of the administrative code of the city of New York, by adding a new section 11-809.2, to provide that the Taxi and Limousine Commission (“the Commission”) will, on behalf of the Department of Finance, collect the commercial motor vehicle (CMV) tax imposed by chapter 8 of title 11 of the Administrative Code for medallion taxicabs and for-hire vehicles licensed by the Commission to operate in New York City to the extent such tax is not already collected by the Commissioner of Motor Vehicles.

In addition, the bill would require payment of the CMV tax as a condition precedent to the Commission’s issuance of licenses to medallion taxicabs and for-hire vehicles licensed by the Commission and would amend subdivision e of section 19-504 of the administrative code of the city of New York to provide that the right to renew a vehicle license issued by the Commission or the Police Department will be based on compliance with the new section 11-809.2.

**EFFECTIVE DATE:** This legislation would take effect immediately 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	\$300,000	\$600,000	\$600,000
Expenditures	\$0	\$0	\$0
Net	\$300,000	\$600,000	\$600,000

**IMPACT ON REVENUES:** Currently the City is having difficulties in collecting the CMV tax from liveries that are based outside the State. Because this legislation would condition a livery’s registration with the TLC on paying the CMV tax, it is anticipated that the enactment of this legislation would generate additional revenue of approximately \$300,000 in Fiscal 2012 and \$600,000 in Fiscal 2013 and the outyears. The Fiscal 2012 additional revenue projection is based on a half-year revenue yield.

**IMPACT ON EXPENDITURES:** There would be minimal to no impact on expenditures resulting from the enactment of this legislation.

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

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

**ESTIMATE PREPARED BY:** Nathan Toth, Deputy Director  
Chima Obichere, Unit Head

**HISTORY:** This legislation was introduced by the Council and referred to the Committee on Finance on July 28, 2011. Proposed Intro. 643 has been amended and the amended version, Proposed Intro. 643-A, will be considered by the Committee on Finance on December 8, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 643-A:)

Int. No. 643-A

By Council Members Recchia, Koo and Greenfield (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing the taxi and limousine commission to collect the commercial motor vehicle tax imposed on medallion taxicabs and on certain other motor vehicles for the transportation of passengers.**

Be it enacted by the Council as follows:

Section 1. Subdivision 15 of section 11-801 of the administrative code of the city of New York, as added by local law number 60 for the year 1989, is amended to

read as follows:

15. “Medallion taxicab.” A motor vehicle for transportation of passengers which is duly licensed as a taxicab by the taxi and limousine commission [of the city] and permitted to accept hails from passengers in the street.

§2. Section 11-801 of the administrative code of the city of New York is amended by adding a new subdivision 18 to read as follows:

18. “Taxi and limousine commission.” *The New York city taxi and limousine commission.*

§3. Chapter eight of title eleven of the administrative code of the city of New York is amended by adding a new section 11-809.2 to read as follows:

§11-809.2 *Collection of tax by the taxi and limousine commission on behalf of the commissioner of finance.*

a. *Notwithstanding any provision of this chapter to the contrary, the tax imposed by this chapter on any medallion taxicab or other licensed vehicle, as defined in this subdivision, shall be collected by the taxi and limousine commission on behalf of the commissioner of finance. Except as otherwise provided by subdivision m of this section, the owner of each such medallion taxicab or other licensed vehicle shall pay the tax due thereon to the taxi and limousine commission on or before the date upon which such owner licenses or renews the license of such medallion taxicab or other licensed vehicle or is required to license or renew the license thereof pursuant to chapter five of title nineteen of the code. For purposes of this section, the term “other licensed vehicle” shall mean a motor vehicle for the transportation of passengers the tax on which is not collected by the commissioner of motor vehicles pursuant to section 11-809.1 of this chapter and which is licensed or required to be licensed by the taxi and limousine commission pursuant to any provision of chapter five of title nineteen of the code.*

b. *Notwithstanding any provision of chapter five of title nineteen of the code to the contrary, payment of the tax with respect to a medallion taxicab or other licensed vehicle shall be a condition precedent to the licensing or license renewal of such medallion taxicab or other licensed vehicle with the taxi and limousine commission, and no such license or renewal thereof shall be issued unless such tax has been paid. Except as provided in subdivisions f and m of this section, if the license period applicable to any such medallion taxicab or other licensed vehicle is a period of more than one year, the tax required to be paid pursuant to this section shall be the annual tax specified in section of this chapter multiplied by the number of years in the license period. The taxi and limousine commission, upon payment of the tax pursuant to this section or upon the application of any person exempt therefrom, shall furnish to each taxpayer paying the tax a receipt for such tax and to each other taxpayer or exempt person a statement, document or other form prescribed by the taxi and limousine commission, showing that such tax has been paid or is not due with respect to such medallion taxicab or other licensed vehicle.*

c. *For purposes of this section, the term “tax period” shall mean the license period applicable to the medallion taxicab or other licensed vehicle under chapter five of title nineteen of the code and, in the case of a license period of other than one year, shall mean the number of twelve-month periods and any period of less than twelve months within such license period. The term “tax period” shall also include any periods described in paragraph one and in subparagraph (A) of paragraph two of subdivision m of this section.*

d. *Except as provided in subdivision m of this section, where the tax imposed by this chapter has been paid to the commissioner of finance with respect to a motor vehicle for a tax year described in subdivision fourteen of section 11-801 of this chapter, and subsequent thereto but within such tax year the same taxpayer pays a tax to the taxi and limousine commission with respect to such motor vehicle pursuant to this section, such taxpayer shall be entitled to a refund or credit from the commissioner of finance for the portion of the tax paid to the commissioner of finance that is attributable to the period beginning on the first day of the first tax period for which the tax is paid to the taxi and limousine commission and ending on the following May thirty-first, provided, however, that no such refund or credit shall be allowed if the amount thereof is less than five dollars. Any refund or credit to which a taxpayer is entitled pursuant to this subdivision shall be promptly refunded or credited, without interest, by the commissioner of finance, and the commissioner of finance may promulgate such rules as he or she deems necessary to carry out the provisions of this subdivision.*

e. *If the license for the medallion taxicab or other licensed vehicle is transferred, revoked, surrendered or otherwise terminated, and the applicable license period under chapter five of title nineteen of the code is for more than one year, and the tax paid to the taxi and limousine commission was for a tax period of more than twelve months, except as otherwise provided in the agreement between the taxi and limousine commission and the commissioner of finance authorized pursuant to subdivision k of this section, the commissioner of finance shall refund the tax paid for any twelve-month period commencing subsequent to the transfer, revocation, surrender or other termination of the license.*

f. *Except as provided in subdivision m of this section, for medallion taxicabs and other licensed vehicles whose license period is a two year period that begins and ends on the same dates, the tax payable to the taxi and limousine commission pursuant to this section with respect to a medallion taxicab or other licensed vehicle that is licensed or required to be licensed after the commencement of such license period shall be determined as follows:*

1. *If such medallion taxicab or other licensed vehicle is licensed or required to be licensed before the first day of the seventh month of such period, the tax shall be the amount determined pursuant to subdivision b of this section.*

2. *If such medallion taxicab or other licensed vehicle is licensed or required to be licensed on or after the first day of the seventh month of such period but before the first day of the thirteenth month of such period, the tax shall be three-fourths of the amount determined pursuant to subdivision b of this section.*

3. If such medallion taxicab or other licensed vehicle is licensed or required to be licensed on or after the first day of the thirteenth month but before the first day of the nineteenth month of such period, the tax shall be one-half of the amount determined pursuant to subdivision b of this section.

4. If such medallion taxicab or other licensed vehicle is licensed or required to be licensed on or after the first day of the nineteenth month of such period, the tax shall be one-fourth of the amount determined pursuant to subdivision b of this section.

5. When the license period described in this section is for a period of less than two years, the commissioner of finance shall have the authority to provide by rule the amount to be payable under this subdivision.

g. The provisions of subdivision b of section 11-808 of this chapter shall apply to this section with such modifications or adaptations as are necessary to carry out the purposes of this section and to ensure collection of the appropriate annual tax specified in subdivision a of section 11-802 of this chapter, and with due regard to the respective responsibilities of the commissioner of finance and the taxi and limousine commission under this section and to the definition of "tax year" contained in subdivision fourteen of section 11-801 of this chapter and to the definition of "tax period" contained in subdivision c of this section. The agreement between the commissioner of finance and the taxi and limousine commission authorized by subdivision k of this section may contain such provisions concerning the division of responsibility for collection of the taxes imposed by this chapter and the granting of refunds or credits as are consistent with this section and subdivision b of section 11-808 of this chapter, and the commissioner of finance and the taxi and limousine commission may also adopt such rules as they deem necessary for such purposes.

h. Notwithstanding any provision of section 11-807 of this chapter to the contrary, at the time a tax is required to be paid to the taxi and limousine commission pursuant to this section, the person required to pay such tax shall file a return with the taxi and limousine commission in such form and containing such information as the taxi and limousine commission may prescribe. The taxpayer's application for a license or the renewal thereof shall constitute the return required under this subdivision unless the taxi and limousine commission shall otherwise provide by rule. A return filed pursuant to this subdivision with respect to a medallion taxicab or other licensed vehicle for a tax period or periods shall be in lieu of any return otherwise required to be filed with respect thereto pursuant to section 11-807 of this chapter. Unless the taxi and limousine commission otherwise requires, the filing of a return shall not be required for the tax periods described in paragraph one or subparagraph (A) of paragraph two of subdivision m of this section.

i. In any case in which the tax imposed by this chapter is required to be paid to the taxi and limousine commission but is not so paid, the commissioner of finance shall collect such tax and all of the provisions of this chapter relating to collection of taxes by the commissioner of finance shall apply with respect thereto.

j. Notwithstanding any provision of chapter five of title nineteen of the code to the contrary, in those cases in which the commissioner of finance is responsible for collecting the tax imposed by this chapter, the taxi and limousine commission shall not issue or renew a license for any medallion taxicab or other licensed vehicle subject to such tax with respect to which the commissioner of finance has notified the taxi and limousine commission that such tax has not been paid, unless the applicant for such license or renewal submits proof, in a form approved by the taxi and limousine commission, that such tax has been paid, or is not due, with respect to such medallion taxicab or other licensed vehicle.

k. The commissioner of finance is hereby authorized and empowered to enter into an agreement with the taxi and limousine commission to govern the collection of the taxes imposed by this chapter which are required to be paid to the taxi and limousine commission pursuant to this section. Such agreement shall provide for the exclusive method of collection, custody and remittal to the commissioner of finance of the proceeds of any such tax; for the payment by the commissioner of finance of reasonable expenses incurred by the taxi and limousine commission in connection with the collection of any such tax; for the commissioner of finance, or a duly designated representative, upon his or her request, not more frequently than once in each calendar year at a time agreed upon by the city comptroller, to audit the accuracy of the payments, distributions and remittances to the commissioner of finance; and for such other matters as may be necessary and proper to effectuate the purposes of such agreement.

l. The taxi and limousine commission shall promptly notify the corporation counsel of the city and the commissioner of finance of any litigation instituted against such commission which challenges the constitutionality or validity of any provision of this chapter, or which attempts to limit or question the application of this chapter, and such notification shall include copies of the papers served upon such commission.

m. Except as otherwise provided in the agreement between the taxi and limousine commission and the commissioner of finance authorized by subdivision k of this section, or with respect to the periods described in subparagraph (C) of paragraph two of this subdivision, the taxi and limousine commission shall begin to collect taxes in accordance with the provisions of this section on the first day of April in the year two thousand twelve as follows:

1. The tax due on a medallion taxicab whose license is due to expire on the thirty-first day of May in the year two thousand twelve shall be two times the amount provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter. The tax due on a medallion taxicab whose license is due to expire on the thirty-first day of May in the year two thousand thirteen, for the period between the first day of June in the year two thousand twelve and the thirty-first day of May in the year two thousand thirteen, shall be the amount provided in subparagraph (C)

of paragraph two of subdivision a of section 11-802 of this chapter. The tax required to be paid pursuant to this paragraph shall be payable on or before the first day of June in the year two thousand twelve.

2. The tax due on an other licensed vehicle, the license for which expires on or after the first day of June in the year two thousand twelve and before the first day of June in the year two thousand fourteen, shall be determined as follows:

(A) For an other licensed vehicle whose license expires on or after the first day of June in the year two thousand twelve and before the first day of June in the year two thousand fourteen, the amount of tax for the tax period between the first day of June in the year two thousand twelve and the date the license shall expire for such other licensed vehicle pursuant to chapter five of title nineteen of the code shall be the sum of (i) the annual tax specified in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter for any twelve-month period within such tax period, and (ii) the amount determined under subparagraph (B) of this paragraph for any period of less than twelve months within such tax period. The amount of tax so determined shall be payable on or before the first day of June in the year two thousand twelve. In the event the amount of tax due and payable under this subparagraph shall not have been paid within thirty days of the first day of June in the year two thousand twelve, the taxi and limousine commission shall suspend the license for such other licensed vehicle, and the license for any such other licensed vehicle which has expired shall not be renewed until such time as such tax is paid.

(B) For purposes of subparagraph (A) of this paragraph, the amount of tax for a period of less than twelve months shall be determined as follows: (i) if such period is nine months or more, the amount for such period shall be the full amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter; (ii) if such period is more than six months but less than nine months, the amount for such period shall be three-fourths of the amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter; (iii) if such period is more than three months but less than six months, the amount for such period shall be one-half of the amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter; and (iv) if such period is less than three months, the amount for such period shall be one-fourth of the amount of annual tax provided in subparagraph (C) of paragraph two of subdivision a of section 11-802 of this chapter.

(C) Upon the date for payment set forth in subparagraph (A) of this paragraph, the taxi and limousine commission shall require the taxpayer to provide a proof of payment of the tax to the commissioner of finance for the period beginning on the first day of June in the year two thousand eleven and ending on the thirty-first day of May in the year two thousand twelve or any part of such period for which the taxpayer was subject to the tax. In the event the taxpayer has not paid such tax to the commissioner of finance: (i) the license for any other licensed vehicle described in subparagraph (A) of this paragraph shall not be renewed until such time as such tax, together with any applicable interest or penalties, has been paid to the commissioner of finance and (ii) if such tax remains unpaid as of the end of the thirty-day period set forth in subparagraph (A) of this paragraph, the license for any other licensed vehicle described in subparagraph (A) of this paragraph shall be suspended until such time as such tax, together with any applicable interest or penalties, is paid to the commissioner of finance.

n. In addition to any other powers granted to the taxi and limousine commission in this chapter or any other law, the taxi and limousine commission is hereby authorized and empowered:

1. to adopt and amend rules appropriate to the carrying out its responsibilities under this chapter;

2. to request information concerning motor vehicles and persons subject to the provisions of this chapter from the commissioner of motor vehicles, the department of motor vehicles of any other state, the treasury department of the United States or the appropriate officials of any city or county of the state of New York; and to afford such information to such department of motor vehicles, treasury department or officials of such city or county, any provision of this chapter to the contrary notwithstanding;

3. to delegate its functions under this section to any commissioner or employee of such commission;

4. to require all persons owning medallion taxicabs or other licensed vehicles to keep such records as it prescribes and to furnish such information upon its request; and

5. to extend, for cause shown, the time for filing any return required to be filed with the taxi and limousine commission for a period not exceeding sixty days.

o. To the extent that any provision of this section is in conflict with any other provision of this chapter, the provisions of this section shall be controlling, but in all other respects such other provisions of this chapter shall remain fully applicable with respect to the imposition, administration and collection of the taxes imposed by this chapter.

§4. Subdivision e of the section 19-504 of the administrative code of the city of New York is amended to read as follows:

e. Any owner operating a vehicle under a license issued by the commission, or by the New York city police department prior to the effective date of this chapter, shall be entitled to renew such license as a matter of right upon compliance with all the other provisions of this section and section 11-809.2 relating to the licensee's vehicle.

§5. This act shall take effect immediately.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 8, 2011.

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

### Report of the Committee on Housing and Buildings

Report for Int. No. 576-A

#### Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city building code, in relation to the regulation of concrete washout water.

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on May 26, 2011 (Minutes, page 1633), respectfully

### REPORTS:

#### INTRODUCTION:

On December 8, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on three bills related to green construction. In a hearing held on June 21, 2011, the Committee heard earlier versions of these bills and received testimony from the Mayor's Office of Long-Term Planning and Sustainability, the United States Green Building Council, the Real Estate Board of New York (REBNY) and other persons interested in the legislation. Following the June hearing, these three bills were amended and are presented today as Proposed Int. No. 576-A, Proposed Int. No. 578-A and Proposed Int. No. 592-A.

The three bills being heard today evolved out of recommendations issued by the New York City Green Codes Task Force. Recognizing the importance of building performance in sustainability, Mayor Bloomberg and Speaker Quinn convened the New York City Green Codes Task Force in July of 2008. The Task Force was composed of industry experts, union representatives, tenant advocates, environmentalists, academics, developers, buildings owners, and representatives of City agencies, as well as the Mayor's office and the Speaker's office. This group was divided into nine technical committees, a steering committee, and an industry advisory committee. After two years of work examining New York City's codes, the Task Force presented 111 recommendations for "greening the codes." The recommended improvements are intended to raise the bar for environmental performance throughout the City.

#### BILL ANALYSIS:

##### **A. Concrete washout water**

The concrete pump and concrete mixer trucks used to transport pre-mixed concrete and the containers in which concrete is mixed on site need to be washed out and cleaned soon after the concrete is poured so that they can be reused. Concrete washout water containing Portland cement and other cementitious materials, are highly caustic (pH of 12.0 or more) and can corrode and damage the City's public sewer system if untreated.<sup>1</sup> Concrete washout water also contains a number of toxic metals including arsenic, chromium, lead and zinc, which make it harmful to the public if directly exposed to the concrete washout runoff and harmful to aquatic life when sewer overflows enter the local rivers.<sup>2</sup>

Although it is a violation of DEP rules to allow concrete washout water to enter the sewer system, there is concern that it occurs in the industry. By establishing appropriate concrete washout water procedures, the City hopes to provide a safe, lawful and environmentally friendly alternative to the practice of permitting concrete washout water to run into the City's storm drains. As is the common practice with the majority of other laws that are enforced by the Department of Buildings at construction sites, we anticipate that the Department will generally issue notices of violation of this law to the building owner.

##### Proposed Int. No. 576-A

Bill section one would amend section BC 3302.1 of the Building Code to add a definition for "concrete washout water."

Bill section two would add a new section BC 3303.15 to regulate the collection and disposal of concrete washout water. This section would prohibit concrete washout water from being allowed to enter any sewer, catch basin, drain or body of water, or to leach into the ground. It would also require that concrete washout water be collected in concrete washout containers located on-site or in concrete washout water collection tanks installed on concrete mixer trucks. The bill would require that the collected concrete washout water be either transported off site for treatment and disposal, or contained on site until it is completely evaporated. It would also prohibit washout operations from being located thirty feet or less from any sewer, drain, catch basin or body of water without the written approval of the Commissioner of Buildings.

Bill section three contains the enactment clause and provides that this local law would take effect on July 1, 2012.

##### Amendments to Proposed Int. No. 576-A

- The definitions for "concrete bucket," "freeboard," and "normal sewage," were removed.
- The definition for "concrete washout water" was changed to include wastewater from the rinsing of all equipment used to mix, transport, convey, and/or place concrete. An exception was added for wastewater from certain small jobs where concrete is mixed on-site.
- Provisions related to the construction, maintenance and inspection of self-installed concrete washout containers and the capacity of washout water collection tanks installed on concrete mixer trucks were removed to allow greater flexibility for compliance.
- The location of rinsing operations and concrete washout water containers was reduced from 50 feet or more from any sewer, drain, catch basin, or body of water to 30 feet or more to be less proscriptive.
- The effective date was changed from one hundred twenty days after its enactment to July 1, 2012.

##### **B. Recycled asphalt**

By enacting Local Law 22 of 2008, New York City committed to reducing its greenhouse gas emissions by 30% by 2017 for government operations and by 30% citywide by 2030. PlaNYC, the City's comprehensive sustainability plan, also sets a goal to improve the construction industry's use of recycled material. According to PlaNYC, New York City currently recycles 45% of the asphalt removed when the City undertakes various capital projects such as road-repair.<sup>3</sup> However, the private construction industry currently recycles only 15% of the asphalt removed from construction sites.<sup>4</sup> By increasing the use of recycled content in the roads that the City regularly resurfaces, and in asphalt used in private construction such as private parking lots, the City can significantly reduce the amount of asphalt that will enter landfills and help to reduce greenhouse gas emissions generated when existing asphalt is transported to landfills and when virgin materials are mined and transported into the City.<sup>5</sup>

##### Proposed Int. No. 578-A

Bill section one would add a legislative finding and intent.

Bill section two would amend section 19-101 of the Administrative Code by adding new subdivisions e, f, g and h, defining the terms "asphalt", "asphaltic concrete" or "asphalt paving", "I-4 mix" and "reclaimed asphalt pavement", respectively.

Bill section three would divide and re-letter the existing language in section 19-113 as subdivisions a and b and add a new subdivision c, which would require all asphaltic concrete other than I-4 mix to contain no less than 30% reclaimed asphalt pavement, as measured by weight, and all I-4 or other approved heavy-duty mix, to contain no less than 10% reclaimed asphalt pavement, as measured by weight. It would also require the Department of Transportation to make best efforts to encourage the greatest use of reclaimed asphalt pavement possible. This subdivision would not apply to asphaltic concrete used in a project where the content of asphaltic concrete is governed by a federal or state law, rule, regulation, guideline or specification that requires a different composition. Finally, the Commissioner of Transportation may waive compliance with this subdivision if the Commissioner, after consulting with the Commissioner of Buildings and the owners or persons in charge of all asphalt plants located within the City, finds that a sufficient supply of reclaimed asphalt pavement is not available.

Bill section four would amend Title 27 to add a new Article 13, entitled "Paving", and a new section 27-652, also entitled "Paving". Subdivision a of such section would set forth the definitions of the terms "asphalt", "asphaltic concrete" or "asphalt paving", "I-4 mix" and "reclaimed asphalt pavement". Subdivision b of such section, entitled "Reclaimed asphalt pavement content in asphaltic concrete", would require all asphaltic concrete other than I-4 mix to contain no less than 30% reclaimed asphalt pavement, as measured by weight, and all I-4 or other approved heavy-duty mix, to contain no less than 10% reclaimed asphalt pavement, as measured by weight. It would also require that reclaimed asphalt pavement used in asphaltic concrete must comply with the version of ASTM D692 or ASTM D1073 specified in Chapter 35 of the New York City Building Code or in the rules of the Department of Buildings. This subdivision would not apply to asphaltic concrete used in a project where the content of asphaltic concrete is governed by a federal or state law, rule, regulation, guideline or specification that requires a different composition or to runways, taxiways, or other surfaces utilized by aircraft. Finally, the Commissioner of Buildings may waive compliance with this subdivision if the Commissioner, after consulting with the Commissioner of Transportation and the owners or persons in charge of all asphalt plants located within the City, finds that a sufficient supply of reclaimed asphalt pavement is not available.

Bill section five would amend section 1902.1 of the New York City Building Code to add appropriate alphabetical order definitions of the terms "asphalt", "asphaltic concrete" or "asphalt paving", "I-4 mix" and "reclaimed asphalt pavement".

Bill section six would amend Chapter 19 of the New York City Building Code to include a new section BC 1918 entitled "Paving". Subdivision 1918.1, entitled "Reclaimed asphalt pavement content in asphaltic concrete", would require all asphaltic concrete other than I-4 mix to contain no less than 30% reclaimed asphalt pavement, as measured by weight, and all I-4 or other approved heavy-duty mix, to contain no less than 10% reclaimed asphalt pavement, as measured by weight. It would also require that reclaimed asphalt pavement used in asphaltic concrete must comply with the version of ASTM D692 or ASTM D1073. Three exceptions would apply to this subdivision: first, for asphaltic concrete used in a project where the content of asphaltic concrete is governed by a federal or state law, rule, regulation, guideline, or specification that requires a different composition;

second, asphaltic concrete used for runways, taxiways, or other surfaces utilized by aircraft; and finally, the Commissioner of Buildings may waive compliance with this section if the Commissioner, after consulting with the Commissioner of Transportation and the owners or persons in charge of all asphalt plants located within the City, finds that a sufficient supply of reclaimed asphalt pavement is not available.

Bill section seven would amend the list of referenced ASTM standards as set forth in Chapter 35 of the New York City Building Code by adding standards for ASTM D692 / D692M – 09 and ASTM D1073 – 07.

Bill section eight contains the enactment clause and provides that this local law would take effect on January 1, 2015 and would require the Commissioner of Buildings to promulgate any necessary rules and to take all other steps necessary to implement its provisions prior to the effective date.

**Amendments to Proposed Int. No. 578-A**

- A section on legislative findings and intent was added.
- Definitions for the terms “asphalt”, “asphaltic concrete” or “asphalt paving”, “I-4 mix” and “reclaimed asphalt pavement” were added.
- The requirement for minimum reclaimed asphaltic concrete was changed to 30% beginning January 1, 2015 for all asphalt instead of a graduated requirement of 20% by July 1, 2012, 25% by July 1, 2014 and 30% by July 1, 2018.
- A second reclaimed asphaltic concrete requirement concerning I-4 or other approved heavy-duty asphalt mixes was included and set at 10% beginning on January 1, 2015.
- A requirement that the Department of Transportation make best efforts to encourage the greatest use of reclaimed asphalt pavement possible was included.
- A provision was added which states that the Commissioners of Transportation and Buildings may waive compliance with the reclaimed asphalt pavement requirement after consulting with each other and the owners or persons in charge of all asphalt plants located within the City if they find that a sufficient supply of reclaimed asphalt pavement is not available.
- Standards for ASTM D692 and ASTM D1073 were added.
- The effective date of the bill was changed from one hundred eighty days after enactment to January 1, 2015.

**C. Interior air quality**

PlaNYC also includes the goal of improving New York City’s air quality. According to the plan, each year Americans spend at least approximately 90% of their time indoors.<sup>6</sup> Consequently air quality in such environments becomes increasingly important. Heating, Ventilation, and Air Conditioning (HVAC) systems help to achieve comfort for building occupants. However, such systems can bring harmful pollutants into a building’s air circulation flow. Without a strong filtration system building, occupants can be at risk of inhaling harmful pollutants, which may cause adverse health effects. Proposed Int. No. 592-A would require new HVAC systems installed after January 1, 2013 to have a filtration system, which is capable of filtering soot and other harmful pollutants.

**Proposed Int. No. 592-A**

Bill section one would add a new subsection 605.2.1, entitled “Standards for air-handling units” to Section MC 605 of the New York City Mechanical Code (Mechanical Code). New subsection 605.2.1 would require all air-handling units (HVAC systems), which provide outdoor air ventilation to be equipped with a particulate matter filtration system in accordance with the provisions of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) reference standards 62.1 or 62.2. Such system must have a minimum Efficiency Reporting Value (MERV) of 11 or greater in accordance with ASHRAE 52.2. However, new subsection 605.2.1 would not apply to alterations or repairs of a mechanical ventilation system which has been installed prior to January 1, 2013 unless such alteration or repair includes the replacement or addition of an air-handling unit. It would also not apply if the Department of Buildings determines that the design of a replacement air-handling unit cannot be made to comply with the allowable fan system power limitations of the New York City Energy Conservation Code or ASHRAE 90.1. Additionally, new subsection 605.2.1 would not apply to an air-handling unit with a design capacity of less than 5,000 cubic feet per minute.

Bill section two would amend the list of reference standards of ASHRAE as set forth in Chapter 15 of the Mechanical Code by adding three new standards: reference number 52.2-2007 related to the “Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size”; reference standard number 62.1-2010 related to “Ventilation for Acceptable Indoor Air Quality”; and reference standard number 62.2-2010 related to “Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings.”

Bill section three contains the enactment clause and provides that this local law would take effect on January 1, 2013, and would require the Commissioner of Buildings to promulgate any necessary rules and to take all other steps necessary to implement its provisions prior to the effective date.

**Amendments to Proposed Int. No. 592-A**

- A reference to ASHRAE 62.2 was added to ensure that all buildings were covered by this legislation.

- Language in section 605.2.1 was changed to clarify that air handling units must meet the requirements of either ASHRAE 62.1 or 62.2 and must have a minimum efficiency reporting value (MERV) of 11 or greater.
- An additional exception was added for situations where the Department of Buildings determines that replacement air-handling unit cannot be made to comply with the allowable fan system power limitations of the New York City Energy Conservation Code or ASHRAE 90.1.
- The effective date was changed from ninety days after enactment to January 1, 2013.

Update

On Thursday, December 8, 2011 the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

<sup>1</sup> [http://www.concretewashout.com/pages/industry\\_problems/concrete\\_washwater/](http://www.concretewashout.com/pages/industry_problems/concrete_washwater/)

<sup>2</sup> Id.

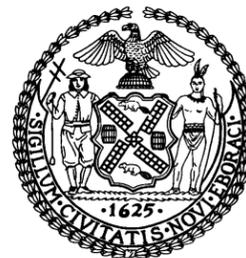
<sup>3</sup> Id.

<sup>4</sup> Id.

<sup>5</sup> Id.

<sup>6</sup> Id.

(The following is the text of the Fiscal Impact Statement for Int. No. 576-A:)



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

PROPOSED INTRO. NO: 576-A  
COMMITTEE:  
Housing and  
Buildings

**TITLE:** A local law to amend the New York city building code, in relation to the regulation of concrete washout water.  
**SPONSOR:** Council Members Gennaro, Comrie, Fidler, James, Palma, Williams and Ulrich

**SUMMARY OF LEGISLATION:** Proposed Int. 576-A prohibits concrete washout water produced at construction sites from entering any sewer, catch basin, drain or body of water, or from leeching into the ground. This bill requires that all concrete washout water to be collected and contained either in or on the concrete mixer truck, or in pre-manufactured watertight containers designed and fabricated for the purpose of collecting and containing concrete washout water on-site. Furthermore, rinsing operations and concrete washout water containers must be located 30 feet or more from any sewer, drain, catch basin, or body of water, without written permission of the Commissioner of Buildings. Collected concrete washout water would either be transported off-site for treatment and disposal, or contained on-site until completely evaporated. Any hardened concrete remaining after evaporation shall be disposed of, reused or recycled. There is an exception for small jobs equivalent to 1½ cubic yards of concrete, approximately 100 square feet of concrete at 4 inches thick (equivalent to a 10ft by 10ft square), or smaller.

**EFFECTIVE DATE:** The proposed legislation would take effect on July 1, 2012.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** 2013

**FISCAL IMPACT STATEMENT:**

	Effective FY13	FY Succeeding Effective FY14	Full Fiscal Impact FY13
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** There would be no impact on City revenues resulting from the enactment of this legislation. This bill imposes no new fines.

**IMPACT ON EXPENDITURES:** There would be no impact on City expenditures resulting from the enactment of this legislation. Costs for compliance are to be paid by the construction sites or by the concrete contractors.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable

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

**ESTIMATE PREPARED BY:** Ralph P. Hernandez, Principal Legislative Financial Analyst

Nathan Toth, Deputy Director

**HISTORY:** The City Council introduced the legislation and referred the bill to the Housing and Buildings Committee as Int. 576 on May 26, 2011. The Council referred the bill to the Committee on June 8, 2011. The Committee held a hearing on June 21, 2011 and laid the bill over. An amendment has been proposed, and the Committee will vote on the bill as Proposed Int. No. 576-A on December 8, 2011.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 576-A:)

Int. No. 576-A

By Council Members Gennaro, Comrie, Fidler, James, Palma, Williams, Mark-Viverito, Brewer, Lappin, Van Bramer, Rodriguez, Ulrich, Barron, Crowley, Greenfield, Levin and Jackson.

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

*Be it enacted by the Council as follows:*

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

**CONCRETE WASHOUT WATER.** *Wastewater from the rinsing of equipment used to mix, transport, convey, and/or place concrete. Such equipment shall include, but not be limited to, concrete buckets, concrete hose lines and pumps, boots, shovels, finishing tools, wheelbarrows, motorized concrete carts, concrete pour funnels and the chute of concrete mixer trucks.*

*Exceptions:*

1. *This term shall not include wastewater from the rinsing of equipment involved in the preparation, conveyance or application of concrete that is*

1.1 *mixed on site if the total quantity of concrete is less than or equal to one and one half cubic yards, or*

1.2 *from bagged ready mix if the total quantity of concrete is less than or equal to sixty (60) eighty pound bags, or eighty (80) sixty pound bags, or the equivalent.*

2. *This term shall not include wastewater from the rinsing of the wheels, undercarriage or chassis of concrete mixer trucks.*

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

3303.15 **Concrete washout water.** *Concrete washout water shall not be allowed to enter any sewer, catch basin, drain, or body of water or to leach into the ground.*

3303.15.1 **Collection and containment.** *All concrete washout water shall be collected and contained in or on the concrete mixer truck or in pre-manufactured watertight containers specifically designed and fabricated for the purpose of collecting and containing concrete washout water on-site. Such containers shall be of sufficient quantity and size to accommodate all rinsing operations required on-site so as not to delay the timely return of concrete ready mix trucks to the concrete plant and shall be protected from breach or overflow at all times.*

3303.15.2 **Location.** *Rinsing operations and concrete washout water containers shall not be located less than 30 feet from any sewer, drain, catch basin, or body of water without the written approval of the commissioner.*

3303.15.3 **Disposal.** *Collected concrete washout water shall be transported off site for treatment and disposal or contained on site until completely evaporated. Any hardened concrete remaining after evaporation shall be disposed of, reused or recycled.*

§ 3. This local law shall take effect July 1, 2012.

ERIK MARTIN DILAN Chairperson; JOEL RIVERA, LEROY G. COMRIE, LEWIS A. FIDLER, JAMES F. GENNARO, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, JAMES S. ODDO; Committee on Housing and Buildings, December 8, 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 Int. No. 578-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the use of reclaimed asphalt pavement.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on May 26, 2011 (Minutes, page 1637), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Housing and Buildings for Int No. 576-A printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 578-A:)



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

PROPOSED INTRO. NO: 578-A  
COMMITTEE:  
Housing and Buildings

**TITLE:** A local law to amend the administrative code of the city of New York and the New York city building code, in relation to the use of reclaimed asphalt pavement.

**SPONSOR:** Council Members Gennaro, Fidler, James, Koppell, Palma, Williams, Mark-Viverito, Brewer, Lappin, Van Bramer and Ulrich

**SUMMARY OF LEGISLATION:** Proposed Int. 578-A would require that all non-heavy-duty asphalt and all approved heavy-duty asphalt used in the City of New York contain a minimum of thirty percent recycled asphalt and ten percent recycled asphalt respectively, as measured by weight, beginning January 1, 2015. In issuing specifications for work on City streets, the City must make best efforts to encourage the greatest use of recycled asphalt possible. The commissioners of the Department of Transportation and Housing and Buildings, after consulting with each other and local asphalt plants, may waive compliance with the recycled asphalt requirement if they find that a sufficient supply of reclaimed asphalt is not available. These requirements would not apply to projects where asphalt content is governed by federal or state law or regulation.

**EFFECTIVE DATE:** The proposed legislation would take effect on January 1, 2015, except that the Commissioner of Transportation and the Commissioner of Buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY15	FY Succeeding Effective FY16	Full Fiscal Impact FY16
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	(See Below)	(See Below)	(See Below)
Net	(See Below)	(See Below)	(See Below)

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

**IMPACT ON EXPENDITURES:** Currently the majority of the asphalt millings are generated by the DOT in their road resurfacing work and the DDC through contracts for resurfacing and repairs; the proposed legislation is anticipated to yield both direct and indirect savings. Because DOT already diverts about one-third of its millings, it is estimated that the annual impact on expenditures resulting from the enactment of this legislation would be approximately \$2.3million of which, \$1.8 million is direct savings in reduced dumping fees and

\$500,000 is indirect savings from avoided cost of new asphalt. Based on a half-year savings yield, the estimated impact of this legislation in Fiscal 2015 is projected to be \$1.1 million.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** Not applicable

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

**ESTIMATE PREPARED BY:** Ralph P. Hernandez, Principal Legislative Financial Analyst

Chima Obichere, Unit Head  
Nathan Toth, Deputy Director

**HISTORY:** Introduced as Intro. 578 by the Council on May 26, 2011 and referred to the Committee on Housing and Buildings. A hearing was held and the legislation was laid over by the Committee on June 21, 2011. Intro. 578 has been amended, and the amended version, Proposed Int. 578-A, will be considered by the Committee on December 8, 2011.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 578-A:)**

Int. No. 578-A

By Council Members Gennaro, Fidler, James, Koppell, Palma, Williams, Mark-Viverito, Brewer, Lappin, Van Bramer, Rodriguez, Ulrich, Levin, Barron, Crowley, Greenfield and Jackson.

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the use of reclaimed asphalt pavement.**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that some one million tons of asphalt are removed from and replaced on New York City streets every year. The practice of reusing some percentage of reclaimed asphalt pavement to produce new asphalt, rather than discarding it and using virgin material in its place, is an established practice in the City of New York and throughout the country. The benefits of using reclaimed asphalt pavement are clear both from a financial as well as an environmental perspective. Yet, the Council finds that despite its established use and the clear environmental and fiscal benefits, use of reclaimed asphalt pavement at both public and privately owned facilities could increase significantly without sacrificing asphalt strength or jeopardizing local supply. The thirty percent minimum recycled content requirement set forth in this legislation is intended to serve as a floor - and not as a ceiling - and to encourage the use of even greater percentages of recycled asphalt pavement in the future.

§ 2. Section 19-101 of the administrative code of the city of New York is amended by adding new subdivisions e, f, g and h to read as follows:

e. "Asphalt" shall mean a dark brown to black bitumen pitch that melts readily and which appears in nature in asphalt beds or is produced as a by-product of the petroleum industry.

f. "Asphaltic concrete" or "asphalt paving" shall mean a mixture of liquid asphalt and graded aggregate used as paving material.

g. "I-4 mix" shall mean a type of heavy duty asphaltic concrete mix containing 0.75 inch (19 mm) nominal maximum size aggregate with 25% to 50% of the aggregate capable of passing through a No. 8 sieve and in which all sand contained in the mix is crushed.

h. "Reclaimed asphalt pavement" shall mean asphalt pavement that has been processed for reuse in asphaltic concrete.

§3. Section 19-113 of the administrative code of the city of New York is amended to read as follows:

§19-113 Construction generally. a. Streets of twenty-two feet in width and upward shall have sidewalks on each side thereof.

b. The materials and construction of streets, including the width of the sidewalks thereon, shall fully conform to department specifications for such work, all of which shall be prescribed by the commissioner and kept on file in his or her office.

c. Department specifications for streets shall include a requirement that asphaltic concrete, other than I-4 mix or other heavy duty asphaltic concrete mix approved by the commissioner, shall contain not less than thirty percent reclaimed asphalt pavement, as measured by weight, and I-4 mix or other approved heavy duty asphaltic concrete mix shall contain not less than ten percent reclaimed asphalt pavement, as measured by weight. In setting forth such specifications, the department shall make best efforts to encourage the greatest use of reclaimed asphalt pavement possible. This subdivision shall not apply to asphaltic concrete used in a project where the content of asphaltic concrete is governed by a federal or state law, rule, regulation, guideline or specification that requires a different

composition. The commissioner may waive compliance with this subdivision if the commissioner, after consulting with the commissioner of buildings and the owners or persons in charge of all asphalt plants located within the city, finds that a sufficient supply of reclaimed asphalt pavement is not available.

§4. Subchapter 10 of chapter 1 of title 27 of the administrative code of the city of New York is amended by adding a new article 13 to read as follows:

#### ARTICLE 13 PAVING

§27-652 Paving. (a) Definitions. For the purposes of this article the following terms shall have the following definitions:

ASPHALT. A dark brown to black bitumen pitch that melts readily and which appears in nature in asphalt beds or is produced as a by-product of the petroleum industry.

ASPHALTIC CONCRETE or ASPHALT PAVING. A mixture of liquid asphalt and graded aggregate used as a paving material.

I-4 MIX. A type of heavy duty asphaltic concrete mix containing 0.75 inch (19 mm) nominal maximum size aggregate with 25% to 50% of the aggregate capable of passing through a No. 8 sieve and in which all sand contained in the mix is crushed.

RECLAIMED ASPHALT PAVEMENT. Asphalt pavement that has been processed for reuse in asphaltic concrete.

(b) Reclaimed asphalt pavement content in asphaltic concrete. Asphaltic concrete, other than I-4 mix or other approved heavy duty asphaltic concrete mix, shall contain not less than thirty percent reclaimed asphalt pavement, as measured by weight. I-4 mix or other approved heavy duty asphaltic concrete mix shall contain not less than ten percent reclaimed asphalt pavement, as measured by weight. Reclaimed asphalt pavement used in asphaltic concrete shall comply with the version of ASTM D692 or ASTM D1073 specified in chapter 35 of the New York city building code or in the rules of the department. This subdivision shall not apply to asphaltic concrete used in a project where the content of asphaltic concrete is governed by a federal or state law, rule, regulation, guideline, or specification that requires a different composition or to runways, taxiways, or other surfaces utilized by aircraft. The commissioner may waive compliance with this subdivision if the commissioner, after consulting with the commissioner of transportation and the owners or persons in charge of all asphalt plants located within the city, finds that a sufficient supply of reclaimed asphalt pavement is not available. §5. Section 1902.1 of the New York city building code is amended by adding in appropriate alphabetical order definitions of "asphalt", "asphaltic concrete", "I-4 mix" and "reclaimed asphalt pavement" to read as follows:

ASPHALT. A dark brown to black bitumen pitch that melts readily and which appears in nature in asphalt beds or is produced as a by-product of the petroleum industry.

ASPHALTIC CONCRETE or ASPHALT PAVING. A mixture of liquid asphalt and graded aggregate used as a paving material.

I-4 MIX. A type of heavy duty asphaltic concrete mix containing 0.75 inch (19 mm) nominal maximum size aggregate with 25% to 50% of the aggregate capable of passing through a No. 8 sieve and in which all sand contained in the mix is crushed.

RECLAIMED ASPHALT PAVEMENT. Asphalt pavement that has been processed for reuse in asphaltic concrete.

§6. Chapter 19 of the New York city building code is amended by adding a new section BC 1918 to read as follows:

#### SECTION BC 1918 PAVING

**1918.1 Reclaimed asphalt pavement content in asphaltic concrete.** Asphaltic concrete, other than I-4 mix or other approved heavy duty asphaltic concrete mix, shall contain not less than 30 percent reclaimed asphalt pavement, as measured by weight. I-4 mix or other approved heavy duty asphaltic concrete mix shall contain not less than 10 percent reclaimed asphalt pavement, as measured by weight. Reclaimed asphalt paving used in asphaltic concrete shall comply with ASTM D692 or ASTM D1073.

#### Exceptions:

1. Asphaltic concrete used in a project where the content of asphaltic concrete is governed by a federal or state law, rule, regulation, guideline, or specification that requires a different composition.
2. Asphaltic concrete used for runways, taxiways, or other surfaces utilized by aircraft.
3. The commissioner may waive compliance with this section if the commissioner, after consulting with the commissioner of transportation and the owners or persons in charge of all asphalt plants located within the city, finds that a sufficient supply of reclaimed asphalt pavement is not available.

§7. The list of referenced ASTM standards as set forth in chapter 35 of the New York city building code is amended by adding two new standards to read as follows:

ASTM	ASTM International 100 Barr Harbor Drive West Conshohocken PA 19428-2959
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Standard Reference Number	Title
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ASTM D692 / D692M - 09 Standard Specification for Coarse Aggregate for Bituminous Paving Mixtures Standard  
 ASTM D1073 - 07 Specification for Fine Aggregate for Bituminous Paving Mixtures

§8. This local law shall take effect on January 1, 2015, except that the commissioner of transportation and the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

ERIK MARTIN DILAN Chairperson; JOEL RIVERA, LEROY G. COMRIE, LEWIS A. FIDLER, JAMES F. GENNARO, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ROSIE MENDEZ, ELIZABETH CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, Committee on Housing and Buildings, December 8, 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 Int. No. 592-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city mechanical code, in relation to filtering soot from incoming air in buildings.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on June 14, 2011 (Minutes, page 1950), respectfully

**REPORTS:**

(For text of the report, please see the Report of the Committee on Housing and Buildings for Int No. 576-A printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 592-A:)



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

INTRO. NO: 592-A

COMMITTEE:  
 Housing and  
 Buildings

**TITLE:** To amend the New York city mechanical code, in relation to filtering soot from incoming air in buildings.

**SPONSOR:** By Council Members Chin, Gentile, James, Koppell, Lander, Rose, Williams, Jackson, Arroyo, Levin, Van Bramer, Barron and Ulrich

**SUMMARY OF LEGISLATION:** This legislation would require new Heating, Ventilation, and Air Conditioning (HVAC) systems installed after January 1, 2012 to have a filtration system with a Minimum Efficiency Reporting Value (MERV) of 11, which will filter 65-80% of particles between 1 and 3 microns in size, and 85% of particles between 3 and 10 microns in size. This requirement does not apply to alterations or repairs of mechanical ventilation systems that were installed prior to January 1, 2012 unless such alteration or repair includes the replacement or addition of an air-handling unit. In addition, the legislation does not apply to air-handling units with a design capacity of less than 5,000 cubic-feet per minute. Furthermore, the legislation would add two new standards of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) to the list of referenced standards in the Mechanical Code. The two standards are titled "Ventilation for Acceptable Indoor Air Quality" and "Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size."

**EFFECTIVE DATE:** This local law shall take effect January 1, 2013, except that the commissioner of buildings shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2012**

**FISCAL IMPACT STATEMENT:**

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

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

**IMPACT ON EXPENDITURES:** There would be no impact on expenditures resulting from the enactment of this legislation.

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

**ESTIMATE PREPARED BY:** Anthony Brito, Senior Legislative Financial Analyst  
 Nathan Toth, Deputy Director

**HISTORY:** Introduced by City Council and referred to Housing and Buildings Committee as Int. No. 592 on June 14, 2011. Hearing held by Committee on June 21, 2011, and the bill was laid over. This legislation will be voted by the Committee on December 8, 2011 as Proposed Int. No. 592-A.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 592-A:)

Int. No. 592-A

By Council Members Chin, Gentile, James, Koppell, Lander, Rose, Williams, Jackson, Arroyo, Levin, Van Bramer, Barron, Eugene, Mark-Viverito, Brewer, Rodriguez, Ulrich, Crowley and Gennaro.

**A Local Law to amend the New York city mechanical code, in relation to filtering soot from incoming air in buildings.**

*Be it enacted by the Council as follows:*

Section 1. Section MC 605 of the New York city mechanical code, as added by local law number 33 for the year 2007, is amended by adding a new subsection 605.2.1 to read as follows:

**605.2.1 Standards for air-handling units.** Air-handling units of mechanical ventilation systems, any portion of which provide outdoor air ventilation, shall be equipped with a particulate matter filtration system in accordance with ASHRAE 62.1 or ASHRAE 62.2 and shall have a minimum efficiency reporting value (MERV) of 11 or greater in accordance with ASHRAE 52.2.

*Exceptions:*

1. This section shall not apply to the alteration or repair of a mechanical ventilation system that was installed prior to January 1, 2013 unless such alteration or repair includes the replacement or addition of an air-handling unit in such system.
2. This section shall not apply to the replacement of an air handling unit in a mechanical ventilation system installed prior to January 1, 2013 if the department determines that the design of such replacement air-handling unit cannot be made to comply with the allowable fan system power limitations of the New York City Energy Conservation Code or ASHRAE 90.1.
3. This section shall not apply to any air-handling unit with a design capacity of less than 5,000 cfm.

§2. The list of referenced standards of ASHRAE (American Society of Heating,



**WHEREAS**, upon due notice, the Council held a public hearing on the Petition on December 1, 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, JAMES S. SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, December 6, 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. 530

**Report of the Committee on Land Use in favor of approving Application no. 20115397 TCK, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Il Gallo Cedrone LTD d.b.a Atlas Café, to continue to maintain and operate an unenclosed sidewalk café located at 116 Havemeyer Street, 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 November 29, 2011 (Minutes, page 5113), respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 1**

**20115397 TCK**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Il Gallo Cedrone LTD., d/b/a Atlas Café, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 116 Havemeyer 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:** December 1, 2011

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 1, 2011

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

**In Favor:**

Weprin  
Rivera  
Reyna  
Comrie  
Jackson

**Against:**

None

**Abstain:**

None

Garodnick

Lappin

Ignizio

**COMMITTEE ACTION**

**DATE:** December 6, 2011

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Comrie  
Rivera  
Reyna  
Barron  
Jackson  
Sanders, Jr.  
Vann  
Palma  
Arroyo  
Dickens  
Garodnick  
Lappin  
Mendez  
Vacca  
Lander  
Levin  
**Cont'd**  
Weprin  
Williams  
Ignizio  
Halloran  
Koo

**Against:**

None

**Abstain:**

None

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

Res. No. 1159

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 116 Havemeyer Street, Borough of Brooklyn (20115397 TCK; L.U. No. 530).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on November 15, 2011 its approval dated November 14, 2011 of the petition of Il Gallo Cedrone LTD., d/b/a Atlas Café, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 116 Havemeyer 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 December 1, 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, JAMES S. SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, December 6, 2011.







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

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Garodnick		
Lappin		
Ignizio		

**COMMITTEE ACTION**

**DATE:** December 6, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Vann		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
<b>Cont'd</b>		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1163

**Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 264 Grand Street, Borough of Brooklyn (20125121 TCK; L.U. No. 534).**

By Council Members Comrie and Weprin.

**WHEREAS**, the Department of Consumer Affairs filed with the Council on November 15, 2011 its approval dated November 14, 2011 of the petition of Grand Endeavors, Inc., d/b/a Clem's, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 264 Grand 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 December 1, 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, JAMES S. SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, December 6, 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. 535

**Report of the Committee on Land Use in favor of approving Application no. 20125123 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 133 Mulberry Street Restaurant, LLC d.b.a Ristorante S.P.Q.R. , to continue to maintain and operate an unenclosed sidewalk café located at 133 Mulberry Street, Borough of Manhattan, Council District no.1. 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 November 29, 2011 (Minutes, page 5115), respectfully

**REPORTS:**

**SUBJECT**

MANHATTAN CB - 2

20125123 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 133 Mulberry Street Restaurant, LLC, d/b/a Ristorante S.P.Q.R., for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 133 Mulberry 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:** December 1, 2011

**Witnesses in Favor:** One  
None

**Witnesses Against:**

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 1, 2011

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

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Weprin	None	None
Rivera		
Reyna		
Comrie		
Jackson		
Garodnick		
Lappin		
Ignizio		



Koo

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

Res. No. 1165

**Resolution affirming the designation by the Landmarks Preservation Commission of the Madison Belmont Building, located at 181 Madison Avenue (Tax Map Block 863, Lot 60), Borough of Manhattan, Designation List No. 448, LP-2425 (L.U. No. 537; 20125152 HKM; N 120080 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on September 29, 2011 a copy of its designation dated September 20, 2011 (the "Designation"), of the Madison Belmont Building, located at 181 Madison Avenue, Community District 5, Borough of Manhattan as a landmark and Tax Map Block 863, Lot 60, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

**WHEREAS**, the City Planning Commission submitted to the Council on November 18, 2011, its report on the Designation dated September 20, 2011 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on December 1, 2011; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, December 6, 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. 538

**Report of the Committee on Land Use in favor of approving Application no. 20125153 HKM (N 120081 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Madison-Belmont Building, First Floor Interior, located at 181 Madison Avenue (Block 863, Lot 60) (List No.448, LP-2426), Council District no.2, as an historic landmark .**

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 29, 2011 (Minutes, page 5116), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB - 5                      20125153 HKM (N 120081 HKM)**

Designation by the Landmarks Preservation Commission (List No. 448/LP-2426), pursuant to Section 3020 of the New York City Charter, of the landmark designation of the Madison Belmont Building, First Floor Interior, located at 181 Madison Avenue (Block 863, Lot 60), as an historic landmark.

**PUBLIC HEARING**

**DATE:** December 1, 2011

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 1, 2011

The Subcommittee recommends that the Land Use Committee affirm the designation.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Lander	Halloran	None
Sanders, Jr.		
Palma		
Arroyo		
Mendez		

**COMMITTEE ACTION**

**DATE:** December 6, 2011

The Committee recommends that the Council approve the attached resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Comrie	None	None
Rivera		
Reyna		
Barron		
Jackson		
Sanders, Jr.		
Vann		
Palma		
Arroyo		
Dickens		
Garodnick		
Lappin		
Mendez		
Vacca		
Lander		
Levin		
Weprin		
Williams		
Ignizio		
Halloran		
Koo		

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

Res. No. 1166

**Resolution affirming the designation by the Landmarks Preservation Commission of the Madison Belmont Building, First Floor Interior, located at 181 Madison Avenue (Tax Map Block 863, Lot 60), Borough of Manhattan, Designation List No. 448, LP-2426 (L.U. No. 538; 20125153 HKM; N 120081 HKM).**

By Council Members Comrie and Lander.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on September 29, 2011 a copy of its designation dated September 20, 2011 (the "Designation"), of the Madison Belmont Building, First Floor Interior, located at 181 Madison Avenue, Community District 5, Borough of Manhattan as a landmark and Tax Map Block 863, Lot 60, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on November 18, 2011, its report on the Designation dated September 20, 2011 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on December 1, 2011; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, December 6, 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. 539

Report of the Committee on Land Use in favor of approving Application no. 20125038 SCR, a proposed site for a new, approximately 444 seat Primary School Facility, P.S. 62R to be located at Crabtree Avenue (Block 7092, Lots 39 and 75), Community School District No. 31, Borough of Staten Island, Council District 51. This matter is subject to Council review and action pursuant Section 1732 of the New York State Public Authorities Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on November 29, 2011 (Minutes, page 5117), respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 3 20125038 SCR

Application pursuant to Section 1732 of the New York City School Construction Authority Act, concerning the proposed site selection for a new, approximately 444-Seat Primary School Facility to be located at Crabtree Avenue (Tax Block 7092, Tax Lots 39 and 75), Borough of Staten Island, Community School District No. 31.

INTENT

To construct a new, approximately 444-Seat Primary School Facility in Staten Island, New York.

PUBLIC HEARING

DATE: December 1, 2011

Witnesses in Favor: Three Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 1, 2011

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor: Against: Abstain:

Lander None None
Sanders, Jr.
Palma
Arroyo
Mendez
Halloran

COMMITTEE ACTION

DATE: December 6, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor: Against: Abstain:
Comrie None None
Rivera
Reyna
Barron
Jackson
Sanders, Jr.
Vann
Palma
Arroyo
Dickens
Garodnick
Lappin
Mendez
Vacca
Lander
Levin
Cont'd
Weprin
Williams
Ignizio
Halloran
Koo

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

Res. No. 1167

Resolution approving the site plan for a new, approximately 444-Seat Primary School Facility (P.S. 62, Staten Island), to be located at Crabtree Avenue (Tax Block 7092, Tax Lots 39 and 75), Borough of Staten Island; (Non-ULURP No. 20125038 SCR; L.U. No. 539).

By Council Members Comrie and Lander.

WHEREAS, the New York City School Construction Authority submitted to the Council on November 28, 2011 a site plan dated November 28, 2011, pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 444-Seat Primary School Facility known as P.S. 62, to be located at Crabtree Avenue (Tax Block 7092, Tax Lots 39 and 75), serving students in Community School District No. 31, Borough of Staten Island, Community Board No. 3 (the "Site Plan");

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on December 1, 2011;

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration issued on November 16, 2011 (SEQR Project Number 12-005); and

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

RESOLVED:

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S. SANDERS, Jr., ALBERT VANN, ANNABEL PALMA, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, December 6, 2011.

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

**GENERAL ORDER CALENDAR**

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

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

*Approved New Applicant's Report*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Rosa Diaz	29 East 104 <sup>th</sup> St #32 New York, N.Y. 10029	8
Kristy Siu Chong	314 W. 112th Street New York, N.Y. 10026	9
Debra Henderson	164-17 104 <sup>th</sup> Road Jamaica, N.Y. 11433	27
Bernadette Chase	2927 Beach Channel Drive Far Rockaway, N.Y. 11691	31
Yluminada Corona	275 Hemlock Street Brooklyn, N.Y. 11208	37
Rita Smith	124 By 22" Street Brooklyn, N.Y. 11214	43
Olga Tverskaya	1279 East 17 Street #2K Brooklyn, N.Y. 11230	48
Madeline Greenwald	951 Armstrong Ave Staten Island, N.Y. 10308	51
Sue Dargenio	454 Elverton Ave Staten Island, N.Y. 10308	51

*Approved New Applicants and Reapplicants*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Luis Soler	336 East 4 <sup>th</sup> Street New York, N.Y. 10009	2
Shalini Tripathi	240 East 39 <sup>th</sup> Street #46G New York, N.Y. 10016	4
Calvin C. Bass	788 Riverside Drive #7A New York, N.Y. 10032	7
Susan Perez	310 West 143 <sup>rd</sup> Street #12E New York, N.Y. 10030	7
Daisy DeJesus	3215 Corlear Avenue #1 Bronx, N.Y. 10463	11
Denise Cruickshank	100 Debs Place #10D Bronx, N.Y. 10475	12
Bettie Haigler	753 East 224 <sup>th</sup> Street Bronx, N.Y. 10466	12

Norma Cruz-Meletich	2580 Stedman Place Bronx, N.Y. 10469	13
Helena Lempert	2121 Paulding Avenue #8T Bronx, N.Y. 10462	13
Julia Robles	1312 Balcom Avenue #1 Bronx, N.Y. 10461	13
Jaclyn Souhrada	820 Astor Avenue 143B Bronx, N.Y. 10467	13
Diana Kearney	775 Concourse Village East #3C Bronx, N.Y. 10451	16
Evelyn Perez	1311 Merriam Avenue #D1 Bronx, N.Y. 10452	16
Lourdas Garcia	637 East 139 <sup>th</sup> Street Bronx, N.Y. 10454	17
Pamela M. Gilbert	331 East 132 <sup>nd</sup> Street #2F Bronx, N.Y. 10454	17
Giuliana Garcia	13-08 123 <sup>1</sup> Street Queens, N.Y. 10356	19
Lorraine A. Toto	14-07 116 <sup>th</sup> Street Queens, N.Y. 11356	19
Pilar Hernandez	18-33 26 <sup>th</sup> Street Queens, N.Y. 11102	22
Athena Kiamos	67-21 Springfield Blvd Queens, N.Y. 11364	23
Barbara S. Nigro	88-58 Sabre Street Bellerose Manor, N.Y. 11427	23
Sharlise Walker	90-12 Hollis Court Blvd Queens, N.Y. 11428	23
Man Yee Kwan	31-40 86 <sup>th</sup> Street Jackson Heights, N.Y. 11372	25
Kunta Rawat-Kc	51-01 39 <sup>th</sup> Avenue #N42 Sunnyside, N.Y. 11104	26
Maylean Brown Thompson	108-07 Guy R. Brewer Blvd Jamaica, N.Y. 11433	27
Susan Sanders	130-19 158 <sup>th</sup> Street Queens, N.Y. 11434	28
Vincent Raccuglia	63-00 Wetherole Street Queens, N.Y. 11374	29
Katihurca A. Santana	64-04 60 <sup>th</sup> Place #2 Ridgewood, N.Y. 11385	30
Russell Pecunies	156-23 78 <sup>th</sup> Street Howard Beach, N.Y. 11414	32
Lisa A. Ennis	215 Adams Street #16H Brooklyn, N.Y. 11201	33
Wendy Irizarry-Lopez	50 Manhattan Avenue #3E Brooklyn, N.Y. 11206	34
Eileen Boykin	941-43 Fulton Street Brooklyn, N.Y. 112383	35
Zoila A. Kelly-Bowen	489 Eastern Parkway #14 Brooklyn, N.Y. 11216	35
Michelle Charles	1442 Pacific Street #1R Brooklyn, N.Y. 11216	36
Paula Rodriguez	451 40 <sup>th</sup> Street #3L Brooklyn, N.Y. 11232	38
Vivolyn Ford	131 Lincoln Road #6A Brooklyn, N.Y. 11225	40
Barbara Jean Barnes	1325 Pennsylvania Avenue #17B Brooklyn, N.Y. 11239	42
Jennifer Headley	617 Hinsdale Street Brooklyn, N.Y. 11207	42
Joy A. Barbagallo	1029 70 <sup>th</sup> Street Brooklyn, N.Y. 11228	43
Marilyn E. Thomas-Dow	3021 Avenue I #B9 Brooklyn, N.Y. 11210	45
Rosa Fallon	2064 East 34 <sup>th</sup> Street Brooklyn, N.Y. 11234	46
Nicholas D. Lucas	1180 East 83 <sup>rd</sup> Street Brooklyn, N.Y. 11236	46
Anna Trufanova	2036 Cropsey Avenue #3B Brooklyn, N.Y. 11214	47
Natalia Gulik	2626 Homecrest Avenue #6M Brooklyn, N.Y. 11235	48
Anna Ruzinov	2650 East 13 <sup>th</sup> Street	48

Eugene R. Bleimann	Brooklyn, N.Y. 11235 317 Taylor Street Staten Island, N.Y. 10310	49
Vincent J. Bonadonna	37 Pitter Avenue Staten Island, N.Y. 10314	49
Donna Ceglecki	302 Bay 11 <sup>TH</sup> Street Brooklyn, N.Y. 11228	50
Angelo J. D'Acunto	52 Amsterdam Place Staten Island, N.Y. 10314	50
Jack Elias	131 McKinley Avenue Staten Island, N.Y. 10306	50
Peggy Lee Endress	227 Buel Avenue #3A Staten Island, N.Y. 10305	50
Donna M. Saccone	206 Mill Road Staten Island, N.Y. 10306	50
Gail E. Brennan	300 Mosely Avenue Staten Island, N.Y. 10312	51
Holly Frasca	39 Furness Place Staten Island, N.Y. 10314	51
Evelyn Kushman	11 Windham Loop #5CC Staten Island, N.Y. 10314	51
James H. Marsh	146 Brighton Street Staten Island, N.Y. 10307	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 708 --** Communication from the Mayor - Mayors veto and disapproval message of **Introductory Number 624-A**, in relation to the procedure governing agency service contracts. **(Coupled to be Filed)**
- (2) **Int 576-A --** Regulation of concrete washout water.
- (3) **Int 578-A --** Use of reclaimed asphalt pavement.
- (4) **Int 592-A --** Filtering soot from incoming air in buildings.
- (5) **Int 624-A --** Procedure governing agency service contracts. **(Coupled for Override vote requiring the affirmative vote of at least two-thirds of the Council for re-passage)**
- (6) **Int 643-A --** Commercial motor vehicle tax
- (7) **Int 720-A --** Bicycle parking in garages and parking lots
- (8) **L.U. 529 & Res 1158 --** App. **20125096 TCK**, 142 North 5th Street, Borough of Brooklyn, Council District no.34.
- (9) **L.U. 530 & Res 1159 --** App. **20115397 TCK**, 116 Havemeyer Street, Borough of Brooklyn, Council District no.34.
- (10) **L.U. 531 & Res 1160 --** App. **20125072 TCM**, 60 Greenwich Avenue, Borough of Manhattan, Council District no.3.
- (11) **L.U. 532 & Res 1161 --** App. **20125093 TCM**, 173 Mulberry Street, Borough of Manhattan, Council District no.1.
- (12) **L.U. 533 & Res 1162 --** App. **20125095 TCM** 696 Madison Avenue, Borough of Manhattan, Council District no.4.
- (13) **L.U. 534 & Res 1163 --** App. **20125121 TCK**, 264 Grand Street, Borough of Brooklyn, Council District no.34.
- (14) **L.U. 535 & Res 1164 --** App. **20125123 TCM**, 133 Mulberry Street, Borough of Manhattan, Council District no.1.
- (15) **L.U. 537 & Res 1165 --** App. **20125152 HKM (N 120080 HKM)**, 181 Madison Avenue (Block 863, Lot 60) (List No.448, LP-2425), Council District no.2
- (16) **L.U. 538 & Res 1166 --** App. **20125153 HKM (N 120081 HKM)**, 181 Madison Avenue (Block 863, Lot 60) (List No.448, LP-2426), Council District no.2
- (17) **L.U. 539 & Res 1167 --** App. **20125038 SCR**, Crabtree Avenue (Block 7092, Lots 39 and 75), Community School District No. 31, Borough of Staten Island, Council District 51.
- (18) **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, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **48**.

**The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the vote for the following legislative item:**

The following was the vote recorded for **Int No. 578-A**:

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

**Negative** – Halloran, Ignizio and Oddo – **3**.

**Int No. 624-A was passed and enacted into law by the Council, notwithstanding the objection of the Mayor, by the General Order vote of 48-0-0.**

The following Introductions were sent to the Mayor for his consideration and approval: *Int Nos. 576-A, 578-A, 592-A, 643-A, and 720-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. 917-A

**Report of the Committee on Finance in favor of approving and adopting, as amended, a Resolution in support of the Governor's and Legislature's efforts to reform New York State's tax code to allow for a fairer and more progressive distribution of the burden of taxation on New York City residents.**

The Committee on Finance, to which the annexed resolution was referred on June 29, 2011 (Minutes, page 2706), respectfully

**REPORTS:**

**Background**

In 2009, New York State enacted a temporary tax surcharge on New York State personal income tax liability on high earners with incomes of \$200,000 or more, and on married couples making \$300,000 or more, and increased the top personal income tax rate from 6.85 percent to 8.9 percent. This temporary tax surcharge is commonly known as the "Millionaire's Tax".<sup>1</sup>

According to the State Legislature, the Millionaire's Tax was initially imposed to address the need for additional revenues to maintain necessary services and benefits the state provides during this great recession.

While the current Millionaire's Tax is set to expire on December 31, 2011, the impact of the recession continues and New York State faces budget gaps for the current fiscal year of \$350 million, and over \$3 billion for the fiscal year beginning May 1, 2012. Without additional revenues, the most vulnerable of New York's citizens face deep cuts to vital health and social services.

Currently, according to the Drum Major Institute, there are 224,200 low and moderate-income households in New York City with taxable incomes under \$40,000. These households comprise approximately 717,000 New York City residents. In New York State, an inequitable distribution of the tax burden allows

the share of income earned by the top one percent of taxpayers to be nearly as much as the share of income earned by the entire middle class, thereby creating an additional barrier for struggling households trying to enter, or trying to maintain their existence in, the middle class.

On Sunday, December 4, 2011, in a letter released by New York State Governor Andrew M. Cuomo, the Governor called for "comprehensive reform" of New York's tax law that would increase the overall progressivity of the personal income tax. While comprehensive details of the proposal were not released, the proposal is expected to create one or more new, temporary tax brackets for high-income earners, lower the tax rate for middle-income earners, address tax loopholes and changes to business taxes, and create a commission to determine permanent new tax rates. Governor Cuomo was expected to call lawmakers back to Albany as soon as this week to consider some of his proposals.

The Council applauds the Governor's efforts in tax reform. Revenues gained from an extension or modification of the Millionaire's Tax will decrease the need to cut or reduce funding to programs that many New Yorkers depend on. Further, additional tax reform would ease the pain suffered by middle- and low-income taxpayers that have been hardest hit by the economic downturn. To provide further relief, the tax reform proposal should require that a percentage of the revenue attributable to this tax reform should be dedicated to a fund, which would be used solely for the payment of education aid to school districts and boards of cooperative educational services.

#### **Res. 917-A**

This Resolution supports the Governor's and Legislature's efforts to reform New York State's tax code to allow for a fairer and more progressive distribution of the burden of taxation on New York City residents. This Resolution also urges the Governor and the Legislature to consider a proposal that would require that a percentage of the revenue attributable to an extension or modification of the Millionaire's Tax, or tax reform to be dedicated to a fund, which would be used solely for the payment of education aid to school districts and boards of cooperative educational services.

#### **Difference between Res. 917 and Res. 917-A**

On June 29, 2011, the Council introduced Resolution 917. Resolution 917 called upon the New York State Legislature to pass, and the Governor to sign, A. 7802 and S.453, legislation that would amend the Tax Law, in relation to the modification and extension of a tax rate on income in excess of one million dollars and the creation of an educational assistance fund.

Since the introduction of Resolution 917, the Governor and the Legislature have been in discussions to modify various provisions of the tax code to allow for a fairer and more progressive distribution of the burden of taxation on New Yorkers. While these discussions included an amendment to the modification and extension of the Millionaire's Tax, discussions were expanded to include further revisions to the tax code to create a fairer and more equitable tax system. Res. 917-A reflects the City Council's support of the Governor's and the Legislature's expanded discussions of amendments to the tax code.

<sup>1</sup> See section z-1 of Chapter 57 of the Laws of 2009 of the State of New York, as codified in subsections (a), (b) and (c) of section 601 of the tax law.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Res. No. 917-A:)**

Res. No. 917-A

**Resolution in support of the Governor's and Legislature's efforts to reform New York State's tax code to allow for a fairer and more progressive distribution of the burden of taxation on New York City residents.**

By Council Members Williams, Lander, Ferreras, Mendez, Jackson, Chin, Dromm, Palma, Mark-Viverito, James, Recchia, Cabrera, Van Bramer, Levin, The Speaker (Council Member Quinn), Wills, Palma, Vann, Arroyo, Rodriguez, Crowley and Sanders.

**Whereas**, In 2009, New York State enacted a temporary personal income tax surcharge, commonly known as the "Millionaire's Tax" on high income earners; and

**Whereas**, The Millionaire's Tax was initially imposed to address the need for additional revenues to maintain necessary services and benefits the State provides during the great recession by increasing the share of the tax burden on those who are fortunate enough to make significant taxable incomes; and

**Whereas**, While the current Millionaire's Tax is set to expire on December 31, 2011, the State faces budget gaps for the current fiscal year of \$350 million, and over \$3 billion for the fiscal year beginning May 1, 2012; and

**Whereas**, Any new revenues must be used to address these gaps; and

**Whereas**, Without additional revenues, the most vulnerable of New York's citizens face deep cuts to vital health and social services; and

**Whereas**, Middle-class taxpayers are increasingly squeezed by stagnant incomes, higher cost of living, and one of the nation's highest per capita tax burdens; and

**Whereas**, The share of income earned by the top one percent of taxpayers in New York State is nearly as much as the share of income earned by the entire middle class; and

**Whereas**, On Sunday, December 4, 2011, in a letter released by New York State Governor Andrew M. Cuomo, the Governor called for "comprehensive reform" of New York's tax law, generating revenues that would bridge the immediate budget gap, and increase the overall progressivity of the personal income tax; and

**Whereas**, The proposal is expected to create one or more new, temporary tax brackets for high-income earners, lower the tax rate for middle-income earners, address tax loopholes and changes to business taxes, and create a commission to determine permanent new tax rates; and

**Whereas**, Governor Cuomo was expected to call lawmakers back to Albany as soon as this week to consider some of his proposals; and

**Whereas**, Revenues gained from this tax will decrease the need to cut or reduce funding to programs that many New Yorkers depend on; and

**Whereas**, Middle- and low-income taxpayers have been hardest hit by the economic downturn; and

**Whereas**, A percentage of the revenue attributable to this tax reform should be dedicated to a fund, which would be used solely for the payment of education aid to school districts and boards of cooperative educational services; now, therefore be it

**Resolved**, That the Council of the City of New York supports the Governor's and Legislature's efforts to reform New York State's tax code to allow for a fairer and more progressive distribution of the burden of taxation on New York City residents.

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, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER; Committee on Finance, December 6, 2011.

Pursuant to Rule 8.50 of the Council, The President Pro Tempore (Council Member Rivera) called for a voice vote. Hearing those in favor, the President Pro Tempore (Council Member Rivera) declared the Resolution to be adopted.

The following 7 Council Members formally voted against this item: Council Members Barron, Halloran, Ignizio, Koo, Ulrich, Vallone, Jr. and Oddo.

Adopted by the Council by voice-vote.

Report for voice-vote Res. No. 892

**Report of the Committee on Transportation in favor of approving a Resolution calling on the United States House of Representatives and the United States Senate to pass and for the President to sign H.R. 873 and S.453 entitled "The Motorcoach Enhanced Safety Act of 2011, which would seek to overhaul and increase the safety of intercity buses.**

The Committee on Transportation, to which the annexed resolution was referred on June 14, 2011 (Minutes, page 1951), respectfully

#### **REPORTS:**

##### **INTRODUCTION**

On December 6, 2011, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Res. No. 892, calling on the United States House of Representatives and the United States Senate to pass and for the President to sign H.R. 873 and S.453 entitled "The Motorcoach Enhanced Safety Act of 2011," which would seek to overhaul and increase the safety of intercity buses. This will be the second hearing on this resolution. At the first hearing, held on October 6, 2011, the Committee heard from a number of witnesses, including State Senator Daniel Squadron.

##### **RES. NO. 892**

Res. No. 892 would state that according to the American Bus Association, private intercity bus service is one of the fastest growing and most used modes of intercity transportation, and in 2008 private bus companies provided over 760 million passenger trips. The Resolution would note that the demand for intercity bus service is projected to increase due to rising gas prices, the expensive cost of rail travel, the attacks of September 11, 2001, and the increase in ground time at airports.

The Resolution would state that the largest growth in intercity bus service comes from low fares, and curbside pick-up and drop off services. The Resolution would point out that according to a report issued by the Chaddick Institute for Metropolitan Development, intercity bus travel grew by 24% in 2010.

The Resolution would state that in 2010, over seventy-five different bus companies operated within New York State and over 2000 buses were leaving New York City each day. The Resolution would state that between 1999 and 2009, the

average number of deaths from accidents involving private bus companies was nineteen passengers per year.

The Resolution would note that investigations have revealed that the driver involved in the March 15, 2011 crash in the Bronx, was driving illegally because he had given false statements in order to obtain a driver's license. The Resolution would further state that according to the American Bus Association, there is a lack of procedures in place to determine the validity of a bus driver's license.

The Resolution would state that in March of 2011, inspectors from the Federal Motor Carrier Safety Administration issued citations for safety problems to more than one-third of all intercity bus companies that operate in New York State. The Resolution would further note that currently there is a companion bill, H.R. 873 and S.453 pending in Congress, which would require buses to have seat belts, stronger windows, crush-resistant roofs and safety inspections for all new bus companies within the first 18 months after operations begin. The Resolution would note that a bus accident on March 15, 2011, which took place in the Bronx and resulted in the death of fifteen passengers, brought increased scrutiny onto the industry.

Finally, Res. No. 892 would call upon United States House of Representatives and the United States Senate to pass and for the President to sign H.R. 873 and S.453 entitled "The Motorcoach Enhanced Safety Act of 2011," which would seek to overhaul and increase the safety of intercity buses

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 892:)

Res. No. 892

**Resolution calling on the United States House of Representatives and the United States Senate to pass and for the President to sign H.R. 873 and S.453 entitled "The Motorcoach Enhanced Safety Act of 2011, which would seek to overhaul and increase the safety of intercity buses.**

By Council Members Chin, Vacca, Brewer, Cabrera, Comrie, Fidler, Koppell, Lander, Mendez, Recchia, Rose, Seabrook, Van Bramer, Vann, Williams, Nelson, Dromm, Mark-Viverito, Rodriguez, Levin, Barron, Crowley, Eugene, Gennaro, Jackson and Koo.

**Whereas**, According to the American Bus Association, private intercity bus service is one of the fastest growing and most used modes of intercity transportation, and in 2008 private bus companies provided over 760 million passenger trips; and

**Whereas**, The demand for intercity bus service is projected to increase due to rising gas prices, the expensive cost of rail travel, the attacks of September 11, 2001, and the increase in ground time at airports; and

**Whereas**, The largest growth in intercity bus service comes from low fares, and curbside pick-up and drop off services, and

**Whereas**, According to a report issued by the Chaddick Institute for Metropolitan Development, intercity bus travel grew by 24% in 2010; and

**Whereas**, In 2010, over seventy-five different bus companies operated within New York State and over 2000 buses were leaving New York City each day; and

**Whereas**, Between 1999 and 2009, the average number of deaths from accidents involving private bus companies was nineteen passengers per year; and

**Whereas**, Investigations have revealed that the driver involved in the March 15, 2011 crash in the Bronx, was driving illegally because he had given false statements in order to obtain a driver's license; and

**Whereas**, According to the American Bus Association, there is a lack of procedures in place to determine the validity of a bus driver's license; and

**Whereas**, In March of 2011, inspectors from the Federal Motor Carrier Safety Administration issued citations for safety problems to more than one-third of all intercity bus companies that operate in New York State; and

**Whereas**, Currently there is a companion bill, H.R. 873 and S.453 pending in Congress, which would require buses to have seat belts, stronger windows, crush-resistant roofs and a safety inspections for all new bus companies within the first 18 months after operations begin; and

**Whereas**, The bus accident on March 15, 2011, which took place in the Bronx and resulted in the death of fifteen passengers, brought increased scrutiny onto the industry; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States House of Representatives and the United States Senate to pass and for the President to sign H.R. 873 and S.453 entitled "The Motorcoach Enhanced Safety Act of 2011, which would seek to overhaul and increase the safety of intercity buses.

JAMES VACCA, Chairperson; MICHAEL C. NELSON, GALE A. BREWER, 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, December 6, 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.

Report for voice-vote Res. No. 1000

**Report of the Committee on Transportation in favor of approving a Resolution calling upon the New York State Assembly to pass and the Governor to sign A.8113, in relation to the qualifications of bus drivers.**

The Committee on Transportation, to which the annexed resolution was referred on September 8, 2011 (Minutes, page 4092), respectfully

#### REPORTS:

##### INTRODUCTION

On December 6, 2011, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Res. No. 1000, calling upon the New York State Assembly to pass and the Governor to sign A.8113, in relation to the qualifications of bus drivers. This will be the second hearing on this resolution. At the first hearing, held on October 6, 2011, the Committee heard from a number of witnesses, including State Senator Daniel Squadron.

##### RES. NO. 1000

Res. No. 1000 would state that since March 2011, there have been three major bus crashes resulting in 21 passenger fatalities. The Resolution would note that in each of the fatal bus crashes, driver negligence has been suspected to be a contributing factor to the crash.

The Resolution would amend Vehicle and Traffic Law Section 509-9(2), to require that bus drivers undergo background checks. The Resolution would point out that under current state law only school bus drivers are required to undergo a background check for employment.

The Resolution would state that since March 2011, the New York Department of Transportation has conducted over 1,200 random checks of interstate buses on the road. The Resolution would state that these random checks have resulted in 124 bus drivers being taken off the road, with 14 percent of these drivers having improper or suspended licenses. The Resolution would indicate that in addition to the roadside checks, New York State has conducted over 300 inspections of interstate buses in New York City, resulting in 55 drivers being removed for serious violations.

Res. No. 1000 would note that in order to restore confidence of passengers and the safety of buses, it is necessary to require all bus drivers to undergo background checks. The Resolution would further note that the New York State Senate on June 2, 2011, passed S.5171B requiring background checks of bus drivers.

Finally, Res. No. 1000 would call upon the New York State Assembly to pass and the Governor to sign A.8113, in relation to the qualification of bus drivers.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1000:)

Res. No. 1000

**Resolution calling upon the New York State Assembly to pass and the Governor to sign A.8113, in relation to the qualifications of bus drivers.**

By Council Members Gennaro, Comrie, Koslowitz, Nelson, Vacca, Koppell, Rose, Chin, Mark-Viverito, Vallone, Rodriguez, Levin, Barron, Crowley, Jackson and Halloran.

**Whereas**, Since March 2011, there have been three major interstate bus crashes resulting in 21 passenger fatalities; and

**Whereas**, In each of the fatal bus crashes, driver negligence has been suspected to be a contributing factor to the crash; and

**Whereas**, A.8113 would amend Vehicle and Traffic Law Section 509-9(2), to require that bus drivers undergo background checks; and

**Whereas**, Under current state law only school bus drivers are required to undergo a background check for employment; and

**Whereas**, Since March 2011, the New York State Department of Transportation has conducted over 1,200 random checks of interstate buses on the road; and

**Whereas**, These random checks have resulted in 124 bus drivers being taken off the road, with 14 percent of these drivers having improper or suspended licenses; and

**Whereas**, In addition to the roadside checks, New York State has conducted over 300 inspections of interstate buses in New York City, resulting in 55 drivers being removed for serious violations; and

**Whereas**, In order to restore the confidence of passengers and the safety of buses, it is necessary to require all bus drivers to undergo background checks; and

**Whereas**, The New York State Senate on June 2, 2011, passed S.5171B requiring background checks of bus drivers; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Assembly to pass and the Governor to sign A.8113, in relation to the qualifications of bus drivers.

JAMES VACCA, Chairperson; MICHAEL C. NELSON, GALE A. BREWER, 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, December 6, 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.

Report for voice-vote Res. No. 958

**Report of the Committee on Veterans in favor of approving a Resolution urging the United States Congress to pass and the President to sign H.R. 930, a bill to amend Title 38 of the United States Code to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.**

The Committee on Veterans, to which the annexed resolution was referred on July 28, 2011 (Minutes, page 3816), respectfully

#### REPORTS:

##### INTRODUCTION

On December 5, 2011, the Committee on Veterans, chaired by Council Member Mathieu Eugene, and the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse, and Disability Services, chaired by Council Member G. Oliver Koppell, held a joint hearing on Resolution No. 958, which urges the United States Congress to pass and the President to sign H.R. 930, a bill to amend Title 38 of the United States Code to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes. On December 7, 2011, the Committee on Veterans will hold a hearing to vote on Resolution No. 958.

##### RESOLUTION NO. 958

Resolution No. 958 would note that New York City's five boroughs are home to approximately 225,370 veterans, 204,800 of whom are male (91%) and 20,460 of whom are female (9%). Resolution No. 958 would further explain that the veteran population in New York City spans the generations with the number of veterans between the age of 45 and 64 at approximately 89,590 (40%), and the number of veterans between the age of 17 and 44 at approximately 80,800 (36%). Resolution No. 958 would also state the New York City veteran population is expected to grow with the pending military decrease of troops in Iraq and Afghanistan.

The Resolution would note that the Department of Veterans Affairs (VA) estimates that about 11-20% of veterans of the Iraq and Afghanistan wars (Operations Iraqi and Enduring Freedom), about 10% of Gulf War (Desert Storm) veterans, and about 30% of Vietnam veterans suffer from Post-Traumatic Stress Disorder (PTSD). Resolution No. 958 would further explain that studies have shown a strong link between military sexual trauma (MST) and PTSD. Resolution No. 958 would outline that The Department of Veterans Affairs' National Center for Post-Traumatic Stress Disorder examined veterans who received VA services after returning home from Iraq and Afghanistan and found that of the 125,729 veterans who received VA primary care or mental health services, 15.1% of the women and 0.7% of the men reported MST when screened.

Resolution No. 958 would point out that the Pentagon has estimated that only 10% of all military sexual assaults are reported. The Resolution would further explain that the Department of Defense identified 3,158 official reports of sexual assault in the military in 2010. Resolution No. 958 would outline that prior to June 2010, in order to receive service-connected benefits and care from the VA for PTSD, veterans were required to show a diagnosis by providing proof of time in a combat area and that a traumatic event happened during their time.

Resolution No. 958 would note that many veterans faced significant burdens in locating nonexistent documentation of traumatic events resulting in denial of health care. Resolution No. 958 would further explain that in June 2010, Congress

passed a law reducing the burden of proof so that a veteran need only provide a medical opinion that the claimed stressor is consistent with the circumstances of the veteran's service. Resolution No. 958 would outline that some members of Congress assert that the changes in 2010 did not apply to veterans who filed mental health claims based on sexual assault or harassment

The Resolution would explain that H.R. 930 would grant MST victims an opportunity to obtain disability compensation by reducing the burden of proof to allow a diagnosis by a mental health professional of a mental health condition, defined as post-traumatic stress disorder, anxiety, depression, or other mental health conditions as determined by the Secretary of Veterans Affairs, together with written testimony by the veteran of such trauma alleged to have been incurred during the veteran's service and a written determination by the professional that such mental health condition is related.

Finally, Resolution No. 958 would urge the United States Congress to pass and the President to sign H.R. 930, a bill to amend Title 38 of the United States Code to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Res. No. 958:)**

Res. No. 958

**Resolution urging the United States Congress to pass and the President to sign H.R. 930, a bill to amend Title 38 of the United States Code to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.**

By Council Members Lappin, Brewer, Chin, Dromm, Gentile, Koslowitz, Lander, Williams, Rodriguez, Eugene, Koppell, Mark-Viverito, Vann, Arroyo, Levin, Rose, Barron, Crowley, Jackson, Mealy, Sanders, Koo, Ulrich and Halloran.

**Whereas**, New York City's five boroughs are home to approximately 225,370 veterans, 204,800 of which are male (91%) and 20,460 female (9%); and

**Whereas**, The veteran population in New York City spans the generations with the number of veterans between the age of 45 and 64 at approximately 89,590 (40%), and the number of veterans between the age of 17 and 44 at approximately 80,800 (36%); and

**Whereas**, The New York City veteran population is expected to grow with the pending military decrease of troops in Iraq and Afghanistan; and

**Whereas**, The Department of Veterans Affairs (VA) estimates that about 11-20% of veterans of the Iraq and Afghanistan wars (Operations Iraqi and Enduring Freedom), about 10% of Gulf War (Desert Storm) veterans, and about 30% of Vietnam veterans suffer from Post-Traumatic Stress Disorder (PTSD); and

**Whereas**, Studies have shown a strong link between military sexual trauma (MST) and PTSD; and

**Whereas**, The Department of Veterans Affairs' National Center for Post-Traumatic Stress Disorder examined veterans who received VA services after returning home from Iraq and Afghanistan and found that of the 125,729 veterans who received VA primary care or mental health services, 15.1% of the women and 0.7% of the men reported MST when screened; and

**Whereas**, The Pentagon has estimated that only 10% of all military sexual assaults are reported; and

**Whereas**, The Department of Defense identified 3,158 official reports of sexual assault in the military in 2010; and

**Whereas**, Prior to June 2010, in order to receive service-connected benefits and care from the VA for PTSD, veterans were required to show a diagnosis by providing proof of time in a combat area and that a traumatic event happened during their time; and

**Whereas**, Many veterans faced significant burdens in locating nonexistent documentation of traumatic events resulting in denial of health care; and

**Whereas**, In June 2010, Congress passed a law reducing the burden of proof so that a veteran need only provide a medical opinion that the claimed stressor is consistent with the circumstances of the veteran's service; and

**Whereas**, Some members of Congress assert that the changes in 2010 did not apply to veterans who filed mental health claims based on sexual assault or harassment; and

**Whereas**, H.R. 930 would grant MST victims an opportunity for disability compensation by reducing the burden of proof to allow a diagnosis by a mental health professional of a mental health condition, defined as post-traumatic stress disorder, anxiety, depression, or other mental health conditions as determined by the Secretary of Veterans Affairs, together with written testimony by the veteran of such trauma alleged to have been incurred during the veteran's service and a written determination by the professional that such mental health condition is related; 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 H.R. 930, a bill to amend Title 38 of the United States Code to improve the disability compensation evaluation procedure of

the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.

MATHIEU EUGENE, Chairperson; LEWIS A. FIDLER, JAMES S. SANDERS Jr., VINCENT J. GENTILE, FERNANDO CABRERA, DAVID G. GREENFIELD; December 7, 2011, Committee on Veterans.

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

Res. No. 1154

**Resolution calling upon the New York State Department of Motor Vehicles to reinstate the requirement that drivers get a vision test as part of the driver's license renewal process.**

By Council Members Brewer, Chin, James, Koppell, Koslowitz, Lander, Levin, Mark-Viverito, Mendez, Palma, Rose, Sanders, Vacca, Williams, Wills and Halloran.

**Whereas**, In September 2011, the New York State Department of Motor Vehicles announced that it will no longer require eye examinations for renewal of driver's licenses; and

**Whereas**, Under the previous regulations, drivers renewing their licenses had to undergo a simple eye examination or submit an eye examination report from their doctor; and

**Whereas**, According to the new regulations, drivers will only have to self-certify about the condition of their vision; and

**Whereas**, According to media reports, the new policy is meant to encourage more drivers to renew their licenses online or by mail; and

**Whereas**, The American Optometric Association has voiced its support for having a vision examination be a part of a driver's license renewal process; and

**Whereas**, According to American Optometric Association, vision testing is especially important for drivers who are vulnerable to developing vision problems, such as seniors and aging individuals in glasses; and

**Whereas**, As the driving population ages with more older drivers still on the road, it is important to maintain safe roads by ensuring that vision testing is part of the license renewal process; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Department of Motor Vehicles to reinstate the requirement that drivers get a vision test as part of the driver's license renewal process.

Referred to the Committee on Transportation.

Int. No. 724

By Council Members Cabrera and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to removing the off-street parking requirement for base station licenses.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-511 of the administrative code of the city of New York, as amended by Local Law 51 of 1996, is amended to read as follows:

a. The commission shall require licenses for the operation of two-way radio or other communications systems used for dispatching or conveying information to drivers of licensed vehicles, including for-hire vehicles or wheelchair accessible vans and shall require licenses for base stations, upon such terms as it deems advisable and upon payment of reasonable license fees of not more than five hundred dollars a year. There shall be an additional fee of twenty-five dollars for late filing of a license renewal application where such filing is permitted by the commission.

b. [The operator of a base station shall provide and utilize lawful off-street facilities for the parking and storage of the licensed for-hire vehicles that are to be dispatched from that base station equal to not less than one parking space for every two such vehicles or fraction thereof. The commission shall establish by rule criteria for off-street parking which shall include, but not be limited to, the maximum permissible distance between the base station and such off-street parking facilities

and the proximity of such off-street parking facilities and the proximity of such off-street parking facilities to residences and community facilities as defined in the zoning resolution of the city of New York. A license for a new base station shall only be granted where the applicant has demonstrated to the commission prior to the issuance of such license that off-street parking facilities sufficient to satisfy the requirements of this subdivision shall be provided.

c. Notwithstanding the provisions of subdivision b of this section, a license for a base station which was valid on the effective date of this section shall only be renewed upon the condition that within two years of such renewal the licensee shall provide off-street parking facilities as required by subdivision b of this section.

d.] (1) No license for a new base station shall be issued unless [the applicant demonstrates to the satisfaction of the commission that the applicant will comply with the off-street parking requirements of subdivision b of this section and] the commission finds that the operation of a base station by the applicant at the proposed location would meet such [other] criteria as may be established by the commission. Among the [other] factors which must be examined and considered by the commission in making a determination to issue a license are the adequacy of existing mass transit and mass transportation facilities to meet the transportation needs of the public any adverse impact that the proposed operation may have on those existing services and the fitness of the applicant. In determining the fitness of the applicant the commission shall consider, but is not limited to considering, such factors as the ability of the applicant to adequately manage the base station, the applicant's financial stability and whether the applicant operates or previously operated a licensed base station and the manner in which any such base station was operated. The commission shall also consider the extent and quality of service provided by existing lawfully operating for-hire vehicles and taxicabs.

(2) No license for a new base station shall be issued for a period of three years subsequent to a determination in a judicial or administrative proceeding that the applicant or any officer, shareholder, director or partner of the applicant operated a base station that had not been licensed by the commission.

(3) In its review of an application for a license to operate a new base station and in its review of an application to renew a base station license the commission shall also consider the possible adverse effect of such base station on the quality of life in the vicinity of the base station including, but not limited to, traffic congestion, sidewalk congestion and noise. In its review of an application to renew a base station license the commission shall also consider whether a determination has been made after an administrative proceeding that the operator has violated any applicable rule of the commission.

[(4) No base station license shall be renewed where it has been determined after an administrative proceeding that the applicant has failed to comply with the off-street parking requirements set forth in subdivision b of this section or as they may have been modified pursuant to subdivision h of this section.]

e.] c. A licensed base station shall at all times have no fewer than ten affiliated vehicles, except that a base station for which a license was first issued prior to January 1, 1988 and which at that time had fewer than ten affiliated vehicles or a base station which has an affiliation with a wheelchair accessible vehicle may have as few as five affiliated vehicles, not including black cars and luxury limousines.

[f.] d. Prior to the issuance of a license for a base station or the renewal of a valid base station license, the applicant shall provide to the commission a bond in the amount of five thousand dollars with one or more sureties to be approved by the commission. Such bond shall be for the benefit of the city and shall be conditioned upon the licensee complying with the requirement that the licensee dispatch only vehicles which are currently licensed by the commission and which have a current New York city commercial use motor vehicle tax stamp and upon the payment by the licensee of all civil penalties imposed pursuant to any provision of this chapter.

[g.] e. Upon receiving an application for the issuance of a license for a new base station or for the renewal of a license for a base station pursuant to this section, the commission shall, within five business days, submit a copy of such application to the council and to the district office of the council member and the community board for the area in which the base station is or would be located.

[h. Notwithstanding the provisions of subdivisions b and c of this section, the commission may reduce the number of required off-street parking spaces or may waive such requirement in its entirety where the commission determines that sufficient lawful off-street parking facilities do not exist within the maximum permissible distance from the base station or an applicant demonstrates to the satisfaction of the commission that complying with the off-street parking requirements set forth in such subdivisions would impose an economic hardship upon the applicant; except that the commission shall not reduce or waive the off-street parking requirements where it has been determined in an administrative proceeding that the applicant, or a predecessor in interest, has violated any provision of section 6-03 of the rules of the commission or any successor thereto, as such may from time to time be amended.

A determination to waive or reduce the off-street parking requirements shall be made in writing, shall contain a detailed statement of the reasons why such determination was made and shall be made a part of the commission's determination to approve an application for a base station license.]

i.] f. The determination by the commission to approve an application for a license to operate a new base station or for the renewal of a license to operate a base station shall be made in writing and shall be accompanied by copies of the data, information and other materials relied upon by the commission in making that determination. Such determination shall be sent to the council and to the district office of the council member within whose district that base station is or would be located within five business days of such determination being made.

§2. This local law shall take effect immediately.

Referred to the Committee on Transportation

Res. No. 1155

**Resolution calling upon the New York State legislature to pass and the Governor to sign legislation amending the New York State Education Law to afford houses of worship maximum access to school property.**

By Council Members Cabrera, Arroyo, Chin, Comrie, Crowley, Dickens, Dilan, Foster, Gentile, Greenfield, James, Koslowitz, Lander, Levin, Mark-Viverito, Mealy, Nelson, Palma, Reyna, Rodriguez, Rose, Sanders Jr., Vallone, Van Bramer, Vann, Williams, Wills, Halloran, Ignizio, Koo, Oddo and Ulrich.

**Whereas**, Section 414(1)(c) of the New York State Education Law currently allows school property to be used for social, civic and recreational meetings and entertainment, as well as for other uses pertaining to the welfare of the community; and

**Whereas**, State law further holds that such meetings, entertainment and uses shall be non-exclusive and shall be open to the general public; and

**Whereas**, Section 414(1)(c) of the State Education Law also indicates that civic meetings shall include, but not be limited to meetings of parent associations and parent teacher associations; and

**Whereas**, However, the rules promulgated pursuant to this section have had a more restrictive effect on religious organizations seeking to use school property than would appear to be required by the Establishment Clause of the United States Constitution; and

**Whereas**, For example, in 1994, the Bronx Household of Faith church (“Bronx Household”), based in New York City, was not permitted to use space in a Bronx public middle school for its Sunday morning worship service because the City’s Department of Education (“DOE”) had a policy that prohibited school property from being used for religious services or instruction; and

**Whereas**, When Bronx Household sued the DOE, arguing that its policy constituted viewpoint discrimination in violation of the First Amendment of the U.S. Constitution, a federal district court disagreed and upheld the DOE’s policy, a decision that was later affirmed by the U.S. Court of Appeals for the Second Circuit (“Second Circuit”); and

**Whereas**, Since then, however, the law has evolved, and in 2001 the U.S. Supreme Court ruled in Good News Club vs. Milford Central School that it was unconstitutional for a public school district in upstate New York to exclude from its facilities “a private Christian organization for children;” and

**Whereas**, The Supreme Court reasoned in the Good News Club case that Milford’s policy constituted viewpoint discrimination in violation of the First Amendment because it denied the club access to the school’s limited public forum on the ground that the club was religious in nature; and

**Whereas**, Subsequent to the Supreme Court’s holding in the Good News Club case, the DOE denied Bronx Household’s re-application to utilize school property for religious services, leading Bronx Household to file a new lawsuit and ultimately obtain permission, on a temporary basis during the pendency of the litigation, to use the school for its Christian worship service on Sundays; and

**Whereas**, During the litigation, the DOE revised its old policy and replaced it with a new one, which prohibits the use of school property for “religious worship services, or otherwise using a school as a house of worship,” while allowing that “[p]ermits may be granted to religious clubs for students that are sponsored by outside organizations . . . on the same basis that they are granted to other clubs for students that are sponsored by outside organizations;” and

**Whereas**, Ultimately, on June 2, 2011, the Second Circuit upheld the DOE’s new policy and its decision to deny Bronx Household’s re-application under the new policy, reasoning that the policy did not constitute viewpoint discrimination because “While the conduct of religious services undoubtedly *includes* expressions of a religious point of view, it is not the expression of that point of view that is prohibited by the rule. Prayer, religious instruction, expression of devotion to God, and the singing of hymns, whether done by a person or group, do not constitute the conduct of worship services. Those activities are not excluded.”; and

**Whereas**, In addition, the Court held that the policy was reasonable because, by excluding religious worship services, the DOE was properly trying to avoid violating the Establishment Clause of the U.S. Constitution; and

**Whereas**, Specifically, the Court expressed concerns that using school premises for religious worship services may violate the Establishment Clause when: the school facilities are “principally available for public use on Sundays [which] results in an unintended bias in favor of Christian religions;” the school bears the majority of the cost for the space, including rental fees and utility costs, which means “[t]he City thus foots a major portion of the costs of the operation of a church;” and on an indefinite basis, worship services take place in schools at the same time and day every week, which could lead to “long-term conversion of schools into state-subsidized churches on Sundays;” and

**Whereas**, However, providing access to school facilities to the general public, including but not limited to houses of worship, promotes the laudable and worthy goal of maximizing the utilization of public space for multiple purposes, and for all groups, which is especially necessary in New York City, where such space is at a premium; and

**Whereas**, The Second Circuit’s latest decision may leave room for the State to clarify and amend the Education Law to afford houses of worship the utmost access to schools in a manner consistent with the Establishment Clause, for example, by ensuring that access is offered to all religious groups, that the public does not bear an undue share of the costs of utilizing the space, and that no one house of worship can permanently occupy the space; and

**Whereas**, Assemblyman Nelson Castro is expected to introduce legislation in the New York State Assembly that would amend Section 414 of the New York State Education Law to authorize religious meetings and worship on school property; and

**Whereas**, Such amendment would specify that school facilities may be utilized during non-school hours for religious activities, including “meetings, services, and worship”; and

**Whereas**, The proposed legislation would also provide that in New York City, the community school board may adopt regulations governing when school property may be used for such religious activities, and the community school board may not prohibit the use of school property for religious activities that would otherwise be legally permissible; and

**Whereas**, The proposed legislation would provide the New York City Department of Education with the opportunity to allow religious houses of worship maximum access to school property, while still complying with constitutional mandates; now, therefore, be it

**Resolved**, That the New York City Council calls upon the New York State legislature to pass and the Governor to sign legislation amending the New York State Education Law to afford houses of worship maximum access to school property.

Referred to the Committee on Education.

Res. No. 1156

**Resolution calling on the New York State Legislature to pass and the Governor to sign legislation to protect human trafficking victims by creating a separate private right of action to allow victims to sue perpetrators, to increase the penalties for sex trafficking and labor trafficking, and to provide funding for law enforcement training, public awareness campaigns, and additional social services for victims of human trafficking.**

By Council Members Dromm, Barron, Brewer, Cabrera, Chin, Crowley, Dickens, Ferreras, Fidler, Foster, James, Koppell, Lander, Levin, Mark-Viverito, Mendez, Palma, Recchia, Reyna, Rose, Sanders Jr., Vacca, Williams, Wills and Lappin.

**Whereas**, Human trafficking is the illegal trade of human beings for such purposes as commercial sexual exploitation or forced labor, and has been described as a modern day form of slavery; and

**Whereas**, The federal Trafficking Victims Protection Act (TVPA) of 2000 and its subsequent reauthorizations in 2003, 2005, and 2008 state that human trafficking has occurred if a person was induced to perform labor or a commercial sex act through force, fraud, or coercion; and

**Whereas**, Any person under the age of 18 who performs a commercial sex act is considered a victim of human trafficking, regardless of whether force, fraud, or coercion was present; and

**Whereas**, The Bureau of Justice Statistics (BJS), within the United States Department of Justice, recently released a summary report containing data collected from the Human Trafficking Reporting System (HTRS) that documented more than 2,500 alleged incidents of human trafficking in the U.S. between January 2008 and June 2010; and

**Whereas**, The BJS report showed that the percentages of suspected incidents of human trafficking investigated during this time that involved allegations of adult prostitution and the prostitution or sexual exploitation of a child were at 48 percent and 40 percent respectively; and

**Whereas**, Victims of trafficking have little civil recourse against their perpetrators; and

**Whereas**, Criminal prosecutions often fail because prosecutors are reluctant to file such cases due to insufficient evidence of fraud or coercion; and

**Whereas**, Under New York State Law, civil remedies for victims of trafficking can include the return of property or financial penalties commensurate with the proceeds of the crime, pursuant to Section 1311 of the New York Civil Practice Rules and Laws; however, these are insufficient penalties for the heinous offense committed; and

**Whereas**, The New York State Anti-Trafficking statute enacted on June 6, 2007 (Chapter 74 of the Laws of 2007) combines tough law enforcement sanctions against traffickers and restores the dignity of the trafficked person through coordinated and varied service provisions; and

**Whereas**, According to the Northeastern University Human Trafficking Data Collection and Reporting Project, proposed laws in several states - Arizona, Minnesota, Nevada, New Mexico, Oklahoma, and Texas - include a private right of action that allows trafficking victims to recover damages, including punitive damages; and

**Whereas**, There is insufficient public awareness of the warning signs of human trafficking to assist police and prosecutors, and additional training programs are needed for such law enforcement personnel to differentiate between sex trafficking, prostitution, and labor trafficking; and

**Whereas**, Social services are vital to helping human trafficking victims adjust, cope, and reacclimate to society; 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 legislation to protect human trafficking victims by creating a separate private right of action to allow victims to sue perpetrators, to increase the penalties for sex trafficking and labor trafficking, and to provide funding for law enforcement training, public awareness campaigns, and additional social services for victims of human trafficking.

Referred to the Committee on Women's Issues.

Int. No. 725

By Council Members Ferreras, Vacca, Barron, Brewer, Cabrera, Comrie, Dickens, Fidler, Foster, James, Koslowitz, Lander, Levin, Mark-Viverito, Palma, Recchia, Reyna, Rose, Sanders, Van Bramer, Williams, Wills, Jackson, Lappin and Vallone Jr.

**A Local Law to amend the administrative code of the city of New York, in relation to the unlawful use of vehicles for the purpose of promoting prostitution.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-502 of the administrative code of the city of New York is amended by adding a new paragraph x to read as follows:

*x. "Promoting prostitution" shall have the same meaning as it does in article 230 of the New York state penal law.*

§ 2. Section 19-505 of the administrative code of the city of New York is amended by adding a new paragraph q to read as follows:

*q. The commission shall develop a program that will notify drivers of taxicabs, coaches, wheelchair accessible vans, commuter vans and for-hire vehicles that using or allowing such vehicles to be used to promote prostitution is illegal. Such program shall inform such drivers of the specific laws proscribing such use, including the provisions of this section and article 230 of the New York state penal law, and shall inform such drivers of the civil and criminal penalties associated with such use, including but not limited to fiscal penalties, license revocation and incarceration. The program shall also include an educational component targeted at giving drivers a framework to better understand the current trends and dangers in the sex trafficking industry. This component shall include an overview of the human rights abuses inherent in sex trafficking and a practical guide to identifying the signs of sex trafficking and notifying the appropriate government agencies and non-profit organizations. Completion of such program by such drivers shall be a requirement for initial licensure and subsequent license renewal.*

§ 3. Subdivision a of section 19-507 of the administrative code of the city of New York is amended by adding a new paragraph 5 to read as follows:

*5. No driver or vehicle owner of a for-hire vehicle or base station licensee affiliated with such vehicle shall knowingly allow the for-hire vehicle to be used for the purpose of promoting prostitution.*

§ 4. Subdivision b of section 19-507 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

*3. Any driver, vehicle owner or base station licensee who shall violate the provisions of paragraph 5 of subdivision a of this section shall be subject to a civil penalty of ten thousand dollars and the commission shall revoke the license of such driver, owner or licensee.*

§ 5. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Transportation.

Int. No. 726

By Council Members Garodnick, Arroyo, Barron, Brewer, Cabrera, Ferreras, Fidler, Foster, Gentile, Greenfield, James, Koslowitz, Mark-Viverito, Mealy, Mendez, Nelson, Palma, Rose, Vacca, Van Bramer, Williams, Wills, Dickens and Koo.

**A Local Law to amend the administrative code of the city of New York, to require the Department of Transportation to create a task force to review the clarity of parking signs.**

*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 hereby amended by adding a new section 19-175.4 to read as follows:

*§19-175.4 Signage task force. The commissioner shall establish a task force to review department signs once every three years. The task force shall review any relevant federal and state laws regarding the same. The task force shall consist of eight members one of whom is a representative from the commissioner, the commissioner of police, the commissioner of sanitation and from each of the borough presidents.*

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

Referred to the Committee on Transportation.

Int. No. 727

By Council Members Garodnick, Cabrera, Chin, Comrie, Ferreras, Foster, Gentile, Koppell, Koslowitz, Palma, Halloran and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending in front of building entrances and exits, including service entrances and exits.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 17-315 of subchapter two of chapter three of title seventeen of the administrative code of the city of New York is amended to read as follows:

*d. No vending pushcart shall be located against display windows of fixed location businesses, nor shall they be within twenty feet of an entranceway or exit, including service entrances and exits, to any building, store, theatre, movie house, sports arena or other place of public assembly.*

§ 2. Subdivision d of section 20-465 of subchapter twenty-seven of chapter two of title twenty of the administrative code of the city of New York is amended to read as follows:

*d. No vending pushcart, stand or goods shall be located against display windows of fixed location businesses, nor shall they be within twenty feet from an entranceway or exit, including service entrances and exits, to any building, store, theatre, movie house, sports arena or other place of public assembly.*

§ 3. Paragraph three of subdivision q of section 20-465 of subchapter twenty-seven of chapter two of title twenty of the administrative code of the city of New York is amended to read as follows:

*3. within [ten]twenty feet from entrances or exits, including service entrances and exits, to buildings which are exclusively residential at the street level.*

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

Referred to the Committee on Consumer Affairs.

Int. No. 728

By Council Members Greenfield, Wills, Fidler, Foster, James, Koppell, Lander, Levin, Recchia, Rose, Williams, Koslowitz and Palma.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of voter registration materials to families.**

*Be it enacted by the Council as follows:*

Section 1. Section 3-209 of the administrative code of the city of New York, as added by local law 34 for the year 2004, is amended by adding a section heading and by adding a new subdivision f to read as follows:

*§3-209. Voter registration forms.*

*f. The department of education of the city of New York shall provide voter registration forms to all families at the same time and in the same manner as it provides school enrollment forms. The department shall forward any completed voter registration form that it receives to the board of elections of the city of New York. The department shall also make voter registration forms available on the department's website.*

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

Referred to the Committee on Education.

Int. No. 729

By Council Members Mealy, Wills, Barron, Chin, Fidler, Gentile, James, Koppell, Lander, Palma, Recchia, Rose, Sanders, Vacca, Vann, Williams and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the posting of material terms of contracts entered into by the city on a newly created public, online searchable database.**

Be it enacted by the Council as follows:

Section 1. Chapter 6 of Title 1 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. Public online database. a. No later than March first two thousand twelve, the mayor shall establish a public, online searchable database on the city's official website, or the website of the mayor's office of contract services, that shall include a summary of the material terms of contracts. Such contract summary shall include, but not be limited to:

(1) the name, address, and federal taxpayer's identification number of the contractor, franchisee or concessionaire where available in accordance with applicable law;

(2) the dollar amount of each contract including original maximum and revised maximum expenditure authorized, current encumbrance and actual expenditures;

(3) the type of goods or services to be provided pursuant to the contract;

(4) a detailed narrative in plain language of the purpose of the contract;

(5) the term of the contract, or in the case of a construction contract the starting and scheduled completion date of the contract and the date final payment is authorized;

(6) the agency, New York city affiliated agency, elected official or the council that awarded the contract, franchise or concession and the contract registration number, if any, assigned by the comptroller;

(7) the manner in which the contractor, franchisee or concessionaire was selected, including, but not limited to, in the case of a contractor, whether the contractor was selected through public letting and if so, whether the contractor was the lowest responsible bidder; whether the contractor was selected through a request for proposal procedure, and if so, whether the contractor's response to the request offered the lowest price option; whether the contractor was selected without competition or as a sole source; whether the contractor was selected through the emergency procedure established in the charter or the general municipal law, where applicable; or whether the contractor was selected from a list of prequalified bidders, and if applicable, whether the contractor was the lowest responsible bidder;

(8) price adjustment trigger, if any, whether automatic or periodic;

(9) milestones or deliverables, if any;

(10) payment schedule, and triggers, if any;

(11) non-performance penalties, if any; and

(12) bonus payments, if any.

At a minimum, the public online database shall allow users to search and aggregate provisions in the contract by any element of the information required by this section. Within thirty days of a contract award, pursuant to chapter thirteen of the charter of the city of New York, rules established by the procurement policy board, where applicable, or any rules of the council relating to procurement, each agency shall post the contract summary to the website established pursuant to this section.

b. Except as otherwise provided, for the purposes of this section, (1) "agency" shall mean 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, as defined in section eleven hundred fifty of the charter;

(2) "contract" shall mean and include any agreement between an agency, New York city affiliated agency, elected official or the council and a contractor, or any agreement between such a contractor and a subcontractor, which has a value that, when aggregated with the values of all other such agreements with the same contractor or subcontractor and any franchises or concessions awarded to such contractor or subcontractor during the immediately preceding twelve-month period, equals or exceeds one hundred thousand dollars for procurement in the following areas, as defined by the mayor's office of contract services: (i) architecture and engineering; (ii) construction services; (iii) goods; (iv) human services; (v) professional services; and (vi) standardized services;

(3) "contractor" shall mean and include all individuals, sole proprietorships, partnerships, joint ventures or corporations who enter into a contract, as defined in paragraph two herein, with an agency, New York city affiliated agency, elected official or the council;

(4) "New York city affiliated agency" shall mean any entity the expenses of which are paid in whole or in part from the city treasury and the majority of the members of whose board are city officials or are appointed directly or indirectly by city officials, but shall not include any entity established under the charter, this code

or by executive order, any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility;

(5) "officer" shall mean any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the contractor, by whatever titles known; and

(6) "subcontractor" shall mean an individual, sole proprietorship, partnership, joint venture or corporation which is engaged by a contractor pursuant to a contract, as defined in paragraph two herein.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Finance.

Int. No. 730

By Council Members Recchia, Wills, Arroyo, Brewer, Cabrera, Chin, Comrie, Dickens, Dromm, Fidler, Gentile, James, Koppell, Koslowitz, Lander, Levin, Mealy, Rose, Van Bramer, Vann, Weprin, Williams, Lappin, Koo and Oddo.

**A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of certain information regarding certain construction projects.**

Be it enacted by the Council as follows:

Section 1. Chapter one of title 6 of the administrative code of the city of New York is amended by adding a new section 6-116.3 to read as follows:

6-116.3 Department of housing preservation and development construction contracts reporting requirements.

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

(1) "Contractor" shall mean any individual, sole proprietorship, partnership, joint venture, corporation or other entity that enters into a contract or other agreement with or is otherwise engaged by a developer to perform work in connection with a project.

(2) "Department" shall mean the department of housing preservation and development.

(3) "Developer" shall mean any individual, sole proprietorship, partnership, joint venture, corporation or other entity that is selected by the department to sponsor or otherwise be responsible for performing work in connection with a project where "selected" shall mean chosen, approved, assigned, recommended or otherwise engaged by the department.

(4) "Employee" shall mean a natural person employed or otherwise engaged by a developer, contractor or subcontractor to perform work in connection with a project.

(5) "Financial assistance" shall mean any monies, tax credits, subsidies, mortgages, debt forgiveness, or other thing of value and shall include but not be limited to low income housing tax credits, funds administered by or through the United States department of housing and urban development, and funds provided in accordance with any provision of the public housing law.

(6) "List identifier" shall mean a description of the purpose for which a prequalified list is used by the department including but not limited to the following information:

(i) whether the purpose of the prequalified list is to identify vendors that are prequalified for selection as developers;

(ii) whether the purpose of the prequalified list is to identify vendors that are prequalified to be recommended by the department to developers to perform work as contractors; and

(iii) the types of projects for which the prequalified list is used to select developers or recommend contractors to developers.

(7) "Prequalification criteria" shall mean criteria used by the department to determine whether a vendor is qualified to be on a prequalified list.

(8) "Prequalified list" shall mean a list compiled in accordance with section 324 of the charter and any applicable rules of the procurement policy board which identifies vendors that are prequalified to be selected as developers or recommended by the department to developers to perform work as contractors.

(9) "Principal officer" shall mean an individual who serves as or performs the functions of chief executive officer, chief financial officer or chief operating officer of a developer, contractor or subcontractor.

(10) "Principal owner" shall mean an individual, partnership, joint venture, corporation or other entity which holds a ten percent or greater ownership interest in a developer, contractor or subcontractor.

(11) "Project" shall mean construction, rehabilitation, alteration, maintenance, repair, demolition, planning or design of any residential building, residential facility or residential structure that (i) is performed pursuant to a contract or agreement of any kind with the department where the aggregated value of all contracts or agreements related to such project exceeds one hundred thousand dollars or (ii) is funded in whole or in part by financial assistance provided by the city or which the department has assisted in obtaining where such financial assistance exceeds one hundred thousand dollars; provided that the value of a contract or other agreement

shall mean value to the developer that is a party to such contract or other agreement.

(12) "Project identifier" shall mean a description of a project sufficient to identify such project.

(13) "Subcontractor" shall mean an individual, sole proprietorship, partnership, joint venture, corporation or other entity which enters into a contract or other agreement with or is otherwise engaged by a contractor to perform work in connection with a project.

(14) "Vendor" shall mean an actual or potential contractor.

b. The department shall prepare and make available online to members of the public, in a read-only and fully searchable format, the following information for each prequalified list created by the department:

(1) the list identifier;

(2) the name, address and federal taxpayer identification number and the name and title of each principal officer and principal owner of each vendor on such prequalified list;

(3) the name, address and federal taxpayer identification number and the name and title of each principal officer and principal owner of each vendor that was denied prequalification within the immediately preceding five-year period, and the bases for such denial of prequalification including but not limited to:

(i) the prequalification criteria, if any, that the vendor did not meet;

(ii) in the event that the denial of prequalification was due to an investigation, proceeding or other action by any court or government agency, then information sufficient to identify that investigation, proceeding or other action including but not limited to case, docket number and court;

(iii) in the event that the denial of prequalification was due to conduct related to a contract or other agreement between the vendor and the city, then information sufficient to identify each such contract or agreement including but not limited to the the contract registration number assigned by the comptroller, where applicable;

(iv) whether the vendor appealed the denial of prequalification; and

(4) the name, address and federal taxpayer identification number and the name and title of each principal officer and principal owner of each vendor that had its prequalification revoked or suspended within the immediately preceding five-year period, and the bases for such revocation or suspension of prequalification including but not limited to:

(i) if the vendor had its prequalification suspended, the length of such suspension;

(ii) the prequalification criteria, if any, that the vendor did not meet;

(iii) in the event that the revocation or suspension of prequalification was due to an investigation, proceeding or other action by any court or government agency, then information sufficient to identify that investigation, proceeding or other action including but not limited to case, docket number and court;

(iv) in the event the revocation or suspension of prequalification was due to conduct related to a contract or other agreement between the vendor and the city, then information sufficient to identify each such contract or agreement including but not limited to the contract registration number assigned by the comptroller, where applicable;

(v) in the event the revocation or suspension of prequalification was due to a changed circumstance, condition, status of the vendor or its staff, or additional information acquired by the department or further analysis of the information already acquired by the department, then a description thereof;

(vi) whether the vendor appealed the revocation or suspension of prequalification.

c. For each project, the department shall prepare and make available online to members of the public, in read-only form, and in a fully searchable format the following:

(1) the project identifier;

(2) the address, block and lot number, height, gross square footage, and number of proposed dwelling units of such project;

(3) a description of the source and value of any financial assistance expended by the city in connection with such project or which the department assisted in obtaining in connection with such project;

(4) the dollar amount of each contract or other agreement related to such project including the original maximum and revised maximum expenditure authorized, current encumbrance and actual expenditures;

(5) the contract registration number, if any, assigned by the comptroller for each contract related to such project;

(6) the name, address, telephone number and federal taxpayer identification number and the name and title of each principal officer and principal owner of each developer, contractor and subcontractor;

(7) the manner in which the developer was selected including but not limited to:

(i) whether the developer was selected through competitive sealed bidding pursuant to section 313 of the charter, competitive sealed bidding from a prequalified list pursuant to section 318 of the charter, competitive sealed proposals pursuant to section 319 of the charter, competitive sealed proposals from a prequalified list pursuant to section 320 of the charter;

(ii) if the developer was selected through competitive sealed bidding or competitive sealed bidding from a prequalified list, a statement indicating whether the developer was the lowest responsible bidder and, if not, the reason the lowest responsible bidder was not selected;

(iii) if the developer was selected through competitive sealed proposals or competitive sealed proposals from a prequalified list, whether the developer's response to the request for proposals provided the lowest price option and, if not,

the reason the lowest price option was not selected;

(iv) if the developer was selected from a prequalified list, the list identifier of the prequalified list and if bids or proposals were solicited from less than all of the vendors on the prequalified list or if less than all of the vendors on the prequalified list were considered for selection then:

A. the reason less than all of the vendors on the prequalified list were considered for selection;

B. the manner in which the department determined which vendors were to be considered for selection including but not limited to whether the vendors to be considered were chosen at random or on a rotational basis;

C. the name, address, and federal taxpayer identification number of each vendor considered for selection;

(v) if the developer was selected by a method other than competitive sealed bidding, competitive sealed bidding from a prequalified list, competitive sealed proposals, or competitive sealed proposals from a prequalified list, then:

A. a description of such other method;

B. the basis for the department's decision to use a method other than competitive sealed bidding, competitive sealed bidding from a prequalified list, competitive sealed proposals, or competitive sealed proposals from a prequalified list to select the developer;

C. specific reference to the section of the charter and procurement policy board rules or other law authorizing the department to select the developer in the manner used;

D. the criteria used by the department to select the developer;

E. the name, address, and federal taxpayer identification number of each vendor considered for selection;

(8) the date of each public hearing held with respect to each contract or other agreement related to such project, where applicable;

(9) the contract budget category to which each contract or other agreement related to such project is assigned, where applicable;

(10) whether any of the work in connection with such project will be subject to section 220 of article 8 of the labor law or any regulations or rules promulgated pursuant thereto;

(11) whether any of the work in connection with such project will be subject to subchapter IV of chapter thirty one of part A of subtitle II of title 40 of the United States Code or any regulations or rules promulgated pursuant thereto;

(12) all complaints, charges, allegations, judgments, injunctions or other relief filed or obtained within the prior five years in any judicial actions or proceedings with respect to section 220 of article 8 of the labor law or subchapter IV of chapter thirty one of part A of subtitle II of title 40 of the United States Code or any regulations or rules promulgated pursuant thereto against:

(i) the developer, the current principal owner or principal officer thereof or the former principal owner or principal officer thereof if he or she held such position or status within the immediately preceding five-year period;

(ii) the contractor, the current principal owner or principal officer thereof or the former principal owner or principal officer thereof if he or she held such position or status within the immediately preceding five-year period; or

(iii) the subcontractor, the current principal owner or principal officer thereof or the former principal owner or principal officer thereof if he or she held such position or status within the immediately preceding five-year period;

(13) the total number of violations of the building code issued in connection with the project in the immediately preceding five-year period and for each such violation, the nature of the violation and the outcome of the violation including any remedial actions taken or ordered by the city; and

(14) the case and docket number for each judicial action or proceeding related to such project.

d. For each project, the department shall request that each developer, contractor and subcontractor prepare, maintain and file with the department the following information for each employee:

(1) a description of the work performed by such employee in connection with the project; and

(2) the weekly gross wages and weekly net wages paid to such employee by the developer, contractor or subcontractor for work performed in connection with the project and for each deduction from such wages, the amount and a description thereof.

e. Notwithstanding any other provision of law:

(1) for projects on which work is being performed as of the effective date of this section, the information required by subdivision c of this section shall be made available no later than one year after the effective date of this section; and

(2) the information required by subdivisions b and c of this section shall be updated monthly.

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

Referred to the Committee on Housing and Buildings.

Int. No. 731

By Council Members Recchia, Lappin, Greenfield, Arroyo, Brewer, Chin, Comrie, Dickens, Dromm, Fidler, Foster, Gentile, James, Koslowitz, Lander, Mark-Viverito, Mealy, Mendez, Palma, Reyna, Rose, Van Bramer, Vann, Williams, Halloran and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the administration of the senior citizen rent increase exemption program.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision m of section 26-405 of the administrative code of the city of New York is amended by adding new paragraphs ten, eleven, twelve, and thirteen to read as follows:

(10) *Quarterly reporting requirement.* (a) *Whenever used in this paragraph, the following terms shall be defined as follows:*

(i) *"Application process" shall mean the entirety of an application proceeding and shall begin on the day the department of finance receives an application for an exemption and end on the day the department issues either (a) notification of ineligibility; or (b) an approval order setting forth the amount of the exemption and the time period during which it is effective.*

(ii) *"Complete" or "completeness" shall mean that all requirements, including, but not limited to, supporting documentation, set forth by the commissioner in the instructions for completion of the application for an exemption have been determined by the department to have been satisfied by the applicant.*

(iii) *"Exemption" shall mean a "rent increase exemption order" as defined in paragraph three of subdivision b of this section and the implementing regulations promulgated pursuant thereto.*

(iv) *"Initial application" shall mean an application for an exemption where the applicant does not hold a current, valid exemption.*

(v) *"Phase I" shall mean the first phase of the application process and shall begin on the day the department of finance receives an application for an exemption and end on the day the department of finance (a) determines the application is complete as submitted; or (b) issues notification to the applicant that the application is not complete.*

(vi) *"Phase II" shall mean the second phase of the application process where the department of finance has determined that an application is not complete and shall begin on the day after the department has issued the appropriate notification to the applicant and end on the day the department determines that such application is complete.*

(vii) *"Phase III" shall mean the third and final phase of the application process and shall begin on the day after the department of finance determines an application is complete and end on the day the department issues either (a) notification of ineligibility; or (b) an approval order setting forth the amount of the exemption and the time period during which it is effective.*

(viii) *"Portability application" shall mean an application for an exemption where the applicant (a) holds a current, valid exemption; and (b) has moved his or her principal residence to a subsequent qualified dwelling unit pursuant to paragraph seven of subdivision b of section 26-509 of this title and the implementing regulations promulgated pursuant thereto.*

(ix) *"Re-determination application" shall mean an application for an exemption where the applicant (a) holds a current, valid exemption; and (b) incurs a permanent decrease in aggregate disposable income (as defined by regulation of the department) pursuant to paragraph nine of this subdivision and the implementing regulations promulgated pursuant thereto.*

(x) *"Renewal application" shall mean an application for an exemption, where the applicant (a) holds a current, valid exemption; and (b) qualifies for automatic renewal pursuant to paragraph six of this subdivision.*

(b) *In addition to such other reports as the commissioner of the department of finance is required to submit to the mayor or the city council, the commissioner shall prepare and submit to the mayor and to the city council a quarterly report, in writing. Such report shall be submitted not later than thirty days after the conclusion of each calendar quarter and shall include data compiled during such calendar quarter. Such report shall include, but not be limited to, the following information related to applications for exemption received by the department of finance: (i) the total number of applications in Phase I, as well as the number of such applications in Phase I for thirty days or fewer; for thirty-one to sixty days; and, for more than sixty days;*

*(ii) the total number of applications in Phase II;*

*(iii) the total number of applications in Phase III, as well as the number of such applications in Phase III for thirty days or fewer; for thirty-one to sixty days; for more than sixty days; and for a time period in excess of the target time period set forth by the commissioner, if any;*

*(iv) the average number of days for an application to conclude Phase I, as well as the total number of applications that concluded Phase I in thirty days or fewer; in thirty-one to sixty days; and, in more than sixty days;*

*(v) the average number of days for an application to conclude Phase II, as well as the total number of applications that concluded Phase II in thirty days or fewer; in thirty-one to sixty days; and, in more than sixty days;*

*(vi) the average number of days for an application to conclude Phase III, as well as the total number of applications that concluded Phase III in thirty days or fewer; in thirty-one to sixty days; in more than sixty days; and, in a time period in excess of the target time period set forth by the commissioner, if any;*

*(vii) the average number of days for an application to conclude the application*

*process, as well as the total number of applications that concluded the application process in more than six months; and*

*(viii) for each application that concluded the application process in more than six months, the commissioner shall provide reasons for such delay.*

*All statistics provided in this report shall include separate totals or, where appropriate, averages for all applications enumerated in this paragraph.*

(11) *The commissioner of the department of finance shall provide a written description of all rights and responsibilities of, and remedies available to, landlords and tenants under the senior citizen rent increase exemption program and the process or processes to be followed in order to obtain each such remedy. Such description shall be provided along with the rent exemption application, the exemption order, and the notice to the landlord that the rent exemption order was approved, and shall also be made available on the department's website on a webpage dedicated to the senior rent increase exemption program. Upon the written request of a landlord or tenant, a Chinese, Korean, Russian or Spanish translation of the written description described in this subdivision shall be provided to such landlord or tenant.*

(12) *The commissioner of the department of finance shall designate employees of such department, the number of which shall be determined by the commissioner of the department of finance, who may also be proficient in at least two languages, to respond to written inquiries and verbal communications regarding the senior citizen rent increase program, and the commissioner of the department of finance shall establish a dedicated telephone number to be answered by at least one such employee for such purposes. The contact information of at least one such employee and the dedicated telephone number shall be included in all written communication from the department of finance regarding the senior citizen rent increase exemption program to the landlords and tenants, and shall also be made available on the department's website on a page dedicated to the senior rent increase exemption program. Such contact information shall include the name of employee or employees, electronic mail address of employee or employees, and phone number of employee or employees.*

(13) *On a quarterly basis, the commissioner of the department of finance shall mail to the landlord or agent of record, a document that provides information regarding the tax abatement credits due to the landlord on behalf of each landlord's tenant receiving a senior citizen rent increase exemption. Such document shall include, but not be limited to (a) the rent calculations for the tax abatement credits; (b) the effective date of the tax abatement credits; (c) the exemption amount; (d) the amount each tenant is responsible to pay; and (e) the date the tax abatement credits were electronically transferred to the landlord's senior citizen rent increase exemption statement of account, or other property tax bill account that reflects tax abatement credit or debit activity.*

§2. Section 26-509 of the administrative code of the city of New York is amended by adding new subdivisions e, f, g, and h to read as follows:

*e. Quarterly reporting requirement. (1) Whenever used in this subdivision, the following terms shall be defined as follows:*

(i) *"Application process" shall mean the entirety of an application proceeding and shall begin on the day the department of finance receives an application for an exemption and end on the day the department issues either (a) notification of ineligibility; or (b) an approval order setting forth the amount of the exemption and the time period during which it is effective.*

(ii) *"Complete" or "completeness" shall mean that all requirements, including, but not limited to, supporting documentation, set forth by the commissioner in the instructions for completion of the application for an exemption have been determined by the department to have been satisfied by the applicant.*

(iii) *"Exemption" shall mean a "rent increase exemption order" as defined in paragraph three of subdivision b of this section and the implementing regulations promulgated pursuant thereto.*

(iv) *"Initial application" shall mean an application for an exemption where the applicant does not hold a current, valid exemption.*

(v) *"Phase I" shall mean the first phase of the application process and shall begin on the day the department of finance receives an application for an exemption and end on the day the department of finance: (a) determines the application is complete as submitted; or (b) issues notification to the applicant that the application is not complete.*

(vi) *"Phase II" shall mean the second phase of the application process where the department of finance has determined that an application is not complete and shall begin on the day after the department has issued the appropriate notification to the applicant and end on the day the department determines that such application is complete.*

(vii) *"Phase III" shall mean the third and final phase of the application process and shall begin on the day after the department of finance determines an application is complete and end on the day the department issues either: (a) notification of ineligibility; or (b) an approval order setting forth the amount of the exemption and the time period during which it is effective.*

(viii) *"Portability application" shall mean an application for an exemption where the applicant: (a) holds a current, valid exemption; and (b) has moved his or her principal residence to a subsequent qualified dwelling unit pursuant to paragraph seven of subdivision b of this section and the implementing regulations promulgated pursuant thereto.*

(ix) *"Re-determination application" shall mean an application for an exemption where the applicant: (a) holds a current, valid exemption; and (b) incurs a permanent decrease in aggregate disposable income (as defined by regulation of the department) pursuant to paragraph nine of this subdivision and the implementing regulations promulgated pursuant thereto.*

(x) "Renewal application" shall mean an application for an exemption, where the applicant (a) holds a current, valid exemption; and (b) qualifies for automatic renewal pursuant to paragraph six of this subdivision.

(2) In addition to such other reports as the commissioner of the department of finance is required to submit to the mayor or the city council, the commissioner shall prepare and submit to the mayor and to the city council a quarterly report, in writing. Such report shall be submitted not later than thirty days after the conclusion of each calendar quarter and shall include data compiled during such calendar quarter. Such report shall include, but not be limited to, the following information related to applications for exemption received by the department of finance: (i) the total number of applications in Phase I, as well as the number of such applications in Phase I for thirty days or fewer; for thirty-one to sixty days; and, for more than sixty days;

(ii) the total number of applications in Phase II;

(iii) the total number of applications in Phase III, as well as the number of such applications in Phase III for thirty days or fewer; for thirty-one to sixty days; for more than sixty days; and for a time period in excess of the target time period set forth by the commissioner, if any;

(iv) the average number of days for an application to conclude Phase I, as well as the total number of applications that concluded Phase I in thirty days or fewer; in thirty-one to sixty days; and, in more than sixty days;

(v) the average number of days for an application to conclude Phase II, as well as the total number of applications that concluded Phase II in thirty days or fewer; in thirty-one to sixty days; and, in more than sixty days;

(vi) the average number of days for an application to conclude Phase III, as well as the total number of applications that concluded Phase III in thirty days or fewer; in thirty-one to sixty days; in more than sixty days; and, in a time period in excess of the target time period set forth by the commissioner, if any;

(vii) the average number of days for an application to conclude the application process, as well as the total number of applications that concluded the application process in more than six months; and

(viii) for each application that concluded the application process in more than six months, the commissioner shall provide reasons for such delay.

All statistics provided in this report shall include separate totals or, where appropriate, averages for all applications enumerated in this paragraph.

f. The commissioner of the department of finance shall provide a written description of all rights and responsibilities of, and remedies available to, landlords and tenants under the senior citizen rent increase exemption program and the process or processes to be followed in order to obtain each such remedy. Such description shall be provided along with the rent exemption application, the exemption order, and the notice to the landlord that the rent exemption order was approved, and shall also be made available on the department's website on a webpage dedicated to the senior rent increase exemption program. Upon the written request of a landlord or tenant, a Chinese, Korean, Russian or Spanish translation of the written description described in this subdivision shall be provided to such landlord or tenant.

g. The commissioner of the department of finance shall designate employees of such department, the number of which shall be determined by the commissioner of the department of finance, who may also be proficient in at least two languages, to respond to written inquiries and verbal communications regarding the senior citizen rent increase program, and the commissioner of the department of finance shall establish a dedicated telephone number to be answered by at least one such employee for such purposes. The contact information of at least one such employee and the dedicated telephone number shall be included in all written communication from the department of finance regarding the senior citizen rent increase exemption program to the landlords and tenants, and shall also be made available on the department's website on a page dedicated to the senior rent increase exemption program. Such contact information shall include the name of employee or employees, electronic mail address of employee or employees, and phone number of employee or employees.

h. On a quarterly basis, the commissioner of the department of finance shall mail to the landlord or agent of record, a document that provides information regarding the tax abatement credits due to the landlord on behalf of each landlord's tenant receiving a senior citizen rent increase exemption. Such document shall include, but not be limited to (1) the rent calculations for the tax abatement credits; (2) the effective date of the tax abatement credits; (3) the exemption amount; (4) the amount each tenant is responsible to pay; and (5) the date the tax abatement credits were electronically transferred to the landlord's senior citizen rent increase exemption statement of account, or other property tax bill account that reflects tax abatement credit or debit activity.

§4. Effect of invalidity; severability. If any section, subsection, sentence, clause, phrase, or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§5. This local law shall take effect ninety days after its enactment.

Referred to the Committee on Finance.

Int. No. 732

By Council Members Rose, Wills, Arroyo, Barron, Cabrera, Chin, Comrie, Dickens, Dromm, Ferreras, Foster, James, Koppell, Koslowitz, Levin, Mark-Viverito, Mealy, Mendez, Palma, Sanders, Vann, Williams, Halloran and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of speed humps on streets adjacent to public schools.**

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 Installation of speed humps on streets adjacent to public schools. a. Definitions. For the purpose of this section, the following terms shall have the following meanings:

1. "Speed hump" shall mean any raised area of a street, composed of asphalt or another paving material, that (i) stretches across substantially the entire width of the street, (ii) is several inches high, and (iii) is installed and designed for the purpose of slowing vehicular traffic.

2. "Public school" shall mean any buildings, grounds, facilities, property, or portion thereof under the jurisdiction of the New York city department of education in which educational instruction is provided to students at or below the twelfth grade level.

b. Notwithstanding the provisions of sections 19-179, 19-183, and 19-185 of the code, the commissioner, in consultation with the department of education, prior to the opening of any new public school, shall install one or more speed humps on all streets that are adjacent to, or run contiguous with, such new public school.

c. Notwithstanding the provisions of sections 19-179, 19-183, and 19-185 of the code, the commissioner, in consultation with the department of education, shall install speed humps on all streets that are adjacent to, or run contiguous with, a public school in existence on the effective date of this section. The commissioner shall complete the installation of such speed humps by no later than two years after the effective date of this section.

d. Any speed hump installed pursuant to this section shall be located so as to affect all vehicular traffic using such street, and shall be of sufficient size and shape to slow vehicular traffic using such street to approximately fifteen miles per hour.

e. The commissioner may decline to install any speed hump that is otherwise required by this section if such installation would, in the commissioner's judgment, endanger the safety of motorists or pedestrians.

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

Referred to the Committee on Transportation.

Int. No. 733

By Council Members Sanders, Cabrera, Comrie, James, Mealy and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to the boundaries of the Far Rockaway empire zone.**

Be it enacted by the Council as follows:

Section 1. Section 22-712 of the administrative code of the city of New York is amended by adding two new subdivisions, d and e, to read as follows:

d. In accordance with general municipal law section nine hundred sixty-nine (c), the city of New York hereby requests that the commissioner of the New York state department of economic development approve a proposed revision of the boundaries of the Far Rockaway empire zone. Upon approval by the commissioner of the proposed revision, the boundaries of the zone as set forth in subdivision c of this section shall be superseded by the revised boundaries as set forth in subdivision e of this section.

e. There is hereby established in the borough of Queens an empire zone consisting of the following blocks and lots:

Block: 15529 Lots: 4; 9; 10; 19; 38; 42; 48; 54; 65; 102; 105; 110; 115; 121; 122; 123; 129; 134; 136; 142; 143; 161.

Block: 15536 Lots: 1; 6; 12; 15; 18; 22; 28; 31.

Block: 15537 Lots: 1; 5; 40; 46; 50; 51; 53; 54; 55; 56; 57; 58; 59; 60; 63; 65; 71; 79; 89; 92; 94; 99; 100; 112; 125; 128; 130; 133; 137; 147; 148; 150; 152; 153.

Block: 15544 Lots: 1; 6; 8; 10; 12; 15; 18; 21; 24; 26; 28; 31; 34; 40; 46; 51; 57; 63.

Block: 15545 Lots: 1; 4; 7; 10; 13; 19; 23; 26; 28; 29; 32; 41; 43; 44; 48.

Block: 15557 Lots: 1; 4; 14; 17; 25; 81; 83; 84; 86; 7501.

Block: 15559 Lots: 1; 8; 12; 25; 40; 42; 44; 51; 54; 58; 62; 151.

Block: 15560 Lots: 1; 8; 12; 17; 22; 23; 24; 26; 30; 34; 41; 43; 44; 45; 50; 52; 54.

Block: 15561 Lots: 1; 4; 8; 10; 13; 16; 18; 19; 21; 22; 23; 26; 29; 34; 58.

Block: 15564 Lots: 1; 11; 14; 15; 16; 17; 19; 21; 23; 25; 33; 36; 38; 40; 42;

45; 50; 51; 52; 53; 55; 63; 79; 7501.

Block: 15566 Lots: 1; 9; 17; 22; 23; 25; 26; 28; 30; 32; 36; 38; 40; 42; 43; 44; 45; 46; 47; 48; 49; 50; 53; 55; 56; 57; 58; 60; 65; 146; 148; 149.

Block: 15636 Lots: 1; 7; 61; 64.

Block: 15637 Lots: 1; 10; 12; 14; 15; 17; 19; 20; 21; 23; 27; 31; 34; 36; 39; 50; 56; 58; 68; 69; 73; 75; 78; 79; 82; 84; 86; 171.

Block: 15704 Lots: 1; 5; 6; 17; 26; 30; 36; 40; 53; 55; 57; 60; 66; 72; 75.

Block: 15705 Lots: 1; 6; 9; 10; 11; 12; 13; 14; 15; 18; 21; 22; 25; 26; 28; 29; 30; 31; 32; 33; 34; 35; 36; 37; 59; 69; 78; 81; 84; 88; 125; 135; 136; 140.

Block: 15747 Lots: 1.

Block: 15750 Lots: 1; 29; 33; 37; 40; 42; 43; 45; 46; 50; 54.

Block: 15751 Lots: 4; 10; 16; 19; 24; 26; 28; 30; 34; 36; 39; 45.

Block: 15760 Lots: 1; 3; 6; 9; 12; 21; 23; 25; 27; 30; 33; 36; 39; 42; 45.

Block: 15761 Lots: 1; 3; 5; 9; 11; 13; 14; 26; 32; 42; 44.

Block: 15767 Lots: 1; 7; 14; 17; 24; 26; 28; 32; 41; 48; 50.

Block: 15768 Lots: 7501.

Block: 15769 Lots: 1; 3; 5; 10; 11; 13; 14; 15; 16; 17; 25; 26; 27; 28; 30; 32; 34.

Block: 15770 Lots: 6; 7; 9; 12; 13; 16; 20; 22; 24; 26; 28; 30; 33; 36; 38; 39; 41; 43; 46; 48; 49; 50; 53; 55; 57; 60.

Block: 15780 Lots: 15; 20; 75; 100.

Block: 15781 Lots: 1; 4; 8; 10; 11; 12; 13; 15; 16; 17; 19; 21; 23; 25; 27; 29; 32; 34; 36; 38; 40; 42; 44; 46; 48; 50; 52; 70; 75; 76.

Block: 15782 Lots: 1; 7; 14; 21; 32; 33; 34; 35; 36; 37; 38; 39; 40; 42; 43; 46; 48; 50; 51; 53; 54.

Block: 15783 Lots: 45; 47; 48; 50; 51; 53; 55; 56; 58; 60; 63; 64; 65; 67; 68.

Block: 15784 Lots: 1; 20; 22; 25; 26; 28; 29; 31; 33.

Block: 15786 Lots: 42; 44; 46; 48; 50; 51; 54; 56; 58; 59; 62; 63; 64; 65; 66; 67; 69; 71; 72; 75; 77; 79; 82; 83; 84; 85; 86; 87; 88; 93; 94; 95; 99; 101; 103; 105; 108; 109; 110; 112; 114; 190; 195; 206.

Block: 15788 Lots: 2; 4; 6; 7; 9; 10; 11; 12; 15; 16; 18; 22; 25; 37; 107; 109; 110; 117; 119; 120; 123; 125; 127; 129; 130; 132.

Block: 15801 Lots: 1; 9; 10; 15; 26.

Block: 15802 Lots: 1; 5; 7; 12; 14; 15; 17; 26; 28; 30.

Block: 15803 Lots: 1; 4; 7; 10; 12; 14; 16; 18; 23; 25; 26; 28; 29; 30; 31; 32; 33; 34; 35; 36; 37; 38; 39; 40; 41; 42; 43; 46; 48; 49; 50; 51; 52; 55; 56; 57; 58; 59; 60; 61; 62; 63; 141; 143.

Block: 15804 Lots: 1; 4; 7; 10; 15; 17; 23; 25; 27; 28; 33; 34; 35; 36; 37; 38; 41; 138.

Block: 15805 Lots: 1; 6; 8; 10; 12; 14; 16; 18; 20; 25; 32; 34; 36; 38; 40; 42.

Block: 15806 Lots: 1; 4; 7; 9; 11; 13; 15; 17; 19; 21; 23; 25; 27; 29; 31; 33; 35; 37.

Block: 15807 Lots: 1; 5; 10; 11; 13; 14; 15; 16; 19; 22; 24; 25; 27; 28; 29; 30; 31; 32; 33; 34; 35; 36; 38; 122; 123; 131.

Block: 15808 Lots: 1; 2; 3; 4; 5; 7; 8; 9; 10; 11; 16; 24; 29; 53; 57; 59; 60; 61; 62; 64; 65; 66; 67; 68; 109; 110; 166.

Block: 15810 Lots: 1; 25; 30; 40; 55; 71; 75; 80.

Block: 15815 Lots: 1; 20; 21; 22; 23; 24; 25; 26; 27; 28; 30; 31; 32; 33; 35; 36; 38; 39; 40; 42; 43; 45; 46; 48; 51; 53; 54; 61; 62; 63; 65; 67; 68; 69; 70; 71; 91; 122; 123; 124; 125; 126; 127; 128; 130; 131; 132; 133; 134; 136; 137; 138; 140; 142; 143; 145; 146; 148; 150; 151; 153; 161; 162; 163; 165; 167; 168; 169; 170; 212; 220; 280.

Block: 15817 Lots: 1; 11; 16; 17; 18; 20; 21; 26; 31; 36; 37; 38; 40; 41; 46; 48; 49; 50; 51; 57; 59; 60; 61; 62; 63; 68; 70; 71; 73; 74; 75; 76; 78; 79; 81; 82; 83; 88; 103; 140; 146; 148.

Block: 15818 Lots: 1; 5; 7; 8; 9; 11; 12; 14; 15; 17; 19; 20; 21; 23; 27; 29; 30; 31; 32; 34; 35; 37; 38; 39; 41; 43; 48; 49; 50; 51; 53; 58; 59; 61; 62; 63; 64; 65; 68; 73; 78; 86; 87; 88; 89; 90; 91; 92; 93; 94; 95; 110; 139; 141; 148; 149; 150; 151.

Block: 15819 Lots: 36; 40; 42; 44; 46; 48; 50; 52; 54; 56; 58; 59; 61; 62; 63; 64; 66; 67; 73; 77; 79; 122; 123; 124; 125; 126; 128; 131; 133; 134; 135; 136; 138; 139; 142; 145; 148; 153; 156; 7501.

Block: 15820 Lots: 1.

Block: 15821 Lots: 1; 9; 16; 18; 22; 25; 31; 32; 33; 34; 35; 36; 37; 38; 42; 46.

Block: 15822 Lots: 1; 20; 23; 30; 35; 42; 44; 48.

Block: 15823 Lots: 1; 23; 26; 29; 30; 32; 34; 37; 40; 42.

Block: 15825 Lots: 1; 7; 9.

Block: 15826 Lots: 1; 3; 4; 5; 6; 8; 9; 11; 12; 13; 15; 16; 17; 18; 31.

Block: 15827 Lots: 12; 15; 25; 29; 31.

Block: 15828 Lots: 1; 3; 4; 5; 7; 9; 11; 13; 15; 17; 18; 20; 22; 23; 30; 37; 40; 42; 43; 44; 45; 46; 50; 51; 52; 53; 78; 80; 98; 100; 117; 118; 120; 140.

Block: 15829 Lots: 1; 2; 6; 8; 9; 11; 13; 15; 21; 23; 24; 25; 27; 28; 29; 30; 31; 40; 41; 42; 43; 44; 46; 47; 49; 51; 52; 54; 58.

Block: 15830 Lots: 1; 2; 4; 5; 6; 7; 9; 11; 12; 14; 15; 16; 17; 19; 23; 26; 28; 30; 38; 39; 42; 43; 45; 46; 50; 51; 52; 53; 54; 55; 59; 60; 61.

Block: 15831 Lots: 1; 6; 11; 12; 13; 14; 15; 16; 17; 20; 24; 25; 29; 32; 50.

Block: 15832 Lots: 60; 75.

Block: 15833 Lots: 1; 7; 9; 10; 12; 14; 16; 18; 20; 22; 24; 26; 28; 30; 31; 32; 33; 39; 41; 44; 45; 46; 55; 58; 61; 66; 67; 68; 69; 70; 71; 73.

Block: 15834 Lots: 1; 9; 11; 13; 16; 17; 19; 21; 22; 23; 24; 25; 26; 28; 30; 38; 42; 43; 45; 47; 49; 51; 53; 54; 56; 58; 60; 62; 64; 158.

Block: 15835 Lots: 25; 27; 29; 30; 32; 33; 34; 35; 37; 38; 39; 42; 43; 54; 56; 59; 61; 63; 65; 67; 69; 71.

Block: 15836 Lots: 1; 7; 10; 12; 13; 22.

Block: 15837 Lots: 1; 5; 7; 9; 10; 12; 13; 15; 17; 19; 23; 25; 27; 29; 31; 33; 41; 47; 49; 51; 52; 54; 56; 58; 59; 60; 62; 64; 65; 66; 67; 69.

Block: 15838 Lots: 3; 7; 9; 11; 12; 13; 15; 17; 19; 20; 21; 23; 25; 27; 29; 33; 35; 37; 39; 41; 43; 45; 47; 48; 49; 51; 53; 55; 57; 59; 61; 63; 67; 70; 72; 74; 76.

Block: 15839 Lots: 1; 3; 5; 7; 9; 13; 15; 17; 19; 21; 22; 24; 25; 26; 34; 36; 38; 40; 42; 43; 44; 46; 47; 49; 51; 58; 60; 61; 63; 64; 67; 68; 70; 72; 75.

Block: 15840 Lots: 1; 6; 64; 65.

Block: 15841 Lots: 3; 5; 7; 8; 10; 14; 19; 70.

Block: 15842 Lots: 1; 100.

Block: 15843 Lots: 1.

Block: 15845 Lots: 1; 4; 8; 10; 13; 14; 15; 21; 28; 29; 30; 32; 35; 44.

Block: 15847 Lots: 75; 79; 80; 81; 82; 83; 84; 85; 86; 87; 88; 89.

Block: 15848 Lots: 36; 41; 45; 46; 48; 50; 52; 54; 55; 57; 58; 60; 62; 63; 65; 67.

Block: 15849 Lots: 1; 6; 8; 9; 10; 15; 16; 17; 18; 19; 20; 21; 22; 27; 28; 29.

Block: 15850 Lots: 1; 6; 16; 28; 30; 31.

Block: 15851 Lots: 33; 35; 40; 42; 44; 45; 48; 58; 59.

Block: 15852 Lots: 60; 64; 68; 73; 84; 86; 88.

Block: 15853 Lots: 39; 40; 48; 53; 60; 90; 95; 96; 97; 98; 102.

Block: 15855 Lots: 1; 90.

Block: 15857 Lots: 1; 7; 40; 42; 75.

Block: 15859 Lots: 1.

Block: 15860 Lots: 1.

Block: 15861 Lots: 1; 35; 47.

Block: 15862 Lots: 1.

Block: 15863 Lots: 1.

Block: 15864 Lots: 1.

Block: 15865 Lots: 1.

Block: 15866 Lots: 1.

Block: 15867 Lots: 1.

Block: 15868 Lots: 1.

Block: 15869 Lots: 1.

Block: 15870 Lots: 60; 71.

Block: 15871 Lots: 1.

Block: 15873 Lots: 1.

Block: 15874 Lots: 8; 41.

Block: 15875 Lots: 1.

Block: 15876 Lots: 1.

Block: 15890 Lots: 8; 13; 16; 17; 18; 28; 30; 37; 41; 42; 54; 58; 62; 64; 66; 69; 84; 89; 94; 97.

Block: 15891 Lots: 1; 5; 9; 10; 21; 30; 55; 57.

Block: 15892 Lots: 1.

Block: 15894 Lots: 1; 11.

Block: 15895 Lots: 50.

Block: 15897 Lots: 1; 17; 18; 36; 40; 42; 44; 130; 133; 134; 135; 137; 139; 141; 143; 145.

Block: 15898 Lots: 35.

Block: 15900 Lots: 2; 4; 8.

Block: 15901 Lots: 1; 5; 8; 57.

Block: 15904 Lots: 1; 19; 20; 25; 27; 29; 31; 33; 34; 35; 37.

Block: 15905 Lots: 1.

Block: 15907 Lots: 50.

Block: 15908 Lots: 3; 5; 162.

Block: 15909 Lots: 1; 6; 7; 65; 70.

Block: 15910 Lots: 7.

Block: 15913 Lots: 26; 37.

Block: 15917 Lots: 1; 14; 18.

Block: 15918 Lots: 2; 10; 18; 85.

Block: 15939 Lots: 1.

Block: 15940 Lots: 93; 103.

Block: 15941 Lots: 71.

Block: 15942 Lots: 1.

Block: 15947 Lots: 1.

Block: 15948 Lots: 1.

Block: 15950 Lots: 1; 14; 24; 29; 42; 55.

Block: 15973 Lots: 1; 38.

Block: 16014 Lots: 1; 22.

Block: 16076 Lots: 1; 14; 118.

Block: 16077 Lots: 1; 28; 40; 42.

Block: 16078 Lots: 1; 3; 6; 8; 10; 12; 14; 15; 17; 18; 20; 21; 23; 25; 27; 28; 29; 35; 37; 45; 47; 48; 49; 51; 52; 53; 54; 55; 56; 57; 58.

Block: 16079 Lots: 1; 7; 9; 18; 20; 22; 24; 26; 28; 29; 31; 33; 34; 36; 43; 45; 47.

Block: 16080 Lots: 1; 37; 100.

Block: 16081 Lots: 45.

Block: 16083 Lots: 39; 42; 43; 84.

Block: 16085 Lots: 44; 47; 48; 92.  
 Block: 16087 Lots: 12; 15.  
 Block: 16088 Lots: 1; 11; 12; 15; 40.  
 Block: 16089 Lots: 1; 11; 12; 15.  
 Block: 16090 Lots: 1; 20; 24; 25; 29; 85.  
 Block: 16091 Lots: 1; 6.  
 Block: 16092 Lots: 1, 37, 72, 88 and 132.  
 Block: 16093 Lots: 1.  
 Block: 16094 Lots: 1.  
 Block: 16095 Lots: 55.  
 Block: 16096 Lots: 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; 36; 37; 38; 39; 40; 41; 42; 44; 50.  
 Block: 16100 Lots: 1; 7; 14; 18; 20; 24; 28; 29; 31; 33; 34; 37; 38; 56; 85; 175.  
 Block: 16103 Lots: 1; 60; 136; 140; 200.  
 Block: 16104 Lots: 1; 25; 28; 201.  
 Block: 16105 Lots: 1.  
 Block: 16106 Lots: 1.  
 Block: 16111 Lots: 1; 25.  
 Block: 16112 Lots: 1; 41; 45; 66.  
 Block: 16113 Lots: 1; 9.  
 Block: 16114 Lots: 2; 125; 9999.  
 Block: 16115 Lots: 4; 36.  
 Block: 16117 Lots: 24; 84.  
 Block: 16119 Lots: 18; 25; 27; 31; 32; 33; 36; 40; 41; 44; 45; 51; 54; 56; 58; 60; 61; 62; 63; 64; 65; 67; 71; 74; 78; 79; 80; 81; 84; 85; 86; 87; 90; 92; 94; 97; 100; 101; 102; 104; 109; 110; 111; 112; 113; 115; 120; 122; 178; 236; 289; 294; 297.  
 Block: 16120 Lots: 1; 5; 6; 10; 12; 14; 65; 68; 69; 70; 71; 72; 79; 80.  
 Block: 16121 Lots: 1; 4; 5; 7; 9; 13; 14; 15; 126; 133; 136; 138; 143; 145; 146; 148.  
 Block: 16122 Lots: 1; 3; 5; 7; 9; 10; 12; 14; 15; 17; 18; 19; 22; 23; 25; 27; 29; 30; 32; 36; 38; 39; 42; 43; 44; 45; 46; 47; 48; 50; 52; 54; 56; 58; 60; 107; 133; 134; 137.  
 Block: 16123 Lots: 1; 2; 9; 10; 11; 12; 13; 15; 16; 17; 18; 20; 21; 22; 23; 25; 26; 28; 30; 32; 34; 36; 38; 44; 46; 48; 50; 52; 54; 56; 58; 60; 62; 64; 66; 68; 70; 79; 85; 86; 92; 94; 95; 98; 99.  
 Block: 16124 Lots: 1; 3; 4; 5; 7; 11; 12; 14; 16; 17; 18; 20; 21; 22; 23; 25; 26; 27; 28; 29; 33; 76; 78; 84; 91; 92; 94; 95; 96; 97; 104; 107; 108; 111; 114; 115; 119.  
 Block: 16125 Lots: 1; 3; 5; 6; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 22; 23; 24; 64; 69; 70; 71; 72; 73; 74; 75; 76; 77; 78; 79; 80; 81; 82; 85; 86; 87; 89; 90; 92; 97; 98; 100; 101; 102; 103; 104; 105; 107; 108; 111; 114; 118; 120; 121; 122; 123; 124; 188.  
 Block: 16126 Lots: 1.  
 Block: 16127 Lots: 1; 7; 8; 9; 10; 11; 12; 13; 16; 22; 23; 24; 25.  
 Block: 16128 Lots: 1; 50.  
 Block: 16129 Lots: 1.  
 Block: 16131 Lots: 10; 50.  
 Block: 16151 Lots: 6; 14; 15; 18; 36; 91; 92.  
 Block: 16152 Lots: 1; 3; 5; 10; 11; 14; 26; 46; 65; 66; 67; 69; 71; 74; 75; 77; 78; 80; 81; 82; 83; 84; 101.  
 Block: 16153 Lots: 1; 7; 8; 11; 12; 13; 14; 15; 18; 21; 23; 25; 28; 69; 71; 72; 80; 81; 82; 83; 84; 89; 91; 95; 108; 185; 208; 285.  
 Block: 16154 Lots: 2; 4; 6; 8; 10; 12; 14; 15; 16; 18; 20; 22; 24; 26; 28; 30; 32; 101.  
 Block: 16155 Lots: 1; 5; 7; 10; 12; 15; 17; 18; 80; 81; 82; 83; 84; 87; 91; 92.  
 Block: 16156 Lots: 1; 6; 7; 8; 9; 12; 19; 80; 94; 95; 96; 97; 98; 99; 100; 101; 102; 103.  
 Block: 16157 Lots: 1; 2; 3; 4; 6; 10; 24; 25; 89; 90; 91; 92; 95.  
 Block: 16158 Lots: 5.  
 Block: 16159 Lots: 8; 9.  
 Block: 16160 Lots: 8; 9.  
 Block: 16161 Lots: 29; 50; 9999.  
 Block: 16162 Lots: 3; 18; 100; 120.  
 Block: 16164 Lots: 1; 2; 3; 4; 5; 10; 11; 12; 13; 14; 20; 22; 23; 103; 104; 204; 304.  
 Block: 16166 Lots: 1; 3; 5; 6; 7; 8; 9; 11; 13; 15; 17; 19; 20; 22; 23; 24; 25; 26; 27; 29; 31; 32; 35; 38; 40; 43; 45; 47; 49; 50; 53; 55; 56; 57; 59; 61; 63; 65; 68; 69; 71; 72; 73; 74; 75; 76; 77; 78; 79; 80; 81; 85; 94; 100; 101; 110; 155; 177; 250; 260; 269; 281; 286; 293; 299; 304; 311; 312; 315; 317; 322; 336; 350; 400; 425; 426; 434; 449; 450; 453; 460; 470; 482; 483; 485; 486; 487.  
 Block: 16167 Lots: 151; 160.  
 Block: 16171 Lots: 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 27; 28; 29; 30; 31; 32; 34; 35; 39; 46; 47; 48; 50; 51; 52; 53; 58; 59; 60; 62; 64; 65; 68; 69; 70; 71; 72; 73.  
 Block: 16172 Lots: 11; 20; 60.  
 Block: 16176 Lots: 1; 25.  
 Block: 16178 Lots: 1; 50; 60; 65; 70; 80.  
 Block: 16180 Lots: 1; 2; 3; 8; 9.  
 Block: 16188 Lots: 1; 4; 6; 8; 12; 15; 17; 19; 21; 23; 25; 28; 30; 34; 62; 66;

68; 70; 73; 75; 78.

Block: 16190 Lots: 10; 100; 130.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Economic Development.

Int. No. 734

By Council Members Vacca, Wills, Cabrera, Comrie, Dickens, Foster, Gentile, James, Koppell, Mealy, Mendez, Nelson, Rose, Sanders, Vann, Williams and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of an emergency repair program for elevators.**

*Be it enacted by the Council as follows:*

Section 1. Article 215 of chapter two of title twenty-eight of the administrative code of the city of New York is amended by adding a new section 28-215.9 to read as follows:

§28-215.9 *Emergency repair of elevators. If the commissioner determines that an owner or other responsible party has not acted to correct any immediately hazardous elevator-related violation in a multiple dwelling within the stated time for compliance provided by the department, then the commissioner shall refer information about such elevator violation to the commissioner of housing preservation and development so that the department of housing preservation and development may perform or arrange for the performance of the work necessary to correct the violation in accordance with article five of subchapter five of the housing maintenance code.*

§28-215.9.1 *Exceptions. The provisions of section 28-215.9 of this article do not apply to elevators located in owner-occupied dwellings that service only the owner-occupied dwelling unit and such dwelling unit is not occupied by boarders, roomers, or lodgers, and elevators located within convents and rectories that are not open to non-occupants on a regular basis.*

§2. Section 27-2125 of the administrative code of the City of New York is amended to read as follows:

§ 27-2125. Power to cause or order corrections of violations. a. Whenever the department determines that because of any violation of this chapter or other applicable law, *including an immediately hazardous elevator-related violation referred to the department by the department of buildings in accordance with section 28-215.9 of this code*, any dwelling or part of its premises is dangerous to human life and safety or detrimental to health, it may

(1) correct such conditions, or

(2) order the owner of the dwelling or other responsible party to correct such conditions.

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

Referred to the Committee on Housing and Buildings.

Int. No. 735

By Council Members Vacca, Crowley, Cabrera, Comrie, Fidler, James, Koslowitz, Levin, Nelson, Palma, Reyna, Williams, Lappin, Van Bramer, Vallone and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to strengthening the penalties for illegally operating non-TLC licensed vehicles for hire.**

*Be it enacted by the Council as follows:*

Section 1. Section 19-506 of chapter 5 of title 19 of the administrative code of the city of New York is amended by amending paragraph 1 of subdivision b, subdivision d, subdivision e, paragraph 1 of subdivision h and by adding a new subparagraph (A) to paragraph 2 of subdivision h to read as follows:

b. 1. Any person who shall permit another to operate or who shall knowingly operate or offer to operate for hire any vehicle as a taxicab, coach, wheelchair accessible van or for-hire vehicle in the city, without first having obtained an appropriate license therefor, shall be guilty of a [violation] *misdemeanor* [hereof], and upon conviction in the criminal court shall be punished by a fine of [not less than four hundred] *ten thousand* dollars [or more than one thousand dollars] or imprisonment for not more than [sixty] *one hundred eighty* days, or both such fine and imprisonment.

d. Any person, other than a person holding a driver's license issued pursuant to section 19-505 and a New York state class A, B, C or E license, neither of which is revoked or suspended, who drives or operates for hire a licensed vehicle in the city except a commuter van, shall be guilty of a [violation] *misdemeanor*

[hereof], and upon conviction in the criminal court, shall be punished by a fine of not less than [one] *five* hundred dollars nor more than [five hundred] *one thousand* dollars or imprisonment for a term not exceeding [thirty] *ninety* days, or both such fine and imprisonment.

e. As an alternative *or in addition* to the penalties provided for the violation of subdivisions b, c and d of this section, any person who shall violate any of the provisions of such subdivisions shall be liable for a civil penalty of not less than two [hundred] *thousand* dollars nor more than [one] *four thousand* [five hundred] dollars for each violation. A proceeding to impose such a civil penalty or a civil penalty prescribed in subdivision f of this section shall be commenced by the service of a notice of violation returnable before the commission or an administrative tribunal of the commission. The commission or such tribunal, after a hearing as provided by the rules of the commission, shall have the power to enforce its decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision c of section two thousand three hundred three of the charter.

h. (1) Any officer or employee of the commission designated by the chairperson of the commission and any police officer [may] *shall* seize any vehicle which he or she has probable cause to believe is operated or offered to be operated without an appropriate vehicle license for such operation in violation of subdivision b or c of this section. [Therefore] *Thereafter*, either the commission or an administrative tribunal of the commission at a proceeding commenced in accordance with subdivision e of this section, or the criminal court, as provided in this section, shall determine whether a vehicle seized pursuant to this subdivision was operated or offered to be operated in violation of either such subdivision. The commission shall have the power to promulgate regulations concerning the seizure and release of vehicles and may provide in such regulations for reasonable fees for the removal and storage of such vehicles. Unless the charge of violating subdivision b or c of this section is dismissed, no vehicle seized pursuant to this subdivision shall be released until all fees for removal and storage and the applicable fine or civil penalty have been paid or a bond has been posted in a form and amount satisfactory to the commission, except as is otherwise provided for vehicles subject to forfeiture pursuant to paragraph two of this subdivision.

(2) (A) *Except as provided in subparagraph B of this paragraph*, [I]n addition to any other penalties provided in this section, if the owner is convicted in the criminal court of, or found liable in accordance with subdivision e of this section for, a violation of either subdivision b or c of this section three or more times, and all of such violations were committed on or after the effective date of this section and within a thirty-six month period, the interest of such owner in any vehicle used in the commission of any such third or subsequent violation shall be subject to forfeiture upon notice and judicial determination. Notice of the institution of the forfeiture proceeding shall be in accordance with the provisions of the civil practice law and rules.

(B) *Notwithstanding the provisions of subparagraph A of this paragraph, after the effective date of the local law that added this subparagraph, in addition to any other penalties provided in this section, if the owner is convicted in the criminal court of, or found liable in accordance with subdivision e of this section for, a violation of either subdivision b or c of this section two or more times, and all of such violations were committed on or after the effective date of this section and within a thirty-six month period, the interest of such owner in any vehicle used in the commission of any such second or subsequent violation shall be subject to forfeiture upon notice and judicial determination. Notice of the institution of the forfeiture proceeding shall be in accordance with the provisions of the civil practice law and rules. In addition, the penalties provided for in this subparagraph shall apply to any owner who has been convicted of one violation pursuant to the provisions of subparagraph A of this paragraph at the time the local law that added this subparagraph was enacted and commits a second violation within thirty-six months of the first violation.*

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

Referred to the Committee on Transportation.

Res. No. 1157

**Resolution in support of S.5876-A/A.8558-A, which would amend the Penal Law by creating the felony crime of forcible touching against a child.**

By Council Members Vallone, Cabrera, Ferreras, Fidler, Foster, James, Koppell, Nelson, Recchia, Sanders and Halloran.

**Whereas**, On August 9, 2011, while visiting her local library in Astoria, Queens, a seven year-old girl was approached by a man who allegedly proceeded to grab her feet, sniff them, rub them against his beard, and kiss them; and

**Whereas**, The man left the scene while the girl ran to look for her mother; and

**Whereas**, Such incident highlights just how vulnerable children can be; and

**Whereas**, Children must be protected from sex predators; and

**Whereas**, Under the current law, an individual who forcibly touches a child may be charged with the crime of forcible touching, an A misdemeanor, which results in a fine not to exceed \$1,000 and the possibility of up to one year in jail; and

**Whereas**, Unlike the crime of forcible touching, other sections of the Penal Law consider a child victim to be an aggravating factor and therefore punish those who harm children more severely; and

**Whereas**, In order to increase the penalties for anyone who forcibly touches a child, S.5876-A/A.8558.A, introduced by Senator Michael Gianaris and Assembly Member Aravella Simotas, respectively, would amend the Penal Law by creating the felony crime of forcible touching against a child; and

**Whereas**, Forcible touching against a child, a class E felony, would occur when an individual, intentionally and for no legitimate purposes, forcibly touches the sexual or other intimate parts of a child who is less than thirteen years old, for the purposes of degrading or abusing such child, or for sexual gratification; or when an individual intentionally and forcibly touches any part of a child less than 13 years old for sexual gratification purposes; and

**Whereas**, S.5876-A/A.8558-A would define forcible touching as including, but not limited to, squeezing, grabbing or pinching; and

**Whereas**, The penalty for a class E felony is a maximum prison term of 4 years; and

**Whereas**, New York State should protect its children to the fullest extent possible by increasing the penalties against those who forcibly touch them; now, therefore, be it

**Resolved**, That the Council of the City of New York supports S.5876-A/A.8558-A, which would amend the Penal Law by creating the felony crime of forcible touching against a child.

Referred to the Committee on Public Safety.

L.U. No. 542

By Council Member Comrie:

**Application no. 20125025 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Arta LLC d.b.a Scarpina Bar & Grill, to establish, maintain and operate an unenclosed sidewalk café located at 88 University Place, 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. 543

By Council Member Comrie:

**Application no. 20125094 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Schatzi Corp. d.b.a Wallse Restaurant, to continue to maintain and operate an unenclosed sidewalk café located at 342-344 West 11<sup>th</sup> 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. 544

By Council Member Comrie:

**Application no. N 120037 ZRM by the Department of Parks and Recreation and the Department of Transportation, pursuant to Sections 197-c and 201 of the New York City Charter for the Zoning Resolution of the City of New York, concerning Section 12-10 (DEFINITIONS), relating to the defined term "wide street" Community District 7, Borough of Manhattan, Council District no. 6.**

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

L.U. No. 545

By Council Member Comrie:

**Application no. C 100122 MMM by the Department of Parks and Recreation and the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment of the City Map, Community District 7, Borough of Manhattan, Council District no. 6.. 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.

At this point the Speaker (Council Member Quinn) made the following announcements:

**ANNOUNCEMENTS:**

**Monday, December 12, 2011**

**★ Note Topic Addition**

Committee on **PARKS AND RECREATION**.....**10:00 A.M.**  
Oversight - Status of MillionTreesNYC  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
.....Melissa Mark-Viverito, Chairperson

**★ Deferred**

Committee on **HEALTH**.....**10:00 A.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor  
..... Maria del Carmen Arroyo, Chairperson

**★ Deferred**

Committee on **TECHNOLOGY**.....**10:00 A.M.**  
Agenda to be announced  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Fernando Cabrera, Chairperson

**★ Deferred**

Committee on **FINANCE**.....**1:00 P.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Domenic Recchia, Chairperson

**★ Note Committee and Topic Addition**

Committee on **GENERAL WELFARE** jointly with the  
★Committee on **COMMUNITY DEVELOPMENT**..... **1:00 P.M.**  
★Oversight - Poverty Trends in NYC  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Annabel Palma, Chairperson  
..... Albert Vann, Chairperson

**★ Deferred**

Committee on **WATERFRONTS** .....**1:00 P.M.**  
Agenda to be announced  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Michael Nelson, Chairperson

**Tuesday, December 13, 2011**

**★ Note Topic Addition**

Committee on **IMMIGRATION** .....**10:00 A.M.**  
★Oversight - Treatment of NYC’s immigrants in detention centers  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Daniel Dromm, Chairperson

**★ Deferred**

Committee on **TRANSPORTATION**.....**10:00 A.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... James Vacca, Chairperson

**★ Note Topic Addition**

Committee on **HIGHER EDUCATION**.....**10:00 A.M.**  
Oversight - How does the Accelerated Study in Associate Programs (ASAP) impact participating students at CUNY’s Community Colleges?  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor..... Ydanis Rodriguez, Chairperson

**★ Note Topic Addition**

Committee on **HOUSING AND BUILDINGS**..... **1:00 P.M.**  
Int. 404 - By Council Member Brewer, Cabrera, Foster, Gentile, James, Koppell, Lappin, Palma, Reyna, Williams, Rodriguez, Dromm, Mealy, Mendez, Mark-Viverito and Rivera - A Local Law to amend the administrative code of the city of New York, in relation to fines for illegal conversions of dwelling units from permanent residences to hotels.  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Erik Martin-Dilan, Chairperson

**★ Deferred**

Committee on **EDUCATION**.....**1:00 P.M.**  
Agenda to be announced  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Robert Jackson, Chairperson

**Wednesday, December 14, 2011**

Subcommittee on **ZONING & FRANCHISES** .....**9:30 A.M.**  
See Land Use Calendar Available Friday, December 9, 2011  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Mark Weprin, Chairperson

**★ Note Topic Addition**

Committee on **CONSUMER AFFAIRS** .....**10:00 A.M.**  
Oversight - Tax Preparers in New York City – Auditing the Industry  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Daniel Garodnick, Chairperson

Committee on **TRANSPORTATION** jointly with the  
Committee on **WOMEN’S ISSUES** .....**10:00 A.M.**  
Int. 725 - By Council Members Ferreras – A Local Law to amend the administrative code of the city of New York, in relation to the unlawful use of vehicles for the purpose of promoting prostitution.  
Int. 735 - By Council Members Vacca and Crowley – A Local Law to amend the administrative code of the city of New York, in relation to strengthening the penalties for illegally operating non-TLC licensed vehicles for hire.  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... James Vacca, Chairperson  
..... Julissa Ferreras, Chairperson

**★ Deferred**

Committee on **PUBLIC HOUSING**.....**10:00 A.M.**  
Agenda to be announced  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor ..... Rosie Mendez, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**  
See Land Use Calendar Available Friday, December 9, 2011  
Committee Room– 250 Broadway, 16<sup>th</sup> ..... Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**. **1:00 P.M.**  
See Land Use Calendar Available Friday, December 9, 2011  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor ..... Stephen Levin, Chairperson

**★ Note Deferral and Addition of Topic**

Committee on **GOVERNMENTAL OPERATIONS** ..... **1:00 P.M.**  
Oversight – Examining the Usage and Efficacy of New York City’s False Claims Act  
Int. 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.  
Oversight - Encouraging Public Participation in the Rulemaking Process  
Committee Room – 250 Broadway, 14<sup>th</sup> Floor ..... Gale Brewer, Chairperson

**★ Note Committee and Topic Addition**

Committee on **AGING** jointly with the  
Subcommittee on **SENIOR CENTERS** ..... **1:00 P.M.**  
Oversight – Innovative Senior Centers  
Hearing Room – 250 Broadway, 16<sup>th</sup> Floor..... Jessica Lappin, Chairperson  
David Greenfield, Chairperson

**Thursday, December 15, 2011**

**★ Addition**

Committee on PUBLIC SAFETY .....10:00 A.M.
Res. 821 - By Council Members Vallone, Brewer, Chin, Ferreras, Fidler, Gentile, Gonzalez, Koppell, Lander, Mendez, Nelson, Palma, Rose, Van Bramer, Williams and Koo - Resolution calling on the United States Congress to pass and the President to sign into law H.R.591/S.35, which would close the background check loophole at gun shows by establishing a background check procedure for all firearms sold at gun shows.

Res. 1122 - By Council Members Brewer, Rose and Chin - Resolution calling on the United States Senate and the President to oppose H.R.822, known as the "National Right-to-Carry Reciprocity Act of 2011," which would allow a resident from one state who has a carry concealed handgun permit to lawfully carry his or her handgun into a different state, regardless of the licensing eligibility standards in the other state.
Committee Room – 250 Broadway, 14th Floor ..... Peter Vallone, Chairperson

★ Addition

Committee on EDUCATION .....10:00 A.M.
Oversight - Department Of Education's Division of Family and Community Engagement.
Committee Room – 250 Broadway, 16th Floor .....Robert Jackson, Chairperson

★ Note Time and Location Change

Committee on LAND USE..... ★1:00 P.M.
All items reported out of the subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, ★14th Floor .....Leroy Comrie, Chairperson

★ Deferred

Committee on LOWER MANHATTAN REDEVELOPMENT .....1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor .....Margaret Chin, Chairperson

★ Addition

Committee on FIRE AND CRIMINAL JUSTICE SERVICES..... 1:00 P.M.
Oversight - Examining the NYC Department of Probation's 2011 Strategic Plan
Committee Room – 250 Broadway, 16th Floor
..... Elizabeth Crowley, Chairperson

★ Addition

Committee on TECHNOLOGY..... 1:00 P.M.
Tour: .Office of Emergency Management's (OEM) Emergency Operations Center
Location: 165 Cadman Plaza East
Brooklyn, NY
Details Attached.....Fernando Cabrera, Chairperson

Friday, December 16, 2011

★Note Committee and Topic Addition

Committee on CIVIL RIGHTS jointly with the
★Committee on HEALTH .....10:00 A.M.
★Oversight - Cultural Competency Training at New York City's Public Hospitals
Committee Room– 250 Broadway, 14th Floor
..... Deborah Rose, Chairperson
.....Maria del Carmen Arroyo, Chairperson

★ Note Committee and Topic Addition

Committee on CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS ★Jointly with the Committee on LOWER MANHATTAN REDEVELOPMENT .....10:00 A.M.
★Oversight - The Future of the South Street Seaport Museum
Committee Room – 250 Broadway, 16th Floor
..... James Van Bramer, Chairperson
.....Margaret Chin, Chairperson

★ Note Committee Addition

Committee on ENVIRONMENTAL PROTECTION jointly with the
★Committee on WATERFRONTS .....1:00 P.M.

Oversight - Climate Change Impacts and Mitigation Measures in New York City
Committee Room – 250 Broadway, 16th Floor ..... James Gennaro, Chairperson
.....Michael Nelson, Chairperson

★ Note Committee and Topic Addition

Committee on SANITATION AND SOLID WASTE MANAGEMENT jointly with the
★Committee on CONTRACTS ..... 1:00 P.M.
★Oversight - Examining the City's Compliance with Environmentally Preferable Purchasing Laws
Committee Room – 250 Broadway, 14th Floor ..... Letitia James, Chairperson
..... Darlene Mealy, Chairperson

★ Addition

Committee on SMALL BUSINESS .....1:00 P.M.
Oversight - Exploring Business Improvement Districts and Small Business Promotion during Holiday Seasons
Hearing Room – 250 Broadway, 16th Floor ..... Diana Reyna, Chairperson

Monday, December 19, 2011

★ Addition

Committee on RULES, PRIVILEGES & ELECTIONS .....11:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor ..... Joel Rivera, Chairperson

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
Agenda – 1:30 p.m.
Location~ Council Chambers ~ City Hall.....

MEMORANDUM

Wednesday, December 7, 2011

TO: ALL COUNCIL MEMBERS

RE: TOUR BY THE COMMITTEE ON TECHNOLOGY

Please be advised that all Council Members are invited to attend a tour to the:

NYC Office of Emergency Management
Emergency Operations Center
165 Cadman Plaza East
Brooklyn, NY 11201

The tour will be on Thursday, December 15, 2011 beginning at 1:00 p.m. A van will be leaving City Hall at 12:30 p.m.

Council Members interested in riding in the van should call Jeffrey Baker at 212-788-9193.

Fernando Cabrera, Chairperson
Committee on Technology

Christine C. Quinn
Speaker of the Council

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 Monday, December 19, 2011.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

***Editor's Local Law Note:** The Mayoral Veto of Int No. 624-A was overridden by the Council at this December 8, 2011 Stated Meeting thereby enacting this bill into law. Int No. 624-A was subsequently assigned as Local Law No. 63 of 2011.*

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