

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, April 7, 2016, 2:00 p.m.

The Public Advocate (Ms. James)

Acting President Pro Tempore and Presiding Officer

Council Members

Melissa Mark-Viverito, *Speaker*

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

Absent: Council Members Miller and Palma.

Medical Leave: Council Member Wills.

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

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

There were 48 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Pastor Lawrence Aker, Cornerstone Baptist Church, 289 Lewis Avenue, Brooklyn, N.Y. 11221.

Let us pray.
 Heavenly Father,
 we thank you on this beautiful spring day.
 You've given us health and strength.
 You've blessed us with liquid sunshine
 and we say thank you.
 We also come to ask a special blessing
 of wisdom and discernment
 upon this special group of legislators,
 men and women that you have ordained,
 51 people that you have purposed together
 for such a time as this.
 We ask that you will watch over this city,
 which is one of your many wonderful creations,
 a city that never sleeps, but we are thankful
 that you never sleep nor slumber.
 Thank you for being the Eternal Keeper
 in a world that is ever changing.
 Strengthen them as they seek to make
 a better New York for all.
 May the Lord bless you, and keep you.
 May the Lord make his face to shine on you
 and be gracious to you.
 May the Lord turn his face toward you
 and give each of you peace.
 Amen.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Mark-Viverito) acknowledged the death of former FDNY Commissioner Nicholas Scoppetta on March 24, 2016 at the age of 83. She noted his many years of public service to the City in different capacities and she asked everyone to keep him in their thoughts. The Speaker (Council Member Mark-Viverito) also acknowledged the death of Malik Izaak Taylor better known as Phife of the pioneer Queens hip-hip act A Tribe Called Quest. Mr. Taylor passed away on March 22, 2016 at the age of 45.

Also during the Communication from the Speaker segment of this Meeting, (Council Member Mark-Viverito) announced that a commemorative plaque was unveiled in the Members Lounge for the late Council Member James E. Davis. She noted that this plaque would serve as an endearing testament to his memory and to his legacy of public service. Council Member Davis was shot and killed in the Council Chambers at City Hall on July 23, 2003.

ADOPTION OF MINUTES

Council Member Van Bramer moved that the Minutes of the Stated Meeting of March 9, 2016 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-388

Communication from the Mayor - Submitting the name of Frank Carone to the City Council for its advice and consent concerning his reappointment to the New York City Taxi and Limousine Commission, Pursuant to Sections 31 and 2301 of the City Charter.

March 21, 2016

The Honorable Melissa Mark-Viverito
Speaker
New York City Council
City Hall
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 2301 of the New York City Charter, and following the recommendation of the Brooklyn delegation of the City Council, I am pleased to present the name of Frank Carone to the City Council for advice and consent concerning his reappointment to the New York City Taxi and Limousine Commission.

When reappointed to the Commission, Mr. Carone will serve for the remainder of a seven-year term expiring on January 31, 2022.

I send my thanks to you and all Council members for reviewing this Taxi and Limousine Commission appointment.

Sincerely,

Bill de Blasio
Mayor

BDB:tf

cc: Frank Carone
Anthony Shorris, First Deputy Mayor
Meera Joshi, Commissioner, New York City Taxi and Limousine Commission

Referred to the Committee on Rules, Privileges and Elections.

M-389

Communication from the Mayor - Submitting the name of Lauvienska Polanco to the City Council for its advice and consent concerning her appointment to the New York City Taxi and Limousine Commission, Pursuant to Sections 31 and 2301 of the City Charter.

March 21, 2016
The Honorable Melissa Mark-Viverito
Speaker
New York City Council
City Hall
New York, NY 10007
Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 2301 of the New York City Charter, I am pleased to present the name of Lauvienska Polanco to the City Council for advice and consent concerning her appointment to the New York City Taxi and Limousine Commission.

When appointed to the Commission, Ms. Polanco will serve for the remainder of a seven-year term expiring on January 31, 2019.

I send my thanks to you and all Council members for reviewing this Taxi and Limousine Commission appointment.

Sincerely,

Bill de Blasio
Mayor

BDB:tf

cc: Lauvienska Polanco
Anthony Shorris, First Deputy Mayor
Meera Joshi, Commissioner, New York City Taxi and Limousine Commission

Referred to the Committee on Rules, Privileges and Elections.

M-390

Communication from the Mayor - Submitting the name of Jeanne Lutfy to the Council for its advice and consent in anticipation of her appointment to the Landmarks Preservation Commission, pursuant to Sections 31 and 3020 of the New York City Charter.

March 31, 2016
The Honorable Melissa Mark-Viverito
Speaker
New York City Council

City Hall
New York, NY 10007

Dear Speaker Mark-Viverito:

Pursuant to Sections 31 and 3020 of the New York City Charter, I am pleased to present the name of Jeanne Lutfy to the City Council for advice and consent in anticipation of her appointment to the Landmarks Preservation Commission.

When appointed, Ms. Lutfy will serve for the remainder of a three-year term expiring on June 28, 2018.

I send my thanks to you and all Council members for reviewing this Landmarks Preservation Commission appointment.

Sincerely,

Bill de Blasio
Mayor
BDB:tf

cc: Jeanne Lutfy
Alicia Glen, Deputy Mayor for Housing and Economic Development
Meenakshi Srinivasan, Chair, Landmarks Preservation Commission

Referred to the Committee on Rules, Privileges and Elections.

LAND USE CALL-UPS

M-391

By Council Member Johnson:

Pursuant to Rule 11.20(b) of the Council and §20-226 or §20-225 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 289 Bleecker Street, Borough of Manhattan, Community Board 2, Application No. 20165357 TCM shall be subject to review by the Council.

Coupled on Call-up vote.

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

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **48**.

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

REPORTS OF STANDING COMMITTEES

Report of the Committee on Economic Development

Report for Int No. 704-A

Report of the Committee on Economic Development in favor of approving and adopting, as amended, a Local Law in relation to requiring a survey and study of racial, ethnic and gender diversity among the directors, officers and executive level staff members of city contractors.

The Committee on Economic Development, to which the annexed amended proposed local law was referred on March 11 2015 (Minutes, p. 790), respectfully

REPORTS:

I. INTRODUCTION

The Committee on Economic Development, chaired by Council Member Daniel Garodnick, voted in favor of Proposed Int. No. 704-A, a local law in relation to requiring a survey and study of racial, ethnic and gender diversity among the directors, officers, and executive level staff members of city contractors. The bill was approved by the Committee on April 6, 2015 with six votes in the affirmative, zero votes in the negative and zero abstentions.

On April 6, 2016, the Committee on Economic Development, chaired by Council Member Daniel Garodnick, will vote on Proposed Int. 704-A, a local law in relation to requiring a survey and study of racial, ethnic and gender diversity among the directors, officers, and executive level staff members of city contractors

II. LEGISLATIVE HISTORY

The Committee previously considered the bills that ultimately became Proposed Int. 704-A (Int. 0704-2015 & Int. 0705-2015) at a hearing held on October 22, 2015 and received testimony from the Economic Development Corporation (“EDC”), the Department of Small Business Services (“SBS”), as well as from a number of advocates representing businesses and trade organizations.

III. BACKGROUND

Studies have come to different conclusions about how the diversity of an organization’s board of directors impacts the stock performance of private companies. A 2008 Financial Research Network study of gender diversity on boards in a sample of U.S. firms found that female directors have better attendance than male directors, male directors have fewer attendance problems if boards are more gender-diverse, and that women are more likely to join monitoring committees.¹ However, the same study found that the average effect of

¹ See Abstract of “Women in the Boardroom and Their Impact on Governance and Performance,” Renee B. Adams and Daniel Ferreira, October 22, 2008 available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1107721.

gender diversity on the firm's performance was negative. The study ultimately concluded that mandating gender quotas for directors can reduce value for firms that are already "well-governed."² Studies conducted by the American Economic Association and the Oxford Journals' Review of Financial Studies reached similar conclusions.³

The Alliance for Board Diversity ("ABD"), a collaboration of four leadership organizations, promotes inclusion of women and minorities on corporate boards to enhance shareholder value.⁴ In a 2011 study, ABD stated that "diversity at the top can help ensure the sustainability of our businesses and economy."⁵ A 2015 study by Credit Suisse that analyzed gender diversity's role in corporate performance supported ABD's statement, finding that companies with more diversified boards do in fact yield better returns.⁶ The Credit Suisse study found that the presence of at least one woman on a board of directors can make a difference: companies with one woman on the board have seen an average return on equity ("ROE") of 14.1% since 2005 compared to 11.2% for all male boards.⁷ These more recent studies tend to contradict the earlier studies about board diversity.

Despite these recent studies, board diversity remains relatively stagnant; the majority of board directors continue to be white males.⁸ In fact, a recent study in the United Kingdom found that Britain's boards are actually getting less diverse.⁹ After surveying the top 10,000 executives the study found that the number of ethnic minorities in leadership roles remains low - nearly two-thirds of all companies still have all-white boardrooms in 2015.¹⁰

In November 2014, New York City Comptroller Scott Stringer launched the Boardroom Accountability Project, which is aimed at giving shareowners a say in how corporate boards are elected at U.S. companies.¹¹ The campaign states that to have companies that are managed for the long term, directors need to be more diverse, independent and accountable and argues that shareowners should have the right to nominate directors at U.S. companies. According to the Comptroller, "more than a dozen companies have agreed to enact or support meaningful proxy access"¹² - meaning that shareowners will have the authority to nominate alternate directors to run against the nominees chosen by the company.

However, little is known about the diversity of directors, officers and other executive level staff members of companies that contract with the City. Proposed Int. 704-A would require city agencies to request information from potential contractors regarding the gender and racial diversity of those contractors' executive boards.

IV. PROPOSED INT. 704-A

Section 1 of Proposed Int. 704-A requires the department of small business services to create a voluntary survey to be distributed to all proposed city contractors and subcontractors in conjunction with employment reports pursuant to subdivision e of section 1305 of the New York city charter. This survey would solicit information regarding the selection and employment practices, policies, and procedures pertaining to the racial, ethnic and gender composition of such entities' directors, officers, and other executive-level staff members and

² *Id*

³ See Abstract of "A Female Style in Corporate Leadership? Evidence from Quotas," David Masta and Amalia Miller, 2013, *available at* <https://www.aeaweb.org/articles.php?doi=10.1257/app.5.3.136>; *see also* Abstract of "How Do CEOs Matter? The Effect of Industry Expertise on Acquisition Returns," Claudio Custodio and Daniel Metzger, June 21, 2013, *available at* <http://rfs.oxfordjournals.org/content/26/8/2008.abstract>.

⁴ See ALLIANCE FOR BOARD DIVERSITY, <http://theabd.org> (last visited Oct. 21, 2015).

⁵ ALLIANCE FOR BOARD DIVERSITY, MISSING PIECES: WOMEN AND MINORITIES ON FORTUNE 500 BOARDS at 1 (July 21, 2011), *available at* http://theabd.org/ABD_report.pdf.

⁶ See Barbara Lejczack, *Diversity on Board!* CREDIT SUISSE (Oct. 6, 2015) <https://www.credit-suisse.com/us/en/news-and-expertise/economy/articles/news-and-expertise/2015/06/en/diveristy-on-board.html>.

⁷ *See id.*

⁸ *See* MISSING PIECES, *supra* note 7.

⁹ *See* Green Park, *Green Park release FTSE 100 Leadership 10,000 report*, GREEN PARK (Feb. 11, 2014) <http://www.green-park.co.uk/press-release-britains-competitiveness-risk-deep-diversity-deficit-says-new-study>.

¹⁰ *See* Kalyeena Makortoff, *Boardroom diversity: It's getting worse, not better*, CNBC (Jun. 22, 2015, 8:07 AM) <http://www.cnbc.com/2015/06/22/boardroom-diversity-its-getting-worse-not-better.html>.

¹¹ *See* NEW YORK CITY COMPTROLLER, BOARDROOM ACCOUNTABILITY PROJECT, <http://comptroller.nyc.gov/boardroom-accountability> (last visited Oct. 21, 2015).

¹² *Id.*

such entities' plans for diversity in leadership. The information contained within the survey cannot be used by city agencies as a basis for any procurement decisions.

Subdivision a of section two of Proposed Int. 704-A requires the mayor or the mayor's designee to submit to the speaker and publish on the website of the department of small business services a report analyzing the racial, ethnic and gender diversity of the executive boards of city contractors, and those contractors' plans for improving the diversity of their boardrooms.

Subdivision b of section two of Proposed Int. 704-A states that the report required by subdivision a of section two may be based on the data acquired from the surveys required by section one or any other available source, that the information generated by the report shall not be the basis for any agency procurement decisions, and that no contractor or subcontractor shall be named or identified in the report.

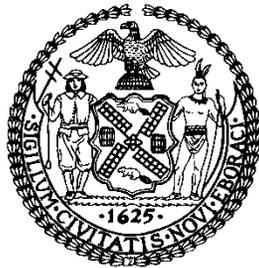
Section three states that the local law takes effect immediately.

V. CHANGES TO INT. 704 & INT. 705

In addition to various technical edits and the combination of the subjects of Int. 704 and Int. 705, Proposed Int. No. 704-A has been substantively amended in the following manner:

- The bill now requires that the department of small business services create a voluntary survey for potential city contractors regarding boardroom diversity rather than placing an affirmative requirement upon those contractors to submit information.
- The bill now requires a single report due July 1, 2018 rather than an annual report.
- The bill now states clearly that the information acquired from the survey of boardroom diversity cannot be used for any decision by the city in relation to a contract award or renewal.
- The bill is unconsolidated rather than amending the city charter.

(The following is the text of the Fiscal Impact Statement for Int No. 704-A:)



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 704-A
COMMITTEE: Economic Development**

TITLE: A local law in relation to requiring a survey and study of the racial, ethnic, and gender diversity among the directors, officers and executive level staff members of city contractors

SPONSOR(S): Council Members Crowley, Mealy, Chin, Gibson, Palma, Rose, Koslowitz, Ferreras-Copeland, Dickens, Mendez, Cumbo, Barron, Rosenthal, Lancman, Cornegy, King, Espinal, Reynoso, Torres, Kallos, Maisel, Wills, Menchaca, and Garodnick

SUMMARY OF LEGISLATION: This legislation would require the Department of Small Business Services (“SBS”) to create a voluntary survey by January 15, 2017 which would be sent to, and completed by, proposed City contractors and subcontractors. Such voluntary survey would request information regarding the selection and employment practices pertaining to the racial, ethnic and gender composition of such entities’ directors, officers, and other executive-level staff members and such entities’ plans for diversity in leadership. No information submitted to SBS through the survey could be the basis any contracting decisions by the City.

Additionally, this bill would require the Administration to submit to the Speaker and post on SBS’ website a report by July 1, 2018, analyzing the demographic information mentioned above, the entities’ plans for improving diversity, as well as the entities’ efforts to achieve those plans. The report could not identify any entity, nor could any of the information contained within the report be the basis for any contracting decisions by the City.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: SBS would use existing resources to implement this local law, and, therefore, it is anticipated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation. Pursuant to section 1305(e) of the New York City Charter, SBS already prepares employment reports that must be submitted by contractors to whom agencies propose to award City contracts and their proposed subcontractors. The employment reports must include information about employment practices, policies, statistics, and collective bargaining agreements. Thus, there should be minimal to no cost for SBS to send an additional voluntary survey to contractors and subcontractors.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: NYC Council Finance Division

ESTIMATE PREPARED BY: Kendall Stephenson, Legislative Financial Analyst,
New York City Council Finance Division

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

LEGISLATIVE HISTORY: Intro. No. 704 was introduced by the Council on March 11, 2015 and referred to the Committee on Economic Development. A hearing was held by the Committee on October 22, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 704-A will be considered by the Committee at a hearing on April 6, 2016. Upon successful vote by the Committee, Proposed Intro. No. 704-A will be voted on by the full Council on April 7, 2016.

DATE PREPARED: March 31, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 704-A:)

Int. No. 704-A

By Council Members Crowley, Mealy, Chin, Gibson, Palma, Rose, Koslowitz, Ferreras-Copeland, Dickens, Mendez, Cumbo, Barron, Rosenthal, Lancman, Cornegy, King, Espinal, Reynoso, Torres, Kallos, Maisel, Wills, Menchaca, Garodnick and Cohen.

A Local Law in relation to requiring a survey and study of racial, ethnic and gender diversity among the directors, officers and executive level staff members of city contractors.

Be it enacted by the Council as follows:

Section 1. By January 15, 2017, the department of small business services shall create a voluntary survey, to be distributed to and completed by proposed city contractors and subcontractors in conjunction with employment reports pursuant to subdivision e of section 1305 of the New York city charter. That survey shall solicit information regarding the selection and employment practices, policies, and procedures pertaining to the racial, ethnic and gender composition of such entities' directors, officers, and other executive-level staff members and such entities' plans for diversity in leadership. No information submitted to the department through such survey may be the basis for any decision by the city in relation to any contract award or renewal unless otherwise authorized by law.

§ 2. a. By July 1, 2018, the mayor, or such office or agency as the mayor may designate, shall submit to the speaker of the city council and publish on the website of the department of small business services a report analyzing:

1. Racial, ethnic and gender diversity among directors, officers and executive-level staff members of entities holding goods or service contracts with the city;

2. Such entities' plans for improving racial, ethnic and gender diversity in such positions and such entities' efforts to achieve those plans.

b. The report described in subdivision a of this section may be based on data and information from the surveys described in section one of this local law and any other available source. The information generated for or used in preparing such report shall not be the basis for any decision by the city in relation to any contract award or renewal unless otherwise authorized by law. The report shall not name or identify any contracting entity.

§ 3. This local law takes effect immediately.

DANIEL R. GARODNICK, *Chairperson*; JULISSA FERRERAS-COPELAND, DONOVAN J. RICHARDS, INEZ D. BARRON, I. DANEEK MILLER, JOSEPH C. BORELLI. Committee on Economic Development, April 6, 2016. *Other Council Members Attending: Council Member Crowley.*

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

Report of the Committee on Finance

Report for Int No. 806-B

Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to establish a temporary program to resolve outstanding judgments imposed by the environmental control board.

The Committee on Finance, to which the annexed amended proposed local law was referred on June 10, 2015 (Minutes, p. 2183), respectfully

REPORTS:

I. Background

Beginning in the 1970s, the City and the State legislature established a policy that would transfer various quality-of-life offenses, such as littering, peddling, air, noise, sanitary and health code violations, from the criminal court to certain administrative tribunals, including the Environmental Control Board (“ECB”).¹

ECB was created in 1977 in order to provide the time and expertise necessary to adjudicate seemingly minor violations.² ECB is an administrative tribunal that adjudicates hearings on notices of violation for various quality-of-life infractions.³ ECB is now a division of the Office of Administrative Trials and Hearings (“OATH”), an independent City agency that also oversees health, for-hire vehicle hearings, and other matters.⁴ ECB does not issue notices of violation. Rather, notices of violation are issued by the City’s enforcement agencies, which are also responsible for promulgating rules pursuant to local law, establishing enforcement policies and procedures, employing inspectors or agents, and directing, controlling or otherwise influencing where, when, or to whom notices are issued.

Examples of quality-of-life infractions for which notices of violation are issued include dirty sidewalk; unleashed dog; loitering; noise; public indecency; rollerblading or motorcycling in a forbidden area; sidewalk obstruction; rodent and pest control; defacement of property; and amount, location and nature of hazardous substances, and the labeling of hazardous substances.⁵

Thirteen different City agencies write quality-of-life tickets and file them with ECB for adjudication, including the Business Integrity Commission (“BIC”), the Department of Buildings (“DOB”), the Department of Environmental Protection (“DEP”), the Fire Department (“FDNY”), the Department of Health & Mental Hygiene (“DOHMH”), the Department of Information Technology and Telecommunications (“DoITT”), the Landmarks Preservation Commission (“LPC”), the Department of Parks & Recreation (“DPR”), the Police Department (“NYPD”), the Department of Sanitation (“DSNY”), the Department of Small Business Services (“SBS”), the Department of Consumer Affairs (“DCAS”), and the Department of Transportation (“DOT”).⁶

III. ECB Adjudication

¹ See Memo in Support for Chapter 944 of Laws of 1984.

² See Local Law 24 of 1977, codified in section 1049-a of the New York City Charter.

³ See Section 1049-a (c)(1) of the New York City Charter.

⁴ OATH is currently in the process of consolidating several of its tribunals, including the health tribunal and ECB into one consolidated tribunal with universal procedures.

⁵ See *id.*

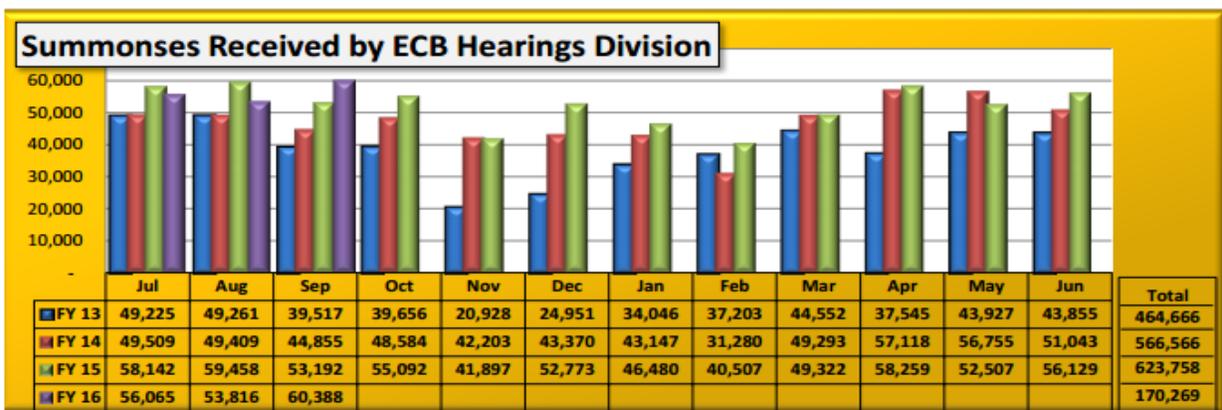
⁶ According to the Department of Finance and the text of the website of the Office of Administrative Trials and hearings, About OATH ECB, available at <http://www.nyc.gov/html/oath/html/ecb/about.shtml> (last accessed on November 18, 2015), there are thirteen ticketing agencies. However, OATH’s website lists only twelve agencies, excluding the DCA. The Council hopes to gain clarity at the hearing whether ECB adjudicates DCA summonses.

There are two types of notices of violation sent to ECB by issuing agencies for adjudication: 1) compliance violations, which require corrective action, and 2) non-compliance violations, which require the payment of a fine, but no corrective action. Both require a hearing for adjudication, but 90% of the outstanding ECB docketed judgments are non-compliance violations.⁷

A respondent may answer a notice of violation by either: 1) paying the ticket (on-line, by mail, or in person); or 2) having a hearing before an ECB hearing officer (with options to do so by phone, mail, or online in some cases).⁸ If a respondent chooses to have a hearing, after the conclusion of the hearing, the hearing officer will issue a decision and order, which will either dismiss the notice of violation because the charges could not be upheld or uphold the charges finding the subject of the notice to be in violation.⁹ If the respondent is found to be in violation then the ECB hearing officer will set a penalty.

If a respondent fails to either pay the ticket on time or fails to appear or proceed at a hearing, then the respondent will be in default. Upon default, the hearing officer or board will render a decision and order in the absence of the respondent, which will take effect immediately.¹⁰ Notice of such order is sent to the respondent.

In Fiscal 2015, ECB received 623,758 notices of violation for adjudication. Of these, 184,631 hearings were conducted and 146,266 decisions were rendered. The average time between ECB hearing assignment and decision was six days, with 99.9% of decisions issued within 45 business days of the hearing assignment.¹¹ As seen from the graphs below, DSNY issued the greatest number of notices of violation (to be distinguished from amount owed) in Fiscal 2015, followed by DOB and FDNY.



Source: Office of Administrative Trials and Hearings¹²

⁷ See *Debt Resulting from ECB Judgments: An Overview*, at 10, provided by the Department of Finance, dated June 2014. On file with the Finance Committee.

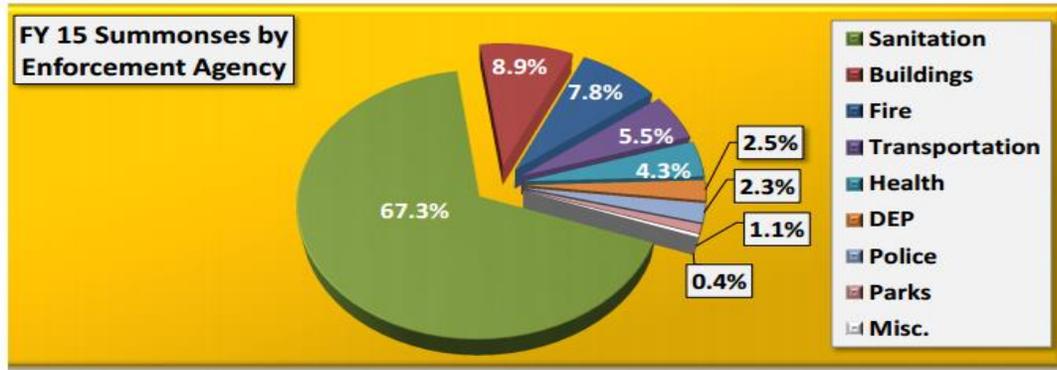
⁸ See the website of the Office of Administrative Trials and Hearings, Frequently Asked Questions, available at <http://www.nyc.gov/html/oath/html/ecb/faq.shtml> (last accessed November 10, 2015).

⁹ See Section 3-57(a) of Title 48 of the Rules of the City of New York.

¹⁰ See Section 3-81(b) of Title 48 of the Rules of the City of New York.

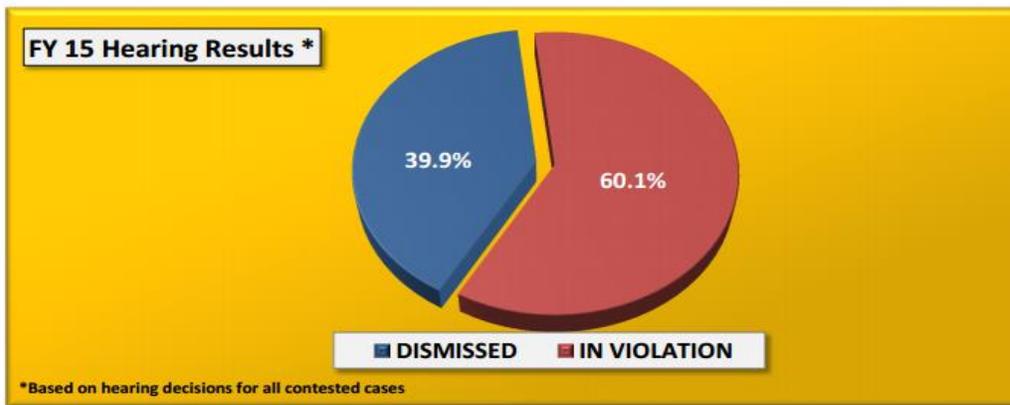
¹¹ See Fiscal Year 2015 Mayor's Management Report, Office of Administrative Trials and Hearings, at p. 111.

¹² See the website of the Office of Administrative Trials and hearings, ECB Tribunal Data, available at http://www.nyc.gov/html/oath/downloads/pdf/ecb_trib_stats/ECB.pdf (last accessed on November 9, 2015).



Source: Office of Administrative Trials and Hearings¹³

As seen from the graph below, in Fiscal 2015, nearly 40% of cases adjudicated at ECB were dismissed.



Source: Office of Administrative Trials and Hearings¹⁴

IV. Docketing ECB Judgments

Once a default judgment is entered or a respondent is found to be in violation and found to owe a penalty, ECB sends request-for-payment notices to the respondent. If a respondent was found in default, the respondent is responsible for paying the base fine, any default penalty (such penalties vary by issuing agency), and interest on the fine and default penalty, which begins accruing immediately. If a respondent was found to be in violation after a hearing, the respondent is responsible for paying the base fine, but interest will not begin to accrue until and if the judgment is docketed.¹⁵

ECB docketes default judgments in civil court when respondents fail to remit payment.¹⁶ Once the judgment is docketed, a lien is placed on the respondent's real property and the City may use other enforcement tools available to it for collection, as set forth in the New York Civil Practice Law and Rules and the New York City Civil Court Act.¹⁷ After the judgment is docketed in civil court, then ECB forwards those cases to the Department of Finance ("DOF") for collection.

¹³ See *id.*

¹⁴ See *id.*

¹⁵ Interest on docketed judgments accrues at a rate of 9% per annum, unless otherwise provided for by law. See Section 5004 of the New York Civil Practice Law and Rules.

¹⁶ ECB sends undocketed cases to the Law Department.

¹⁷ See generally Article 52 of the New York Civil Practice Law and Rules and Article 16 of the New York City Civil Courts Act. Enforcement tools include, but are not limited to, income execution, wage garnishment, and sale of personal and real property.

V. DOF Collection Efforts of ECB Judgments

Pursuant to a Memorandum of Understanding (“MOU”) entered into by DOF and ECB on January 17, 2002, DOF is responsible for collecting debt owned pursuant to default and in-violation ECB judgments. DOF uses several tools to collect this debt, including the use of DOF-employed collection agents, the use of outside collection agencies (“OCAs”), issuing executions to the Sheriffs and the Marshals, and an amnesty program.

DOF-Employed Collection Agents: DOF has 14 full-time equivalent staff who work on collecting ECB judgment debt.¹⁸ These staff send out progressively more demanding letters for payment, try to contact respondents by telephone, and attempt to identify assets for seizure.¹⁹ DOF informed the Council that it would be clarifying the procedures for how its in-house collections staff works to collect the debt and that the written procedures would be provided to the Council.²⁰

OCAs: In July 2012, DOF contracted with three OCAs to collect ECB judgments.²¹ DOF testified that as those contracts expired it intended to bid out a new contract with two to four OCAs.²² DOF testified that it intended to rotate the debt between the various OCAs in an effort to increase their collection rates.²³ In Fiscal 2014, the OCAs collected \$23.8 million in outstanding ECB debt.²⁴

Sheriffs: The City Sheriff and his or her deputies are employees of the City of New York under the authority of DOF, and have authority to enforce ECB judgments.

Marshals: New York City Marshals are public officials, appointed by the Mayor, but they are not paid employees of the City of New York. The Marshals operate in the same manner as the City Sheriff, with the exception that Marshals cannot sell property or make arrests.²⁵ Currently, there are 83 Marshals.²⁶

2009 ECB Amnesty Program: In 2009, the Council passed Local Law 47 authorizing the Commissioner of Finance to establish a temporary program to resolve outstanding judgments issued by ECB, similar to the legislation that is being considered today. As a result of the program held in 2009, DOF collected \$14.3 million in base fines and waived \$33.7 million in default penalties and accrued interest.²⁷

According to the New York City Financial Management System, in Fiscal 2015, as a result of utilizing these tools DOF collected \$50.1 million in outstanding ECB judgments, up from \$41.5 million in Fiscal 2014. To date in Fiscal 2016, DOF has collected \$41.4 million.

VI. DOF’s Fiscal 2015 Local Law 11 Report on Outstanding ECB Judgments

On January 7, 2015, the Council passed Local Law 11 of 2015, which required DOF to report annually to the Council on outstanding ECB judgments. In November 2015, DOF released the first such report.²⁸ According to the report, the total amount of outstanding debt resulting from ECB judgments is \$1.58 billion,

¹⁸ See DOF Responses to Council Questions related to DOF Council Testimony on Int. 489-A on October 14, 2014. On file with the Finance Committee.

¹⁹ See October 14, 2014 Finance Committee Hearing Transcript, at p. 25-26 and 50-51.

²⁰ See *supra* fn. 18.

²¹ See *Debt Resulting from ECB Judgments: An Overview*, provided by the Department of Finance, dated June 2014. On file with the Finance Committee.

²² See *supra* fn. 19 at p. 53-57.

²³ See *id.* at p. 16.

²⁴ See *supra* fn. 18.

²⁵ In August 1997, the New York State Legislature authorized marshals to also collect money judgments of the New York State Supreme Court and the Family Court. See section 1609 of the New York City Civil Court Act.

²⁶ See *id.* at Section 1601(1).

²⁷ See *supra* fn. 18.

²⁸ See FY2015 Annual Local Law 11 Report on ECB– Adjudicated Judgments Referred to NYC Department of Finance, available at: http://www1.nyc.gov/assets/finance/downloads/pdf/15pdf/local_law11_fy15_ecb_annual_report.pdf (last accessed November 10, 2015).

up from \$1.49 in June 2014. This amount, which stems from nearly 1.5 million summonses, includes \$482.9 million in base fines, \$709.4 million in penalties, and \$386.5 million in accrued interest. Consistent with data reported in previous years, the agency with the largest amount outstanding was DOB while the agency with the largest number of summonses with outstanding judgment debt was DSNY.²⁹

Issuing Agency	# of Summonses	Base Fine \$	Penalty \$	Interest \$	Total Amount Due with Interest
DOB	125,108	\$225,176,557	\$444,746,835	\$204,899,892	\$874,823,283
DSNY	1,134,088	\$123,491,641	\$156,456,675	\$102,837,239	\$382,785,555
FDNY	53,757	\$53,365,422	\$39,886,028	\$25,877,126	\$119,128,577
DOT	27,149	\$18,205,148	\$27,957,845	\$18,589,205	\$64,752,198
NYPD	48,984	\$31,492,960	\$9,071,097	\$13,788,280	\$54,352,338
DEP	11,573	\$11,774,869	\$20,406,979	\$10,606,320	\$42,788,168
DOHMH	26,410	\$14,636,159	\$2,801,639	\$4,692,206	\$22,130,005
Parks	26,425	\$3,583,334	\$6,336,812	\$4,103,268	\$14,023,414
BIC	868	\$396,022	\$860,577	\$559,187	\$1,815,786
Agency Missing	1,961	\$534,243	\$474,521	\$333,271	\$1,342,035
Landmarks	345	\$243,483	\$284,040	\$194,505	\$722,028
Seagate PD	203	\$22,717	\$43,795	\$21,483	\$87,995
Other Agency	48	\$16,065	\$27,265	\$18,197	\$61,527
Grand Total	1,456,919	\$482,938,620	\$709,354,109	\$386,520,180	\$1,578,812,909

**Other Agency comprises Animal Care & Control, DCA, DCAS, DoITT, HPD, Hunts Point Development, and Ports & Terminals, where total due was less than \$50K*

The report also provides data specific to the judgments docketed in Fiscal 2015, noting that in Fiscal 2015 DOF received approximately 218,000 new judgments for ECB totaling \$200.7 million in outstanding debt. As of September 30, 2015, DOF collected \$17.7 million, or 8.8 percent, of that debt from 32,885 summonses, with the majority being collected within three months of docketing.³⁰

Payment	# of Summons Paid	Length of Time Between Docket Date & Payment Date in Month Ranges					\$ Total Collected
		0-3M	4-6M	7-9M	10-12M	13-24M	
FY2015	32,885	\$10,535,950	\$3,789,766	\$1,948,732	\$997,274	\$406,130	\$17,677,852

With respect to the judgments docketed in Fiscal 2015 and referred to DOF for collection, 154,633 enforcement letters were sent out as follows:³¹

²⁹ See id.

³⁰ See id.

³¹ See id.

Enforcement Letters Sent FY15:		
Name of Letter	Count of Letter	Total \$ Addressed
DOF Initial letter	78,536	\$280,768,764
DOF NG-Check Letter	237	\$899,499
DOF Partial Payment & Payment Plan Letter	2,928	\$62,668,307
OCA* Demand Letters	72,932	\$244,140,564
Total	154,633	\$588,477,134

* Outside Collection Agencies

In addition, as a result of a provision within Local Law 11, DOF is now authorized to issue all types of executions to the Marshals as well as the Sheriffs.³² The table below demonstrates the number of executions issued to each entity and the amount collected by each entity, however, the report does not indicate the total amount of debt referred to each group.³³

FY2015			
Sheriff		Marshals	
# of Executions Issued	Amount Collected	# of Executions Issued	Amount Collected
430	\$313,980	52	\$84,550

VII. November 19, 2015 Hearing

In an effort to encourage respondents to pay their outstanding ECB debt, Council Member Ferreras-Copeland introduced legislation that would authorize the Commissioner of Finance to establish a temporary program to resolve those outstanding penalties. Moreover, in addition to the requirements of the legislation, DOF has agreed to investigate additional administrative steps to incentivize respondents to participate in the amnesty program, including:

- reporting delinquency to credit rating agencies;
- including questions about outstanding ECB debt on both the vendor and principal VENDEX questionnaires;
- cross-referencing entities with outstanding ECB debt with the vendors who already have or are applying to have contracts with the City for purposes of holding City contracts until the debt is paid; and
- asking the City's depository banks whether they have any outstanding ECB debt and encouraging them to pay.

At a hearing on November 19, 2015, the Committee on Finance, jointly with the Committee on Governmental Operations, considered Proposed Int. 806-A, a local law to establish a temporary program to resolve outstanding penalties imposed by ECB. The Committees heard testimony from DOF, OATH, DOB, as well as members of the public.

VIII. Proposed Int. 806-B – A Local Law to establish a temporary program to resolve outstanding penalties imposed by the environmental control board

³² Prior to the passage of Local Law 11, only Sheriffs, and not Marshals, were authorized to execute violations of the Sanitation Code. Local Law 11 permitted Marshals to execute all types of violations, including Sanitation Code violations.

³³ See *id.*

After the hearing, at the request of the Administration, a minor amendment relating to the timing of the temporary program was made to the legislation. The amended legislation, Proposed Int. 806-B, which would take effect immediately, would:

- authorize the establishment of a 90-day, temporary program to take place within Fiscal 2017;
- permit respondents subject to judgments resulting from a default decision and order to resolve such judgments by payment of base penalties without payment of default penalties and accrued interest;
- permit respondents subject to judgments entered after a hearing and finding of violation to resolve such judgments by payment of 75 percent of the imposed penalties without payment of accrued interest;
- not permit judgments to be resolved through the temporary program if:
 - the base penalty of a default judgment cannot be determined from the notice of violation, default decision and order, and ECB penalty schedule alone;
 - the judgment had been the subject of a settlement agreement with DOF or the Law Department that was executed after the expiration of the temporary default resolution program that was established in 2009; and
 - the judgment arose out of a notice of violation that includes an order requiring the correction of the violation unless the respondent agrees in writing to correct the violation within six months, pays a deposit of 25 percent of the amount necessary to resolve the judgment under the temporary program, demonstrates that the violation has been corrected, and pays the balance of the amount necessary to resolve the judgment;
- require that respondents participating in the temporary program:
 - who are subject to a default judgment admit liability for the violation that led to the default decision;
 - seek resolution of all outstanding judgments against the respondent;
 - pay the amount due within the 90-days that the program is held; and
 - not be under criminal investigation relating to the violation that is the subject of the judgment;
- set forth that after the conclusion of the temporary program, for any judgment resulting from a default decision that was eligible for the temporary program, DOF shall not resolve such judgment by accepting payment of any amount that is less than half the default penalty and the accrued interest on such judgment; and
- require the Commissioner of Finance to publicize the temporary program to resolve outstanding penalties so as to maximize public awareness of and participation in such program.

(The following is the text of the Fiscal Impact Statement for Int No. 806-B:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO.: 806-B

COMMITTEE: Finance

TITLE: A Local Law to establish a temporary program to resolve outstanding penalties imposed by the environmental control board

SPONSOR(S): Council Members Ferreras-Copeland, Constantinides, Dickens, Eugene, Gentile and Kallos (in conjunction with the Mayor)

SUMMARY OF LEGISLATION: This legislation would authorize the Commissioner of the Department of Finance (“DOF”) to establish a 90-day, temporary amnesty program in Fiscal 2017 to resolve outstanding penalties imposed by the Environmental Control Board (“ECB”). With certain conditions, such program would permit those who are subject to judgments as a result of a default decision to resolve those judgments by paying the base penalty and having the default penalty and accrued interest waived. It would also permit, with certain conditions, those who are subject to judgments as a result of a finding by the ECB that they were in violation to resolve those judgments by paying 75 percent of the imposed penalty and having the accrued interest waived.

After the conclusion of the temporary program, for any judgment that arose from a default decision that was eligible to be resolved as part of the temporary program, DOF would not be permitted to resolve such judgment by accepting payment of anything less than half of the default penalty and accrued interest.

In addition, the legislation would require DOF to conduct an outreach campaign in order to maximize participation in the temporary amnesty program.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues	\$0	\$11,000,000	\$11,000,000
Expenditures	\$0	\$1,000,000	\$1,000,000
Net	\$0	\$10,000,000	\$10,000,000

IMPACT ON REVENUES: It is estimated that the legislation would impact revenues because the amnesty program would allow DOF to collect unpaid ECB penalties that it otherwise would not collect. While projected participation in the program is difficult to quantify in advance, DOF assumes that it will collect at

least \$11 million in unpaid ECB penalties through the amnesty program that otherwise would have not been collected.

IMPACT ON EXPENDITURES: It is estimated that implementing this legislation would cost \$1 million in order to conduct the outreach and medial campaign required by the law, which include the cost of running newspaper and radio advertisements and printing posters and flyers.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: Rebecca Chasan, Assistant Counsel, Finance Division

ESTIMATE REVIEWED BY: Tanisha Edwards, Chief Counsel, Finance Division

LEGISLATIVE HISTORY: Intro. No. 806 was introduced by the Council on March 11, 2015 and referred to the Committee on Finance. The legislation was amended and on November 19, 2015, the Committee held a hearing, jointly with the Committee on Governmental Operations, on the amended legislation, Proposed Intro. No. 806-A, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 806-B, will be considered by the Committee at a hearing on April 7, 2016. Upon successful vote by the Committee, Proposed Intro. No. 806-B will be voted on by the full Council on April 7, 2016.

DATE PREPARED: April 4, 2016

Accordingly, this Committee recommends its adoption, amended.

(The following is the text of Int No. 806-B:)

Int. No. 806-B

By Council Members Ferreras-Copeland, Constantinides, Dickens, Eugene, Gentile, Kallos and Rosenthal (in conjunction with the Mayor).

A Local Law to establish a temporary program to resolve outstanding judgments imposed by the environmental control board.

Be it enacted by the Council as follows:

Section 1. Temporary program to resolve outstanding judgments.

a. Definitions. For purposes of this section, the following definitions apply:

“Base penalty” means, with respect to any notice of violation returnable to the environmental control board, the penalty that would be imposed upon a timely admission by the respondent or finding of liability after an adjudication, pursuant to the environmental control board penalty schedule, without regard to reductions of penalty in cases of mitigation or involving stipulations.

“Default decision and order” means a decision and order of the environmental control board, pursuant to subparagraph (d) of paragraph one of subdivision d of section 1049-a of the charter of the city of New York, determining a respondent’s liability for a violation charged based upon that respondent’s failure to plead within the time allowed by the rules of the environmental control board or failure to appear before the environmental control board on a designated adjudication date or on a subsequent date following an adjournment.

“Default penalty” means, with respect to any notice of violation returnable to the environmental control board, the penalty imposed by the environmental control board, pursuant to subparagraph (d) of paragraph one of subdivision d of section 1049-a of the charter of the city of New York, in an amount up to the maximum amount prescribed by law for the violation charged.

“Environmental control board” means a division of the office of administrative trials and hearings and its tribunal, as described in section 1049-a of the charter of the city of New York.

“Environmental control board penalty schedule” means the schedule of penalties adopted as a rule by the environmental control board in title 48 of the rules of the city of New York, or such predecessor schedule as may have applied on the date of the violation.

“Imposed penalty” means, with respect to any notice of violation returnable to the environmental control board, the penalty imposed by the environmental control board after an adjudication, pursuant to subparagraph (a) of paragraph one of subdivision d of section 1049-a of the charter of the city of New York.

“Judgment” means monies owed to the city of New York as a result of a final order of the environmental control board imposing a civil penalty, either as a result of a default decision and order or after a hearing and finding of violation, that was entered in the civil court of the city of New York or any other place provided for the entry of civil judgments within the state, pursuant to subparagraph (g) of paragraph one of subdivision d of section 1049-a of the charter of the city of New York, no later than ninety days prior to the commencement of the temporary program to resolve outstanding judgments pursuant to subdivision b of this local law and determining a respondent’s liability for a violation charged in accordance with the environmental control board penalty schedule.

“Resolve” means, with respect to an outstanding judgment of the environmental control board, to conclude all legal proceedings in connection with a notice of violation.

“Respondent” means a person or entity named as the subject of a notice of violation returnable to, or a judgment issued by, the environmental control board.

b. Temporary program to resolve outstanding judgments. Subject to an appropriate concurring resolution of the environmental control board described in subdivision a of section 1049-a of the charter of the city of New York, and notwithstanding any other provision of law to the contrary, the commissioner of finance shall establish a temporary program to resolve outstanding judgments imposed by the environmental control board, for a ninety day period to be effective during the fiscal year that commences on July first, two thousand sixteen, that permits respondents who are subject to:

1. judgments resulting from a default decision and order to resolve such judgments by payment of base penalties without payment of default penalties and accrued interest; and
2. judgments entered after an adjudication and finding of violation to resolve such judgments by payment of seventy-five percent of the imposed penalties without payment of accrued interest.

c. Resolution of outstanding judgments. 1. A judgment resulting from a default decision and order may not be resolved under the temporary program to resolve outstanding judgments pursuant to paragraph one of subdivision b of this local law unless the base penalty of the violation that is the subject of the default decision and order can be determined from the notice of the violation, default decision and order, and environmental control board penalty schedule alone.

2. A judgment may not be resolved under the temporary program to resolve outstanding judgments pursuant to subdivision b of this local law if the judgment had been the subject of a settlement agreement with the department of finance or the department of law that was executed after the expiration of the temporary default resolution program established by the department of finance pursuant to local law number forty-seven for the year two thousand nine.

3. A judgment arising out of a notice of violation that includes an order requiring the correction of the violation may not be resolved under the temporary program to resolve outstanding judgments pursuant to subdivision b of this local law unless the respondent:

- (i) enters into a written agreement with the department of finance providing that the violation shall be corrected within six months from the date of the written agreement;
- (ii) pays to the department of finance a deposit equal to twenty-five percent of the amount that would resolve the judgment under the temporary program to resolve outstanding judgments pursuant to subdivision b of this local law;

(iii) demonstrates to the satisfaction of the city agency that issued the notice of violation that the condition cited in the notice of violation has been corrected; and

(iv) pays to the department of finance the balance of the amount that would resolve the judgment, provided that the violation has been corrected within such six month period pursuant to subparagraph (iii) of this paragraph.

4. If a violation that is the subject of a written agreement with the department of finance pursuant to paragraph three of this subdivision is not corrected to the satisfaction of the city agency that issued the notice of violation within the required six month period, judgment in the amount of the default penalty plus accrued interest less the deposit, or judgment in the amount of the imposed penalty plus accrued interest less the deposit, as applicable, shall continue to have full legal effectiveness and enforceability.

d. Conditions for participation in the temporary program to resolve outstanding judgments. 1. A respondent seeking resolution of a judgment resulting from a default decision and order under the temporary program to resolve outstanding judgments pursuant to paragraph one of subdivision b of this local law shall admit liability for the violation that resulted in the default decision and order. A judgment resulting from a default decision and order may not be resolved under the temporary program to resolve outstanding judgments pursuant to paragraph one of subdivision b of this local law if the respondent seeking resolution of the judgment fails or refuses to admit liability.

2. A respondent seeking resolution of a judgment under the temporary program to resolve outstanding judgments pursuant to subdivision b of this local law shall seek resolution of all outstanding judgments against such respondent.

3. A judgment shall not be resolved under the temporary program to resolve outstanding judgments pursuant to subdivision b of this local law if a respondent fails to pay the amounts described in subdivision b of this local law to the department of finance within the three month period of such temporary program.

4. A respondent who is the subject of a criminal investigation relating to the violation that is the subject of the judgment shall not be eligible to participate in the temporary program to resolve outstanding judgments.

5. A resolution of a judgment under the temporary program to resolve outstanding judgments shall constitute a waiver of all legal and factual defenses to liability for the judgment.

e. Certificates of correction. Nothing contained herein shall require a city agency to issue or approve certificates of correction or the equivalent if such city agency does not have a program to do so as of the effective date of this local law.

f. Duration of program. The duration of the program shall be ninety days. After the program has concluded, any judgment that remains outstanding and has not been resolved by this program shall continue to have full legal effectiveness and enforceability regardless of whether it could have been resolved under this program.

g. Authority to resolve a judgment resulting from a default decision and order. Notwithstanding any law to the contrary, for three years following the conclusion of the temporary program to resolve outstanding judgments pursuant to subdivision b of this local law, the department of finance, when acting pursuant to a delegation from the environmental control board, shall not resolve any judgment resulting from a default decision and order that had been eligible for resolution pursuant to such temporary program by accepting payment of any amount that is less than half the default penalty and the accrued interest on such recalculated default penalty.

h. Notification of public. The commissioner of finance shall publicize the temporary program to resolve outstanding judgments so as to maximize public awareness of and participation in such program.

§ 2. This local law shall take effect immediately.

JULISSA FERRERAS-COPELAND, *Chairperson*; YDANIS A. RODRIGUEZ, JAMES G. VAN BRAMER, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, MARK LEVINE, HELEN K. ROSENTHAL, STEVEN MATTEO; Committee on Finance, April 7, 2016.

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

Report of the Committee on Governmental Operations

Report for Int No. 807-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to notices of violation adjudicated by the environmental control board and issued generically to the "owner of" a business, organization or premises.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on June 10, 2015 (Minutes, p. 2186), respectfully

REPORTS:

I. Introduction

Today, the Committee on Governmental Operations will meet to vote on Prop. Int. No. 807-A, Prop. Int. No. 810-A, and Prop. Int. No. 812-A, which all relate to outstanding Environmental Control Board (“ECB”) judgment debt collected by the Department of Finance (“DOF”) and the issuance of notices of violation adjudicated by ECB. The Committee previously heard these bills jointly with the Committee on Finance on November 19, 2015, and received testimony from the Administration, good government groups, and other interested parties.

II. Background

Beginning in the 1970s, the City and the State legislature established a policy that would transfer various quality-of-life offenses, such as littering, peddling, air, noise, sanitary and health code violations, from the criminal court to certain administrative tribunals, including ECB.¹

ECB was created in 1977 in order to provide the time and expertise necessary to adjudicate seemingly minor violations.² ECB is an administrative tribunal that adjudicates hearings on notices of violation for various quality-of-life infractions.³ ECB is now a division of the Office of Administrative Trials and Hearings (“OATH”), an independent City agency that also oversees health, for-hire vehicle hearings, and other matters.⁴ ECB does not issue notices of violation. Rather, notices of violation are issued by the City’s enforcement agencies, which are also responsible for promulgating rules pursuant to local law, establishing enforcement policies and procedures, employing inspectors or agents, and directing, controlling or otherwise influencing where, when, or to whom notices are issued.

Examples of quality-of-life infractions for which notices of violation are issued include dirty sidewalk; unleashed dog; loitering; noise; public indecency; rollerblading or motorcycling in a forbidden area; sidewalk obstruction; rodent and pest control; defacement of property; and amount, location and nature of hazardous substances, and the labeling of hazardous substances.⁵

¹ See Memo in Support for Chapter 944 of Laws of 1984.

² See Local Law 24 of 1977, codified in section 1049-a of the New York City Charter.

³ See Section 1049-a (c)(1) of the New York City Charter.

⁴ OATH is currently in the process of consolidating several of its tribunals, including the health tribunal and ECB into one consolidated tribunal with universal procedures.

⁵ See *id.*

Thirteen different City agencies write quality-of-life tickets and file them with ECB for adjudication, including the Business Integrity Commission (“BIC”), the Department of Buildings (“DOB”), the Department of Environmental Protection (“DEP”), the Fire Department (“FDNY”), the Department of Health & Mental Hygiene (“DOHMH”), the Department of Information Technology and Telecommunications (“DoITT”), the Landmarks Preservation Commission (“LPC”), the Department of Parks & Recreation (“DPR”), the Police Department (“NYPD”), the Department of Sanitation (“DSNY”), the Department of Small Business Services (“SBS”), the Department of Consumer Affairs (“DCA”), and the Department of Transportation (“DOT”).⁶

III. ECB Adjudication

There are two types of notices of violation sent to ECB by issuing agencies for adjudication: 1) compliance violations, which require corrective action, and 2) non-compliance violations, which require the payment of a fine, but no corrective action. Both require a hearing for adjudication, but 90% of the outstanding ECB docketed judgments are non-compliance violations.⁷

A respondent may answer a notice of violation by either: 1) paying the ticket (on-line, by mail, or in person); or 2) having a hearing before an ECB hearing officer (with options to do so by phone, mail, or online in some cases).⁸ If a respondent chooses to have a hearing, after the conclusion of the hearing, the hearing officer will issue a decision and order, which will either dismiss the notice of violation because the charges could not be upheld or uphold the charges finding the subject of the notice to be in violation.⁹ If the respondent is found to be in violation then the ECB hearing officer will set a penalty.

If a respondent fails to either pay the ticket on time or fails to appear or proceed at a hearing, then the respondent will be in default. Upon default, the hearing officer or board will render a decision and order in the absence of the respondent, which will take effect immediately.¹⁰ Notice of such order is sent to the respondent.

In Fiscal 2015, ECB received 623,758 notices of violation for adjudication. Of these, 184,631 hearings were conducted and 146,266 decisions were rendered. The average time between ECB hearing assignment and decision was six days, with 99.9% of decisions issued within 45 business days of the hearing assignment.¹¹ As seen from the graphs below, DSNY issued the greatest number of notices of violation (to be distinguished from amount owed) in Fiscal 2015, followed by DOB and FDNY.

⁶ According to the Department of Finance and the text of the website of the Office of Administrative Trials and Hearings, About OATH ECB, available at <http://www.nyc.gov/html/oath/html/ecb/about.shtml> (last accessed on November 18, 2015), there are thirteen ticketing agencies. However, OATH’s website lists only twelve agencies, excluding the DCA. The Council hopes to gain clarity at the hearing whether ECB adjudicates DCA summonses.

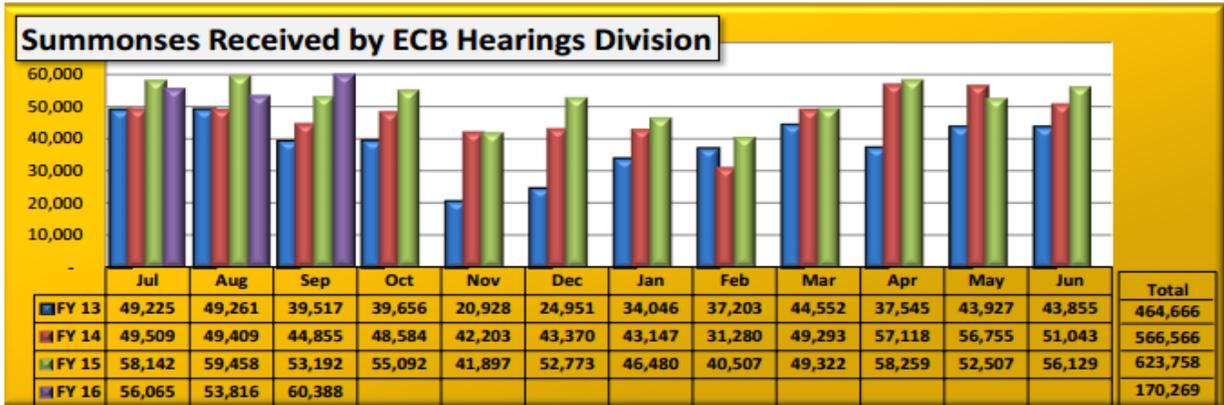
⁷ See *Debt Resulting from ECB Judgments: An Overview*, at 10, provided by the Department of Finance, dated June 2014. On file with the Finance Committee.

⁸ See the website of the Office of Administrative Trials and Hearings, Frequently Asked Questions, available at <http://www.nyc.gov/html/oath/html/ecb/faq.shtml> (last accessed November 10, 2015).

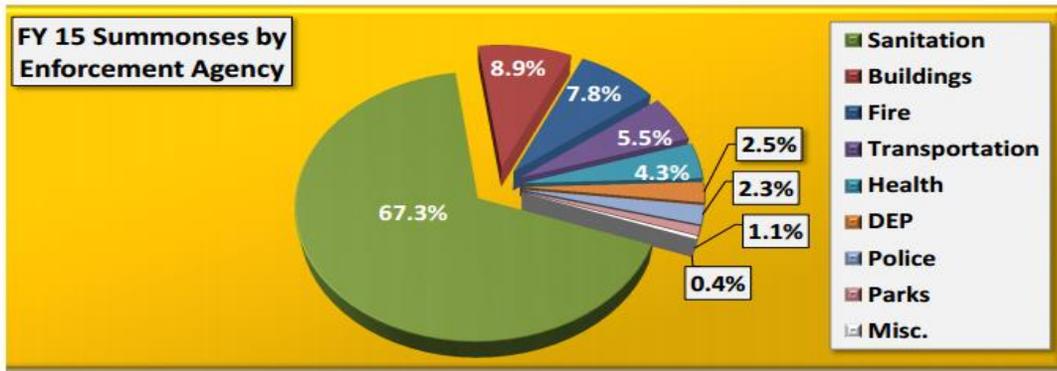
⁹ See Section 3-57(a) of Title 48 of the Rules of the City of New York.

¹⁰ See Section 3-81(b) of Title 48 of the Rules of the City of New York.

¹¹ See Fiscal Year 2015 Mayor’s Management Report, Office of Administrative Trials and Hearings, at p. 111.

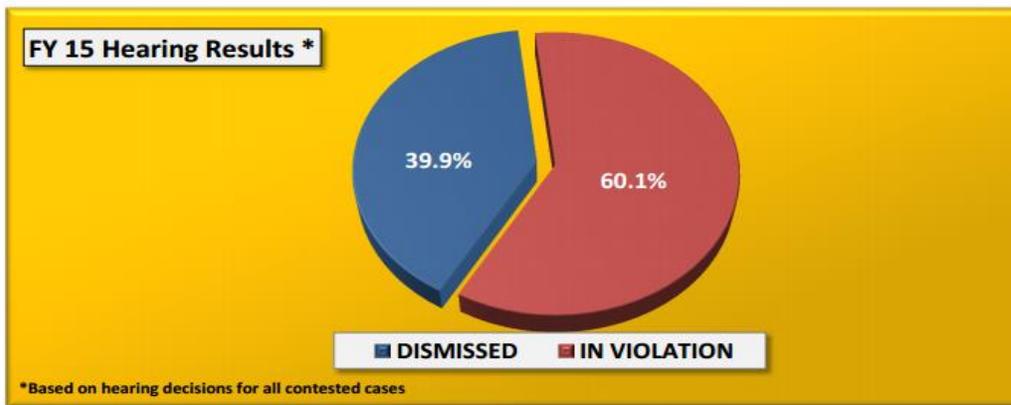


Source: Office of Administrative Trials and Hearings¹²



Source: Office of Administrative Trials and Hearings¹³

As seen from the graph below, in Fiscal 2015, nearly 40% of cases adjudicated at ECB were dismissed.



Source: Office of Administrative Trials and Hearings¹⁴

IV. Docketing ECB Judgments

¹² See the website of the Office of Administrative Trials and hearings, ECB Tribunal Data, available at http://www.nyc.gov/html/oath/downloads/pdf/ecb_trib_stats/ECB.pdf (last accessed on November 9, 2015).

¹³ See *id.*

¹⁴ See *id.*

Once a default judgment is entered or a respondent is found to be in violation and found to owe a penalty, ECB sends request-for-payment notices to the respondent. If a respondent was found in default, the respondent is responsible for paying the base fine, any default penalty (such penalties vary by issuing agency), and interest on the fine and default penalty, which begins accruing immediately. If a respondent was found to be in violation after a hearing, the respondent is responsible for paying the base fine, but interest will not begin to accrue until and if the judgment is docketed.¹⁵

ECB docketed default judgments in civil court when respondents fail to remit payment.¹⁶ Once the judgment is docketed, a lien is placed on the respondent's real property and the City may use other enforcement tools available to it for collection, as set forth in the New York Civil Practice Law and Rules and the New York City Civil Court Act.¹⁷ After the judgment is docketed in civil court, then ECB forwards those cases to DOF for collection.

V. DOF Collection Efforts of ECB Judgments

Pursuant to a Memorandum of Understanding ("MOU") entered into by DOF and ECB on January 17, 2002, DOF is responsible for collecting debt owned pursuant to default and in-violation ECB judgments. DOF uses several tools to collect this debt, including the use of DOF-employed collection agents, the use of outside collection agencies ("OCAs"), issuing executions to the Sheriffs and the Marshals, and an amnesty program.

DOF-Employed Collection Agents: DOF has 14 full-time equivalent staff who work on collecting ECB judgment debt.¹⁸ These staff send out progressively more demanding letters for payment, try to contact respondents by telephone, and attempt to identify assets for seizure.¹⁹ DOF informed the Council that it would be clarifying the procedures for how its in-house collections staff works to collect the debt and that the written procedures would be provided to the Council.²⁰ To date, the Council has not yet received a copy of these procedures.

OCAs: In July 2012, DOF contracted with three OCAs to collect ECB judgments.²¹ DOF testified that as those contracts expired it intended to bid out a new contract with two to four OCAs.²² DOF testified that it intended to rotate the debt between the various OCAs in an effort to increase their collection rates.²³ In Fiscal 2014, the OCAs collected \$23.8 million in outstanding ECB debt.²⁴

Sheriffs: The City Sheriff and his or her deputies are employees of the City of New York under the authority of DOF, and have authority to enforce ECB judgments.

Marshals: New York City Marshals are public officials, appointed by the Mayor, but they are not paid employees of the City of New York. The Marshals operate in the same manner as the City Sheriff, with the exception that Marshals cannot sell property or make arrests.²⁵ Currently, there are 83 Marshals.²⁶

¹⁵ Interest on docketed judgments accrues at a rate of 9% per annum, unless otherwise provided for by law. See Section 5004 of the New York Civil Practice Law and Rules.

¹⁶ ECB sends undocketed cases to the Law Department.

¹⁷ See generally Article 52 of the New York Civil Practice Law and Rules and Article 16 of the New York City Civil Courts Act. Enforcement tools include, but are not limited to, income execution, wage garnishment, and sale of personal and real property.

¹⁸ See DOF Responses to Council Questions related to DOF Council Testimony on Int. 489-A on October 14, 2014. On file with the Finance Committee.

¹⁹ See October 14, 2014 Finance Committee Hearing Transcript, at p. 25-26 and 50-51.

²⁰ See *supra* fn. 18.

²¹ See *Debt Resulting from ECB Judgments: An Overview*, provided by the Department of Finance, dated June 2014. On file with the Finance Committee.

²² See *supra* fn. 19 at p. 53-57.

²³ See *id.* at p. 16.

²⁴ See *supra* fn. 18.

²⁵ In August 1997, the New York State Legislature authorized marshals to also collect money judgments of the New York State Supreme Court and the Family Court. See section 1609 of the New York City Civil Court Act.

²⁶ See *id.* at Section 1601(1).

2009 ECB Amnesty Program: In 2009, the Council passed Local Law 47 authorizing the Commissioner of Finance to establish a temporary program to resolve outstanding judgments issued by ECB. As a result of the program held in 2009, DOF collected \$14.3 million in base fines and waived \$33.7 million in default penalties and accrued interest.²⁷

According to the New York City Financial Management System, in Fiscal 2015, as a result of utilizing these tools DOF collected \$50.1 million in outstanding ECB judgments, up from \$41.5 million in Fiscal 2014. To date in Fiscal 2016, DOF has collected \$16.8 million.

VI. DOF's Fiscal 2015 Local Law 11 Report on Outstanding ECB Judgments

On January 7, 2015, the Council passed Local Law 11 of 2015, which required DOF to report annually to the Council on outstanding ECB judgments. In November 2015, DOF released the first such report.²⁸ According to the report, the total amount of outstanding debt resulting from ECB judgments is \$1.58 billion, up from \$1.49 in June 2014. This amount, which stems from nearly 1.5 million summonses, includes \$482.9 million in base fines, \$709.4 million in penalties, and \$386.5 million in accrued interest. Consistent with data reported in previous years, the agency with the largest amount outstanding was DOB while the agency with the largest number of summonses with outstanding judgment debt was DSNY.²⁹

Issuing Agency	# of Summonses	Base Fine \$	Penalty \$	Interest \$	Total Amount Due with Interest
DOB	125,108	\$225,176,557	\$444,746,835	\$204,899,892	\$874,823,283
DSNY	1,134,088	\$123,491,641	\$156,456,675	\$102,837,239	\$382,785,555
FDNY	53,757	\$53,365,422	\$39,886,028	\$25,877,126	\$119,128,577
DOT	27,149	\$18,205,148	\$27,957,845	\$18,589,205	\$64,752,198
NYPD	48,984	\$31,492,960	\$9,071,097	\$13,788,280	\$54,352,338
DEP	11,573	\$11,774,869	\$20,406,979	\$10,606,320	\$42,788,168
DOHMH	26,410	\$14,636,159	\$2,801,639	\$4,692,206	\$22,130,005
Parks	26,425	\$3,583,334	\$6,336,812	\$4,103,268	\$14,023,414
BIC	868	\$396,022	\$860,577	\$559,187	\$1,815,786
Agency Missing	1,961	\$534,243	\$474,521	\$333,271	\$1,342,035
Landmarks	345	\$243,483	\$284,040	\$194,505	\$722,028
Seagate PD	203	\$22,717	\$43,795	\$21,483	\$87,995
Other Agency	48	\$16,065	\$27,265	\$18,197	\$61,527
Grand Total	1,456,919	\$482,938,620	\$709,354,109	\$386,520,180	\$1,578,812,909

**Other Agency comprises Animal Care & Control, DCA, DCAS, DoITT, HPD, Hunts Point Development, and Ports & Terminals, where total due was less than \$50K*

The report also provides data specific to the judgments docketed in Fiscal 2015, noting that in Fiscal 2015 DOF received approximately 218,000 new judgments for ECB totaling \$200.7 million in outstanding debt. As

²⁷ See *supra* fn. 18.

²⁸ See FY2015 Annual Local Law 11 Report on ECB— Adjudicated Judgments Referred to NYC Department of Finance, available at: http://www1.nyc.gov/assets/finance/downloads/pdf/15pdf/local_law11_fy15_ecb_annual_report.pdf (last accessed November 10, 2015).

²⁹ See *id.*

of September 30, 2015, DOF collected \$17.7 million, or 8.8 percent, of that debt from 32,885 summonses, with the majority being collected within three months of docketing.³⁰

Payment	# of Summons Paid	Length of Time Between Docket Date & Payment Date in Month Ranges					\$ Total Collected
		0-3M	4-6M	7-9M	10-12M	13-24M	
FY2015	32,885	\$10,535,950	\$3,789,766	\$1,948,732	\$997,274	\$406,130	\$17,677,852

With respect to the judgments docketed in Fiscal 2015 and referred to DOF for collection, 154,633 enforcement letters were sent out as follows:³¹

Enforcement Letters Sent FY15:		
Name of Letter	Count of Letter	Total \$ Addressed
DOF Initial letter	78,536	\$280,768,764
DOF NG-Check Letter	237	\$899,499
DOF Partial Payment & Payment Plan Letter	2,928	\$62,668,307
OCA* Demand Letters	72,932	\$244,140,564
Total	154,633	\$588,477,134

* Outside Collection Agencies

In addition, as a result of a provision within Local Law 11, DOF is now authorized to issue all types of executions to the Marshals as well as the Sheriffs.³² The table below demonstrates the number of executions issued to each entity and the amount collected by each entity, however, the report does not indicate the total amount of debt referred to each group.³³

FY2015			
Sheriff		Marshals	
# of Executions Issued	Amount Collected	# of Executions Issued	Amount Collected
430	\$313,980	52	\$84,550

VII. Analysis of, and Amendments to, Prop. Int. 807-A – A Local Law to amend the New York city charter, in relation to notices of violation adjudicated by the environmental control board and issued generically to the "owner of" a business, organization or premises

When issuing notices of violation, issuing agencies sometimes issue such notices to a generic owner of a particular business, organization, or premises. ECB treats notices that do not contain the name of a respondent as defective and subject to dismissal.³⁴ If not corrected, such notices of violation may be dismissed, resulting in potentially decreased revenue and continuing violations. Moreover, when a notice of violation issued to a

³⁰ See *id.*

³¹ See *id.*

³² Prior to the passage of Local Law 11, only Sheriffs, and not Marshals, were authorized to execute violations of the Sanitation Code. Local Law 11 permitted Marshals to execute all types of violations, including Sanitation Code violations.

³³ See *id.*

³⁴ See Section 3-31(b) of Title 48 of the Rules of the City of New York.

generic owner is subsequently referred to DOF for collection, the lack of the respondent's true name makes collection a much more difficult task.

Council Members Ferreras-Copeland and Kallos have introduced legislation that contains three components to address this issue. First, Prop. Int. 807-A would direct agencies that issue a notice of violation that generically names the "owner of" a specifically identified business, organization, or premises to, within 30 days, make reasonable efforts to learn the name of the owner and, if such agency does learn the owner's name, to amend the notice of violation and provide an amended notice to the respondent and to the ECB in the manner required.

Second, Prop. Int. 807-A would clarify that ECB should construe a notice of violation that generically cites the "owner of" a specifically identified business, organization, or premises as if the notice included the name of the owner. This second component would not limit a respondent's right to request a new hearing where the respondent did not receive the notice of violation. Thus, where a respondent receives a notice of violation issued generically to the "owner of" a business, organization or premises, ECB may not dismiss such notice as defective, but may grant the respondent's request for a new hearing.

Finally, Prop. Int. 807-A would require that, where a default decision is rendered on a notice of violation that generically names the "owner of" a specifically identified business, organization, or premises, and where such default decision is referred to DOF for collection, the Commissioner of Finance, within 90 days, must make reasonable efforts to learn the respondent's name. This component further requires that if the Commissioner of Finance does learn the respondent's name, the Commissioner of Finance shall mail a copy of the default decision to the respondent's last known residence or business address, or both.

This bill would take effect 180 days after it becomes law, except that ECB would be able to promulgate rules or take any other actions necessary to implement the law prior to such effective date.

Since its initial hearing, this bill was amended to require "reasonable" rather than "best" efforts of an agency to learn a respondent's name, and received other technical edits.

VIII. Analysis of, and Amendments to, Prop. Int. No. 810-A – A Local Law to amend the New York city charter, in relation to providing for the denial of an application for, or the suspension, termination or revocation of, a license, permit or registration based on unpaid civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings

To incentivize respondents to pay their outstanding ECB debt, Council Member Kallos has introduced Prop. Int. 810-A, which would require agencies that issue licenses, permits, and registrations and that issue notices of violation returnable to the ECB, to promulgate rules to implement their authority to deny, suspend, terminate or revoke licenses, permits, and registrations, or deny applications for licenses, permits, or registrations, based on outstanding ECB debt.

The bill would exempt agencies that, as of the effective date of the bill, have adopted a rule or policy that substantially meets the requirements of the bill, and would clarify that nothing in the bill would affect any other authority granted to any agency by any other general, special, or local law to deny, suspend, terminate or revoke any licenses, permits or registrations.

The bill would require agencies' rules to include certain factors for agencies to consider when determining whether to deny, suspend, terminate or revoke, including (1) whether the applicant, licensee, permittee or registrant has other debt owed to the city; (2) the amount of unpaid civil penalties owed; (3) whether the underlying violation is one of a series of violations and the nature of the underlying violation; (4) whether the unpaid civil penalties were imposed due to a default decision that was then vacated, or whether the applicant, licensee, permittee or registration has made a request to vacate a default and obtain a new hearing. The intent

in adding this last consideration is that, unlike other debt, outstanding debt that was incurred as a result of a default should not, absent other circumstances, be a reason to deny, suspend, terminate, or revoke a license, permit, or registration. The bill would also clarify that agencies shall consider whether a denial, suspension, termination or revocation would present a risk that the applicant, licensee, permittee or registrant might engage in unlicensed, unpermitted or unregistered activity. Moreover, the bill would clarify that such agencies would not be limited to the considerations required by the bill and may consider any additional factors in making a determination.

The bill would require notices of violation to include a written warning that failure to pay civil penalties may result in the denial, suspension, termination or revocation of a license, permit or registration. Specifically, the written warning would state, "If the Environmental Control Board or the Office of Administrative Trials and Hearings orders you to pay a civil penalty, failure to pay that penalty in a timely manner could lead to the denial of an application for a license, permit or registration, or to the suspension, termination or revocation of a license, permit or registration issued to you by a city agency."

Finally, the bill would require agencies to submit an annual report to the Council including: (1) the total number of applications for licenses, permits or registrations received; (2) the total number of applications for licenses, permits or registrations that were denied pursuant to the process set forth in such agency's rules; (3) the total number of licenses, permits or registrations that were suspended, terminated or revoked pursuant to the process set forth in such agency's rules; and (4) a list of the types of licenses, permits and registrations issued by such agency and the time period for which such licenses, permits and registrations are issued.

This bill would take effect 180 days after it becomes law, except that the relevant agencies would be able to promulgate rules or take any other actions necessary to implement the law prior to such effective date.

Since its initial hearing, this bill was amended to require such agencies to promulgate rules and consider the factors set forth in the bill, rather than mandating agencies to deny, suspend, terminate or revoke licenses, permits, or registrations in specific circumstances. The amendments require agencies to have a process to consider certain specific factors, but provide agencies with wide discretion to consider additional factors in determining whether to take such action. The bill was also amended to include reporting requirements and received other technical amendments.

IX. Analysis of, and Amendments to, Prop. Int. 812-A –A Local Law to amend the New York city charter, in relation to requiring the inclusion of unique identifiers for buildings and lots in notices of violation adjudicated by the environmental control board

According to DOF, one of the factors contributing to the difficulty of collecting ECB judgment debt is that notices of violation do not contain a unique identifier for respondents; in particular, notices of violation related to premises sometimes do not include information sufficient to identify the property where such violation is occurring.³⁵

Council Members Kallos and Ferreras-Copeland have thus introduced Prop. Int. 812-A, which would require agencies that issue notices of violation where the alleged violation occurred in or on a building or lot to include, to the extent practicable and in addition to the information required by ECB's rules, the borough, block, and lot number, building identification number, or device identification number, as applicable, associated with such building or lot.

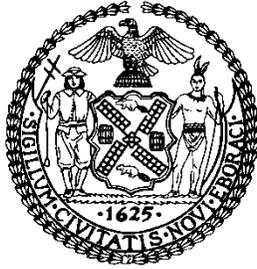
The bill would also clarify that ECB may not dismiss such a notice of violation on the ground that it does not include the unique identifier.

³⁵ See *supra* fn. 18.

This local law would take effect on the same date as a local law of the city of New York for the year 2016 amending the New York city charter in relation to notices of violation adjudicated by the environmental control board and issued generically to the “owner of” a business, organization or premises, as proposed in introduction number 807-A, takes effect, except that the ECB may take any actions necessary for its implementation, including the promulgation of rules, before such effective date.

Since its initial hearing, this bill was amended to clarify that such requirement is only for notices of violation where the alleged violation occurred in or on a building or lot. The bill was also amended to include device identification number among the list of unique identifiers to be included, and the bill received additional technical edits.

(The following is the text of the Fiscal Impact Statement for Int No. 807-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INT. NO. 807-A
COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the New York city charter, in relation to notices of violation adjudicated by the environmental control board and issued generically to the "owner of" a business, organization or premises

SPONSORS: Council Members Ferreras-Copeland, Kallos and Dickens

SUMMARY OF LEGISLATION: Proposed Intro. No. 807-A would require that when an agency generically issues a notice of violation returnable to the Environmental Control Board ("ECB") to the "owner of" a business, organization, or premises, that agency must make reasonable efforts to learn the respondent's name within 30 days of issuing the notice. Notwithstanding that requirement, the legislation would require ECB to treat "owner of" violations as though the name of the respondent were included and would prevent ECB from dismissing a notice of violation on the basis that a respondent's name was not included. Finally, the bill would provide that where a default decision is rendered on an "owner of" violation and the judgment is referred to the Department of Finance ("DOF") for collection, DOF must make reasonable efforts to learn the respondent's name and, if it does, send the default decision to the respondent's last known address.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that ECB may take any actions necessary for its implementation, including the promulgation of rules, before such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective 18	Full Fiscal Impact FY18
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that this bill would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this bill would have no impact on expenditures because existing resources would be used to implement the legislation. The legislation would not require ECB to conduct additional hearings because "owner of" violations already receive hearings before the tribunal, and each agency will use existing staff to make the reasonable efforts required by the law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Office of Management and Budget

ESTIMATE PREPARED BY: James Subudhi, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Assistant Counsel
Tanisha Edwards, Chief Counsel
John Russell, Unit Head

HISTORY: This legislation was introduced to the full Council on June 10, 2015 as Intro. No. 807 and referred to the Committee on Governmental Operations. The Committee on Governmental Operations held a hearing, jointly with the Committee on Finance, on Intro. No. 807 on November 19, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 807-A, will be considered by the Committee on Governmental Operations on April 6, 2016. Upon successful vote of the Committee, Proposed Intro. No. 807-A will be submitted to the full Council for a vote on April, 7, 2016.

DATE PREPARED: April 4, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 807-A:)

Int. No. 807-A

By Council Members Ferreras-Copeland, Kallos and Dickens.

A Local Law to amend the New York city charter, in relation to notices of violation adjudicated by the environmental control board and issued generically to the "owner of" a business, organization or premises.

Be it enacted by the Council as follows:

Section 1. Subparagraph (b) of paragraph (1) of subdivision d of section 1049-a of the New York city charter, as added by chapter 944 of the laws of 1984, is amended to read as follows:

(b) The form and wording of notices of violation shall be prescribed by the board. [The] A notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. *A notice of violation shall be deemed to include a civil summons or a summons for a civil violation.*

(i) *Where a violation is alleged to have occurred in or on a building or lot, a notice of violation shall additionally include, to the extent practicable, the borough, block and lot number, building identification number or device identification number, as applicable, associated with any such building or lot. The board shall not dismiss such notice of violation on the ground that it fails to include such borough, block and lot number, building identification number or device identification number.*

(ii) *An agency that issues a notice of violation that generically cites the "owner of" a business, organization or premises as the respondent shall make, within 30 days of issuing such a notice of violation, reasonable efforts to learn the respondent's name. If at any time such agency learns the respondent's name, such agency shall correct the notice of violation to reflect the respondent's name, mail the corrected notice of violation to the respondent and provide the corrected notice of violation to the board.*

(iii) *Notwithstanding clause (ii) of this subparagraph, the board shall construe a notice of violation that generically cites the "owner of" a business, organization or premises as if such notice of violation included the name of the owner of such business, organization or premises and shall not dismiss such notice of violation on the ground that it fails to include the respondent's name. This subparagraph does not limit any right a respondent has to request a new hearing on the ground that the notice of violation was not properly served.*

§ 2. Subparagraph (d) of paragraph (1) of subdivision d of section 1049-a of the New York city charter, as added by chapter 944 of the laws of 1984, is amended to read as follows:

(d)(i) Where a respondent has failed to plead within the time allowed by the rules of the board or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty in the maximum amount prescribed under law for the violation charged.

(ii) *Where a default decision is rendered on a notice of violation that generically cites the "owner of" a business, organization or premises as the respondent and such decision is referred to the department of finance for collection efforts, the commissioner of finance shall make, within 90 days of such referral, reasonable efforts to learn the respondent's name. If such commissioner learns the respondent's name, such commissioner shall mail a copy of the default decision to the respondent at such respondent's last known residence, business address or both.*

§ 3. This local law takes effect 180 days after it becomes law, except that the environmental control board may take any actions necessary for its implementation, including the promulgation of rules, before such effective date.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, April 6, 2016. *Other Council Members Attending: Council Member Gentile.*

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

Report for Int No. 810-A

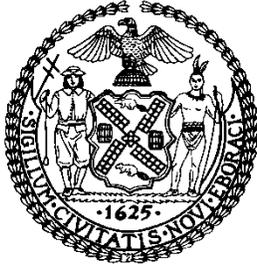
Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to providing for the denial of an application for, or the suspension, termination or revocation of, a license, permit or registration based on unpaid civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on June 10, 2015 (Minutes, p. 2194), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 807-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 810-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INT. NO. 810-A
COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the New York city charter, in relation to providing for the denial of an application for, or the suspension, termination or revocation of, a license, permit or registration based on unpaid civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings

SPONSORS: Council Members Kallos and Gentile

SUMMARY OF LEGISLATION: Proposed Intro. No. 810-A would grant City agencies that issue notices of violation returnable to the Environmental Control Board (ECB) the authority to deny, suspend, terminate, or revoke any licenses, permits or registrations issued by that agency on the basis of unpaid ECB penalties. The legislation would require these agencies to promulgate rules to implement this authority which must include, but is not limited to, certain factors for agencies to consider when making the determination to deny, suspend, terminate, or revoke, including (1) whether the applicant, licensee, permittee or registrant has other debt owed to the City; (2) the amount of unpaid civil penalties owed; (3) whether the underlying violation is one of a series of violations and the nature of the underlying violation; and (4) whether the unpaid civil penalties were imposed due to a finding of default decision that was then vacated, or whether the applicant, licensee, permittee or registration has made a request to vacate a default and obtain a new hearing.

The legislation would also require such agencies to provide to the Council, and post online, an annual report including the number of applications for licenses, permits, or registrations received; the number denied, suspended, terminated, or revoked pursuant to the authority granted by the proposed law; and a list of the types of licenses, permits or registrations issued by such agency and the time period for which such licenses, permits or registrations are issued.

Lastly, the legislation would require that notices of violation returnable to ECB include a written statement warning respondents that failure to timely pay an ECB penalty could result in the denial, suspension, termination, or revocation of a license, permit, or registration.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that any agency granted authority to suspend, terminate, revoke, or deny a license, permit, or registration based on unpaid ECB penalties, may take any actions necessary for the implementation of this local law, including the promulgation of rules, before it takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective 18	Full Fiscal Impact FY18
Revenues (+)	TBD	TBD	TBD
Expenditures (-)	\$0	\$0	\$0
Net	TBD	TBD	TBD

IMPACT ON REVENUES: It is estimated that this legislation would have an impact on revenue because its intent is to incentivize respondents with unpaid civil penalties to pay those penalties. However, at the time of the writing of this fiscal impact statement it is unknown how much revenue could result from the legislation.

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures because existing resources would be used to implement the legislation, including the provisions related to the promulgation of rules and the compilation of an annual report.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: James Subudhi, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Assistant Counsel
Tanisha Edwards, Chief Counsel
John Russell, Unit Head

HISTORY: This legislation was introduced to the full Council on June 10, 2015 as Intro. No. 810 and referred to the Committee on Governmental Operations. The Committee on Governmental Operations held a hearing, jointly with the Committee on Finance, on Intro. No. 810 on November 19, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 810-A, will be considered by the Committee on Governmental Operations on April 6, 2016. Upon successful vote of the Committee, Proposed Intro. No. 810-A will be submitted to the full Council for a vote on April, 7, 2016.

DATE PREPARED: April 5, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 810-A:)

Int. No. 810-A

By Council Members Kallos and Gentile.

A Local Law to amend the New York city charter, in relation to providing for the denial of an application for, or the suspension, termination or revocation of, a license, permit or registration

based on unpaid civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings.

Be it enacted by the Council as follows:

Section 1. Subparagraph (b) of paragraph (1) of subdivision d of section 1049-a of the New York city charter is amended by adding a new clause (iv) to read as follows:

(iv) A notice of violation shall include a written warning that states: "If the Environmental Control Board or the Office of Administrative Trials and Hearings orders you to pay a civil penalty, failure to pay that penalty in a timely manner could lead to the denial of an application for a license, permit or registration, or to the suspension, termination or revocation of a license, permit or registration issued to you by a city agency."

§ 2. Chapter 45-A of the New York city charter is amended by adding a new section 1049-b to read as follows:

§ 1049-b. Effect of non-payment of civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings.

a. To the extent an agency issues licenses, permits or registrations, and such agency issues notices of violation returnable to the environmental control board or to a tribunal of the office of administrative trials and hearings, such agency may deny an application for any license, permit or registration, or an application for renewal of any license, permit or registration, and may suspend, terminate or revoke any license, permit or registration, based on the failure to timely pay civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings by such applicant, licensee, permittee or registrant.

b. Any agency that issues notices of violation returnable to the environmental control board or to a tribunal of the office of administrative trials and hearings shall promulgate rules to implement the authority granted by subdivision a of this section, except that any such agency that, as of the effective date of the local law that added this section, has adopted a rule or policy that substantially meets the requirements of this section shall not be required to promulgate such rules. Such rules shall include, but need not be limited to, factors to be considered in an agency's determination whether to deny, suspend, terminate or revoke, including:

1. whether such applicant, licensee, permittee or registrant has other unpaid penalties, taxes or other debt owed to the city;

2. the amount of the unpaid civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings;

3. where the violation underlying the unpaid penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings was issued by such agency, whether such violation is one of a series of violations returnable to such board or tribunal and the nature of the underlying violation; and

4. whether the unpaid civil penalties imposed by the environmental control board or a tribunal of the office of administrative trials and hearings were imposed pursuant to a finding of default that was subsequently vacated or whether the applicant, licensee, permittee or registrant has made a request to vacate such default and obtain a new hearing pursuant to the rules of such board or tribunal.

c. An agency's decision whether to exercise the authority granted by this section shall consider the risk that a denial of an application for a license, permit or registration, or an application for renewal of any license, permit or registration or a suspension, termination or revocation of a license, permit or registration issued by such agency could create an incentive for applicants, licensees, permittees or registrants to engage in unlicensed, unpermitted or unregistered activity.

d. Nothing in this section shall impair, diminish or otherwise affect any other authority granted to any agency by any general, special or local law or any rule promulgated pursuant thereto to deny an application for a license, permit or registration, or suspend, terminate or revoke a license, permit or registration.

e. No later than September 1, 2017, and every year thereafter, an agency that exercises the authority granted by subdivision a of this section shall submit to the city council, and post on its website in a non-proprietary format that permits automated processing, a report based on data from the preceding fiscal year that includes:

1. the total number of applications for licenses, permits or registrations received by such agency;

2. the total number of applications for licenses, permits or registrations that were denied pursuant to subdivision a of this section;

3. the total number of licenses, permits or registrations that were suspended, terminated or revoked pursuant to subdivision a of this section; and

4. a list of the types of licenses, permits and registrations issued by such agency and the time period for which such licenses, permits and registrations are issued.

§ 3. This local law takes effect 180 days after it becomes law, except that any agency granted authority pursuant to section 1049-b of the New York city charter, as added by section two of this local law, may take any actions necessary for the implementation of this local law, including the promulgation of rules, before it takes effect.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, April 6, 2016. *Other Council Members Attending: Council Member Gentile.*

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

Report for Int No. 812-A

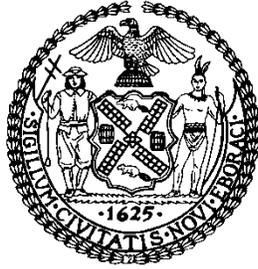
Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to requiring the inclusion of unique identifiers for buildings and lots in notices of violation adjudicated by the environmental control board.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on June 10, 2015 (Minutes, p. 2199), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int No. 807-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 812-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INT. NO. 812-A
COMMITTEE: Governmental Operations**

TITLE: A Local Law to amend the New York city charter, in relation to requiring the inclusion of unique identifiers for buildings and lots in notices of violation adjudicated by the environmental control board

SPONSORS: Council Members Kallos, Ferreras-Copeland and Gentile

SUMMARY OF LEGISLATION: Proposed Intro. No. 812-A would require City agencies that issue notices of violation that are returnable to the Environmental Control Board (“ECB”) to include the borough, block and lot number and building identification number, as applicable, of the building or lot where the alleged violation occurred. The bill further provides that the ECB may not dismiss a notice of violation on the basis that it does not include the required identifying information.

EFFECTIVE DATE: This local law would take effect on the same date as a local law of the city of New York for the year 2016 amending the New York city charter in relation to notices of violation adjudicated by the environmental control board and issued generically to the “owner of” a business, organization or premises, as proposed in introduction number 807-A, takes effect, except that the ECB may take any actions necessary for its implementation, including the promulgation of rules, before such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY17	FY Succeeding Effective 18	Full Fiscal Impact FY18
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that this bill would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this bill would have no impact on expenditures because existing resources would be used to implement the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Office of Management and Budget

ESTIMATE PREPARED BY: James Subudhi, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Assistant Counsel
Tanisha Edwards, Chief Counsel
John Russell, Unit Head

HISTORY: This legislation was introduced to the full Council on June 10, 2015 as Intro. No. 812 and referred to the Committee on Governmental Operations. The Committee on Governmental Operations held a hearing, jointly with the Committee on Finance, on Intro. No. 812 on November 19, 2015 and the legislation was laid over. The legislation was subsequently amended and the amended version of the legislation, Proposed Intro. No. 812-A, will be considered by the Committee on Governmental Operations on April 6, 2016. Upon successful vote of the Committee, Proposed Intro. No. 812-A will be submitted to the full Council for a vote on April, 7, 2016.

DATE PREPARED: April 4, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 812-A:)

Int. No. 812-A

By Council Members Kallos, Ferreras-Copeland and Gentile.

A Local Law to amend the New York city charter, in relation to requiring the inclusion of unique identifiers for buildings and lots in notices of violation adjudicated by the environmental control board.

Be it enacted by the Council as follows:

Section 1. Subparagraph (b) of paragraph (1) of subdivision d of section 1049-a of the New York city charter, as added by chapter 944 of the laws of 1984, is amended to read as follows:

(b) The form and wording of notices of violation shall be prescribed by the board. [The] A notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. *A notice of violation shall be deemed to include a civil summons or a summons for a civil violation.*

(i) Where a violation is alleged to have occurred in or on a building or lot, a notice of violation shall additionally include, to the extent practicable, the borough, block and lot number, building identification number or device identification number, as applicable, associated with any such building or lot. The board shall not dismiss such notice of violation on the ground that it fails to include such borough, block and lot number, building identification number or device identification number.

(ii) An agency that issues a notice of violation that generically cites the "owner of" a business, organization or premises as the respondent shall make, within 30 days of issuing such a notice of violation, reasonable efforts to learn the respondent's name. If at any time such agency learns the respondent's name, such agency shall correct the notice of violation to reflect the respondent's name, mail the corrected notice of violation to the respondent and provide the corrected notice of violation to the board.

(iii) Notwithstanding clause (ii) of this subparagraph, the board shall construe a notice of violation that generically cites the "owner of" a business, organization or premises as if such notice of violation included the name of the owner of such business, organization or premises and shall not dismiss such notice of violation on the ground that it fails to include the respondent's name. This subparagraph does not limit any right a respondent has to request a new hearing on the ground that the notice of violation was not properly served.

§ 2. This local law takes effect on the same date as a local law of the city of New York for the year 2016 amending the New York city charter in relation to notices of violation adjudicated by the environmental control board and issued generically to the “owner of” a business, organization or premises, as proposed in introduction number 807-A, takes effect, except that the environmental control board may take any actions necessary for its implementation, including the promulgation of rules, before such effective date.

BEN KALLOS, *Chairperson*; DAVID G. GREENFIELD, MARK LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RITCHIE J. TORRES, JOSEPH C. BORELLI; Committee on Governmental Operations, April 6, 2016. *Other Council Members Attending: Council Member Gentile.*

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

Report of the Committee on Rules, Privileges and Elections

Report for M-321

Report of the Committee on Rules, Privileges and Elections approving the designation of Ramon Peguero as a member of the New York City Civilian Complaint Review Board.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on July 23, 2015 (Minutes, p. 2720), and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-386 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 440 (b) (1) of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the designation by the Council of Ramon Peguero as a member of the New York City Civilian Complaint Review Board to serve for the remainder of three-year term expiring on July 4, 2017.

This matter was referred to the Committee on March 22, 2016.

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

Res. No. 1031

RESOLUTION APPROVING THE DESIGNATION BY THE COUNCIL OF RAMON PEGUERO AS A MEMBER OF THE NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD.

By Council Member Lander.

RESOLVED, that pursuant to § 440 (b) (1) of the *New York City Charter*, the Council does hereby approve the designation of Ramon Peguero as a member of the New York City Civilian Complaint Review Board to serve for the remainder of three-year term expiring on July 4, 2017.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, April 7, 2016.

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

M-379

Report of the Committee on Rules, Privileges and Elections approving the designation of Marbre C. Stahly-Butts as a member of the New York City Civilian Complaint Review Board.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on March 9, 2016 (Minutes, p. 532), and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-386 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 440 (b) (1) of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the designation by the Council of Marbre C. Stahly-Butts as a member of the New York City Civilian Complaint Review Board to serve for the remainder of three-year term expiring on July 4, 2017.

This matter was referred to the Committee on March 22, 2016.

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

Res. No. 1032

RESOLUTION APPROVING THE DESIGNATION BY THE COUNCIL OF MARBRE C. STAHLY-BUTTS AS A MEMBER OF THE NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD.

By Council Member Lander.

RESOLVED, that pursuant to § 440 (b) (1) of the *New York City Charter*, the Council does hereby approve the designation of Marbre C. Stahly-Butts as a member of the New York City Civilian Complaint Review Board to serve for the remainder of three-year term expiring on July 4, 2017.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, April 7, 2016.

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

Report for M-380

Report of the Committee on Rules, Privileges and Elections approving the re-appointment of Michael Regan as a member of the New York City Board of Correction.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on March 9, 2016 (Minutes, p. 532), and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-386 printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 626 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Council of Michael Regan as a member of the New York City Board of Correction to serve for the remainder of six year term expiring on October 12, 2020.

This matter was referred to the Committee on March 22, 2016.

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

Res. No. 1033

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE COUNCIL OF MICHAEL REGAN AS A MEMBER OF THE NEW YORK CITY BOARD OF CORRECTION.

By Council Member Lander.

RESOLVED, that pursuant to § 626 of the *New York City Charter*, the Council does hereby approve the re-appointment of Michael Regan as a member of the New York City Board of Correction to serve for the remainder of six year term expiring on October 12, 2020.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, April 7, 2016.

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

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

Report for M-386

Report of the Committee on Rules, Privileges and Elections approving the re-appointment of Michelle de la Uz as a member of the New York City Planning Commission.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered communication was referred on March 22, 2016 (Minutes, p. 563), and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

Topic I: *New York City Planning Commission – (Candidate for re-appointment upon the advice and consent of the Council)*

• **Michelle de la Uz [Preconsidered-M-0386]**

In a letter dated March 9, 2016, the Public Advocate formally submitted the name of Michelle de la Uz to the Council of the City of New York, for its advice and consent, regarding her re-appointment to the City Planning Commission (“CPC”).

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

The *Charter* provides that CPC members shall serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* §191), serves at the pleasure of the Mayor. [*Charter* §192(a)] For purposes of Chapter 68 of the *Charter* (Conflicts of Interest), CPC members, other than the Chair, shall not be considered regular employees of the City. [*Charter* §192(b)] There is no limitation on the number of terms a CPC member may serve. [*Charter* §192(a)] CPC members are prohibited from holding any other City office while they serve on the CPC. [*Charter* §192(b)] The Chair receives an annual salary of \$214,413. The CPC member designated to serve as the Vice-Chair receives an annual salary of \$65,121. The other CPC members receive an annual salary of \$54,150.

CPC is responsible for the following:

- CPC must engage in planning focused on the City’s orderly growth, improvement, and future development, which includes consideration of appropriate resources for housing, business, industry, recreation, and culture. [*Charter* §192(d)];
- CPC assists the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program, as well as the annual *Statement of Needs*. [*Charter* §192(f)];
- CPC oversees and coordinates environmental reviews under the *City Environmental Quality Review* (“CEQR”), as mandated by state law (*Environmental Conservation Law – Article 8*). [*Charter* §192(e)];

- Every four years, the CPC must prepare and file with the Mayor, Council, Public Advocate, Borough Presidents and Community Boards, a zoning and planning report containing CPC's Planning Policy, and in light of this policy, provide a proposal for implementing the policy, along with any associated recommended amendments, if any, to the Zoning Resolution. The report must also include the plans and studies CPC undertook or completed in the previous four years. [*Charter* §192(f)]; and
- CPC must review, and either approve or deny, any City proposal involving the City's request to make acquisitions for office space and any requests for existing buildings for office use. [*Charter* §195]

CPC is also responsible for promulgating various rules, some of which consists of the following:

- It is CPC's responsibility to establish minimum standards for certifying the *Uniform Land Use and Review Procedure* ("ULURP") applications, which includes providing specific time periods for pre-certification review. [*Charter* §197-c (i)];
- The criteria associated with the selection of sites for capital projects is also established by CPC. [*Charter* §218 (a)];
- CPC establishes the minimum standards for the form and content of plans for the development of the City and boroughs. [*Charter* §197-a (b)]; and
- CPC also adopts rules that either list major concessions or establishes a procedure for determining whether a concession is defined as a *major concession*, as it relates to the act of City Agencies granting concessions. [*Charter* §374 (b)].

Michelle de la Uz is scheduled to appear before the Committee on Rules, Privileges, and Elections on Monday, April 4, 2017. If appointed to the CPC, Ms. de la Uz, a resident of Brooklyn, will serve the remainder of five-year term, expiring on June 30, 2020. A copy of the candidate's résumé is attached to this briefing paper.

Topic II: *New York City Civilian Complaint Review Board– (Council candidates for designation)*

- **Ramon Peguero [M-0321]**
- **Marbre Shahly-Butts [M-0379]**

New York City Charter ("Charter") § 440 created the New York City Civilian Complaint Review Board ("CCRB" or "the Board") as an entity independent of the New York City Police Department ("NYPD"). Its purpose is to investigate complaints concerning misconduct by officers of NYPD towards members of the public. The Board's membership must reflect the City's diverse population, and all members must be residents of the City.

The CCRB consists of a board of thirteen members of the public as well as a civilian staff to assist the CCRB exercising its powers and fulfilling its duties. The members are appointed by the Mayor as follows: five members, one from each borough are designated by the City Council; five members, including the chair, are selected by the Mayor; and three members having law enforcement experience are designated by the Police Commissioner. Only those appointees to CCRB designated by the Police Commissioner may have law enforcement experience. Experience as an attorney in a prosecutorial agency is not deemed law enforcement experience for purposes of this definition. The CCRB hires the Executive Director, who in turn hires and supervises the agency's all-civilian staff. There are two Deputy Executive Directors: one is responsible for administration and the other for investigations.

All appointees to CCRB serve three-year terms. Vacancies on the CCRB resulting from removal, death, resignation, or otherwise, are filled in the same manner as the original appointment; the successor completes the former member's un-expired term. Board members are prohibited from holding any other public office or public employment. All CCRB members are eligible for compensation for their work on a per-diem basis. The current per-diem rate is \$315.00.

The CCRB is authorized to "receive, investigate, hear, make findings and recommend action" upon civilian complaints of misconduct by members of the NYPD towards the public. Complaints within the CCRB's jurisdiction are those that allege excessive force, abuse of authority, discourtesy, or use of offensive language, including but not limited to slurs relating to race, ethnicity, religion, gender, sexual orientation or disability.

The CCRB has promulgated procedural rules pursuant to the City's Administrative Procedural Act ("CAPA"). These rules regulate the way in which investigations are conducted¹, recommendations are made, and members of the public are informed of the status of their complaints. The rules also outline the establishment of panels consisting of at least three Board members (no panel may consist exclusively of Mayoral appointees, Council appointees or Police Commissioner appointees); these panels may supervise the investigation of complaints and hear, make findings and recommend action with respect to such complaints. The CCRB, by majority vote of all its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of complaints.

The CCRB's findings and recommendations with respect to a complaint, and the basis therefore, must be submitted to the Police Commissioner. In all such cases where a finding or recommendation has been submitted, the Police Commissioner is required to report to the CCRB on any action taken with respect to that complaint. The law prohibits the CCRB from making any finding or recommendation solely on the basis of an unsworn complaint or statement. In addition, the law prohibits the CCRB from using prior complaints against a member of the NYPD that have been unsubstantiated, unfounded or withdrawn as the basis for any finding or recommendation regarding a current complaint.

It should also be noted that the CCRB has established a voluntary mediation program in which a complainant may choose to resolve his or her complaint through informal conciliation. Both the alleged victim and the subject officer must voluntarily agree to mediation. Mediation is offered as an alternative to investigation to resolve certain types of complaints, none of which can involve physical injury or damage to property. If the mediation is not successful, the alleged victim has the right to request that the case be fully investigated.

Also, the CCRB is required to issue to the Mayor and to the City Council a semi-annual report describing its activities and summarizing its actions, and is also mandated to develop and administer an on-going program to educate the public about CCRB.

If designated by the Council and subsequently appointed by the Mayor, Mr. Peguero, a resident of Queens, will serve for the remainder of a three-year term that expires on July 4, 2018. If designated by the Council and subsequently appointed by the Mayor Ms. Stahly-Butts, a resident of Brooklyn, will be serve for the remainder of a three year term that that expires on July 4, 2017. Copies of the candidates' resumes are annexed to this Briefing Paper.

Topic III: New York City Board of Correction – (Candidate for re-appointment by the Council)

- **Michael Regan [Pre-considered M-0380]**

The New York City Department of Correction ("DOC") provides for the care, custody and control of persons accused or convicted of crimes and sentenced to one year or less jail time. DOC manages 15 inmate facilities, 10 of which are on Riker's Island, handles more than 100,000 admissions each year, and manages an average daily inmate population of approximately 14,000 individuals. *Preliminary Mayor's Management Report for February 2009*. The New York City Board of Correction ("BOC") oversees DOC's operations and evaluates agency performance. Pursuant to *New York City Charter* ("Charter") §§ 626(c), 626(e), 626(f), BOC, or by

¹ The CCRB employs civilian investigators to investigate all complaints against members of the NYPD.

written designation of the BOC, any member of it, the Executive Director², or other employee, shall have the power and duty to:

- inspect and visit all institutions and facilities under the jurisdiction of DOC at any time;
- inspect all records of DOC;
- prepare and submit to the Mayor and to the Council, and the DOC Commissioner, proposals for capital planning and improvements, studies and reports concerned with the development of DOC's correctional program planning, and studies and reports in regard to the methods of promoting closer cooperation of custodial, probation and parole agencies of government and the courts;
- evaluate DOC performance;
- establish minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of DOC; and to
- establish procedures for the hearing of grievances and complaints or requests for assistance by or on behalf of any person held or confined by DOC or by any employees of DOC.

BOC is composed of nine members. Three members are appointed by the Mayor, three by the Council, and three by the Mayor on the nomination jointly by the presiding justices of the Appellate Division of the Supreme Court for the First and Second Judicial Departments. Appointments are made by the three respective appointing authorities on a rotating basis to fill any vacancy. Members are appointed to a term of six-years, and vacancies are filled for the remainder of the unexpired term. The Mayor designates the Chair of BOC from among its members from time to time. The Mayor may remove members for cause after a hearing at which they shall be entitled to representation by Counsel. *Charter § 626(b)*.

Although BOC members receive no compensation, they may, however, be reimbursed for expenses incurred in the performance of their duties. *Charter § 626(a)*.

BOC is required to adopt rules to govern its own proceedings. *Charter § 626(b)*. Within the scope of its authority, BOC may compel the attendance of witnesses, require the production of books, accounts, papers, and other evidence, administer oaths, examine persons, and conduct public or private hearings, studies and investigations. Also, BOC may institute proceedings in a court of appropriate jurisdiction to enforce its subpoena power and other authority. *Charter § 626(g)*.

On an annual basis, and at such other times as it may determine, BOC submits to the Mayor, the Council and the DOC Commissioner, reports, findings and recommendations in regard to matters within its jurisdiction. *Charter § 626(d)*. Members of the Council are authorized to inspect and visit at anytime the institutions and facilities under the jurisdiction of DOC. *Charter § 627*.

If re-appointed by the Council, Mr. Regan, a resident of the Manhattan, will serve for the remainder of a six-year term expiring on October 12, 2020.

Copies of the following for the candidates are annexed to this briefing paper: the candidates' résumés and the related messages.

PROJECT STAFF

Jason Adolfo Otaño, Deputy General Counsel
 Charles W. Davis III, Director of Investigations
 Diandra Johnson, Senior Legislative Investigator
 Alycia Vassell, Legislative Clerk

² BOC may appoint an Executive Director to serve at its pleasure with such duties and responsibilities as BOC may assign, and other professional, clerical, and support personnel within appropriations for such purpose. DOC's Commissioner shall designate such of DOC's stenographic, clerical and other assistance to BOC as may be necessary for the proper performance of its functions. *Charter § 626(b)*.

(After interviewing the candidates and reviewing the submitted material, the Committee recommended the appointment of the nominees; for nominees Ramon Peguero [M-321], Marbre Shahly-Butts [M-379], and Michael Regan [Preconsidered M-380], please see, respectively, the Reports of the Committee on Rules, Privileges and Elections for M-321, M-379, and M-380 printed in these Minutes; for nominee Michelle de la Uz [M-386] please see below)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Public Advocate of Michelle de la Uz as a member of the New York City Planning Commission to serve for the remainder a five-year term that will expire on June 30, 2020.

This matter was referred to the Committee on March 22, 2016.

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

Res. No. 1034

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE PUBLIC ADVOCATE OF MICHELLE DE LA UZ AS A MEMBER OF THE NEW YORK CITY PLANNING COMMISSION.

By Council Member Lander.

RESOLVED, that pursuant to § 192 of the *New York City Charter*, the Council does hereby approve the re-appointment by the Public Advocate of Michelle de la Uz as a member of the New York City Planning Commission to serve for the remainder of a five-year term that will expire on June 30, 2020.

BRADFORD S. LANDER, *Chairperson*; INEZ E. DICKENS, DANIEL R. GARODNICK, YDANIS A. RODRIGUEZ, MARGARET S. CHIN, DEBORAH L. ROSE, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., MARK LEVINE, STEVEN MATTEO, MELISSA MARK-VIVERITO; Committee on Rules, Privileges and Elections, April 7, 2016.

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

Report of the Committee on Transportation

Report for Int No. 658-A

Report for the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring information

security and use of personal information policies for services licensed by taxi and limousine commission.

The Committee on Transportation, to which the annexed proposed amended local law was referred on February 12, 2015 (Minutes, page 470), respectfully

REPORTS:

INTRODUCTION

On April 6, 2016, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a hearing on Proposed Int. No. 658-A, a Local Law in relation to requiring information security and use of personal information policies for services licensed by taxi and limousine commission; Proposed Int. No. 1080-A, a Local Law in relation to fare quotes for black car and luxury limousine service; Proposed Int. No. 1092-A, a Local Law in relation to the retirement of black cars; Proposed Int. No. 1095-A, a Local Law in relation to a universal driver's license for taxicab and for-hire vehicle drivers; and Proposed Int. No. 1096-A, a Local Law in relation to increasing penalties for accepting a passenger by street hail from a location where street hails are not permitted. At the first hearing on these bills on February 29, 2016, Committee heard testimony from the New York City Taxi and Limousine Commission (TLC) and other interested stakeholders.

BACKGROUND

Information Security in the For-Hire-Vehicle Industry

Much of the recent growth in the for-hire vehicle (FHV) sector—the number of licensed FHVs has grown from 39,708 to 66,604 since 2011—is due to the popularity of services available through mobile devices.¹ Advances in smartphone technology and the development of the so-called “sharing economy” linking consumers to peers providing a service, such as transportation or lodging, resulted in a new model of non-professional drivers offering passengers transportation in their own vehicle, often known as ridesharing.² The City's comprehensive regulatory scheme for taxis and FHVs generally prohibits traditional ridesharing, as the City requires drivers to have a TLC license, be affiliated with a base station, receive regular drug testing, and pass a background check.³ Further, vehicles used for such services must be inspected and adhere to certain safety requirements.⁴ As a result, companies that may operate a ridesharing service in other jurisdictions function as more traditional transportation companies in New York City.

There are now more than 75 apps offering for-hire transportation in New York City—ranging from large, international corporations such as Uber, Lyft, and Gett, to smaller, locally-based companies.⁵ As the popularity of apps grows, so does the amount of personal and financial information collected by such providers. One concern that has emerged surrounds the ability of apps to view and monitor the movements of its customers. In one widely noted incident, a journalist accused an Uber employee of tracking her using a tool known as “God View,” in violation of the company's own policy.⁶ Shortly thereafter, the company announced that it retained a

¹ N.Y.C. Taxi and Limousine Commission, *2015 Annual Report* 9, on file with staff; N.Y.C. Taxi and Limousine Commission, *2011 Annual Report* 8, available at http://www.nyc.gov/html/tlc/downloads/pdf/annual_report_2011.pdf.

² Natasha Singer, *In the Sharing Economy, Workers Find Both Freedom and Uncertainty*, N.Y. TIMES, Aug. 16, 2014, available at <http://www.nytimes.com/2014/08/17/technology/in-the-sharing-economy-workers-find-both-freedom-and-uncertainty.html>.

³ N.Y.C. Taxi and Limousine Commission, About TLC, <http://www.nyc.gov/html/tlc/html/about/about.shtml> (last accessed Dec. 2, 2014).

⁴ *Id.*

⁵ Heather Senison, *Gett brings \$10 rides to NYC car service war*, AM NEW YORK, Jun. 11, 2015, available at <http://www.amny.com/news/business/gett-brings-10-rides-to-nyc-car-service-war-1.10534076>; Dana Rubinstein, *After protests, T.L.C. revises rules for apps*, CAPITAL, Jun. 17, 2015, available at <http://www.capitalnewyork.com/article/city-hall/2015/06/8570429/after-protests-tlc-revises-rules-apps>.

⁶ Maya Kosoff, *Uber's Top New York Executive Is Being Investigated After Using Uber's 'God View' Tool To Track A Journalist's Location*, Nov. 19, 2014, BUSINESS INSIDER, available at <http://www.businessinsider.com/ubers-new-york-manager-investigated-for>.

law firm to conduct a review of the company's use of passenger data and issues related to privacy.⁷ In January 2016, New York State Attorney General Eric Schneiderman announced a settlement with Uber requiring the company to “encrypt rider geo-location information, adopt multi-factor authentication that would be required before any employee could access especially sensitive rider personal information,” and pay a \$20,000 penalty for failure to provide timely notice to drivers and the Attorney General's office regarding a data breach during which driver names and license numbers were accessed by an unauthorized third party.⁸ Notably, the settlement only applies to Uber and does not impact the practices of the dozens of other apps offering private transportation services in New York City.

In June 2015, the TLC passed rules requiring apps that dispatch vehicles to obtain a base license or contract with an existing base.⁹ Those seeking a dispatch service provider license must submit a “current detailed” privacy and security policies “meeting industry best practices.”¹⁰ “Industry best practices” is not further defined in the rules. If a provider is required to disclose a security breach under State or Federal law, they must also notify the TLC immediately after the required disclosure.¹¹ Providers that accept credit or debit card payments must comply with Payment Card Industry (PCI) standards, which are designed to reduce fraud.¹² The use of practices involving the tracking or monitoring of passengers without their permission are not explicitly addressed by TLC rules.

State law requires that all businesses in New York owning or licensing computerized data containing personal information disclose breaches to State residents.¹³ However, this law merely applies to the disclosure of breaches and does not address how a company may store or use personal information collected from its customers. Int. No. 658-A requires all entities licensed by the TLC to protect passenger information—including names and addresses, credit card information, and any GPS data collected while you are traveling in a TLC-licensed vehicle—and to only use that information for purposes the passenger has authorized. Those who misuse personal informational information would be subject to a penalty of \$1,000 per violation.

Fare Quote Requirements in the FHV Industry

Requirements relating to rates charged by FHV's differ by service classification. The TLC requires all livery bases, regardless of how the base is contacted, to provide any passenger who contacts a base requesting a trip to a specific destination with “an accurate and binding price quote” and honor that quote if the passenger elects to take the trip.¹⁴

Standard rates charged by black cars and luxury limousines, on the other hand, are monitored by the TLC through the submission of a “rate of fare book” submitted by base stations, which lists the base's current rate and states whether such rate is structured through zones or a listing of possible destinations and corresponding fares; such services are not required to provide binding fare quotes to passengers.¹⁵ App-based vehicle services

[using-god-view-2014-11](http://www.bloomberg.com/news/2014-11-26/uber-said-close-to-raising-funding-at-up-to-40b-value.html); Serena Saitto, *At \$40 Billion, Uber Would Eclipse Twitter and Hertz*, Nov. 26, 2014, BLOOMBERG, available at <http://www.bloomberg.com/news/2014-11-26/uber-said-close-to-raising-funding-at-up-to-40b-value.html>.

⁷ *Id.*

⁸ Press Release, New York State Attorney General Eric T. Schneiderman, *A.G. Schneiderman Announces Settlement with Uber to Enhance Rider Privacy*, Jan. 6, 2016, available at <http://www.ag.ny.gov/press-release/ag-schneiderman-announces-settlement-uber-enhance-rider-privacy>.

⁹ 35 R.C.N.Y. §§ 77-01 to 77-20.

¹⁰ *Id.* at §§ 77-05(d) and (e).

¹¹ *Id.* at § 77-13(c).

¹² *Id.* at § 77-20(a)(3).

¹³ N.Y. State General Business Law § 899-aa.

¹⁴ 35 R.C.N.Y. § 59B-23(b).

¹⁵ *Id.* at § 59B-21; See also N.Y.C. Taxi & Limousine Commission, *Instructions for Filing an Application for a New Livery Base Station*, http://www.nyc.gov/html/tlc/downloads/pdf/new_fhv_base_app_instr.pdf (last accessed Sept. 19, 2014); N.Y.C. Taxi & Limousine Commission, *Instructions for Filing an Application for a New, Renewal or Change of Status Luxury/Black Car Base License*, http://www.nyc.gov/html/tlc/downloads/pdf/instructions_black_car_lux_limo_new_renew.pdf (last accessed Sept. 19, 2014).

such as Uber and Lyft, which generally operate as black cars, are known to at times use dynamic pricing, a practice of instituting higher rates during times of peak demand, such as during inclement weather and on holidays.¹⁶ Uber's dynamic pricing model is known as "surge pricing."¹⁷ If variable pricing is in effect, black car and luxury limousine bases dispatching via an app must allow passengers to request an estimate of the total fare.¹⁸

As black car services continue to dominate the market, more rides are being provided without the more rigid pricing structures used by taxis and liveries, potentially leaving consumers with less knowledge and a diminished ability to make an educated choice. Proposed Int. No. 1080-A would require that black car and luxury limousine services provide an accurate fare estimate, adopting a scheme similar to that used in Chicago.

Under Chicago law, dispatch apps:

- Must provide notice that increased price multipliers are in effect;
- Must provide an option to get a "reasonable fare estimate" in dollars plus disclose the multiplier;
- Cannot charge over 20% of the estimate; and
- Require the customer to agree to the estimate or affirmatively decline the option.¹⁹

Int. No. 1080-A builds upon the Chicago model, existing local rules which require apps to notify customers that price multipliers are in effect, and the disclosure system currently utilized by many apps by allowing riders to receive an accurate price estimate and requiring that the actual fare charged not be more than 20% higher than the estimate. If the price is given as a range, the high-end of the range could not be more than 50% higher than the low-end. Services covered under the bill would also be required to inform passengers of their right to an accurate fare estimate.

Driver Licensing in the Taxi and FHV Industries

Currently, there are two separate licenses for taxi and FHV drivers.²⁰ The Administrative Code provides for separate taxicab and FHV driver's licenses, but does not delineate separate requirements for such licenses.²¹ TLC rules require that an applicant for a taxicab driver's license "be able to speak, read, write and understand the English language" and "pass a test approved by the Commission."²² In contrast, FHV driver's license applicants are merely required to "[s]peak and [u]nderstand English."²³ Int. No. 1095-A would create a universal license for taxicab and FHV drivers and require that license applicants be able to speak and understand English, but that language proficiency not be assessed through a written exam. The bill would not impose any additional training or examination requirements on applicants for universal license.

Vehicle Retirement Rules in the FHV Industry

While livery vehicles are not subject to any mandatory vehicle retirement rules, in 2008 the TLC instituted vehicle retirement requirements for black cars, "with the purpose of improving vehicle quality and service."²⁴ The rules required black cars to be retired no later than the expiration of the owner's FHV license or after the

¹⁶ Joe Coscarelli, *The Uber Hangover*, N.Y. MAGAZINE, Dec. 27, 2013, available at <http://nymag.com/daily/intelligencer/2013/12/uber-surge-pricing-model.html>.

¹⁷ *Id.*

¹⁸ 35 R.C.N.Y. § 77-15.

¹⁹ Chicago Mun. Code § 9-114-265.

²⁰ N.Y.C. Admin. Code § 19-505(a).

²¹ *Id.* at § 19-505(b).

²² 35 R.C.N.Y. § 54-04(f).

²³ *Id.* at § 55-04(e).

²⁴ N.Y.C. Taxi and Limousine Commission, Driver and Vehicle Owner Rule Reform Package, http://www.nyc.gov/html/tlc/downloads/pdf/newly_passed_rule_drv Veh_owner_updated.pdf (last accessed Apr. 5, 2016).

vehicle had turned six model years old. In April 2015, the TLC passed rules that relaxed retirement standards and provided for a seven-year retirement requirement for black cars model year 2012 and older as well as a full repeal of retirement requirements for vehicles model year 2013 and newer.²⁵ In announcing the proposed rules, the TLC argued that strict retirement standards were no longer needed as there is significant choice in the black car market, stating that “applying a single vehicle retirement schedule for all companies is unnecessary due to existing market incentives to replace vehicles at a rate which satisfies customer demand.”²⁶ Int. No. 1092-A would no longer subject black cars to any retirement requirements so long as the vehicle passes all required inspections.

Illegal Street Hails

Yellow medallion taxis and green Street Hail Liveries (“SHLs” or “boro taxis”) are the only vehicles allowed to pick up street hails in the five boroughs of New York City, except that SHLs cannot pick up street hails in the “exclusionary zone” (below East 96th and West 110th Streets in Manhattan as well as JFK and LaGuardia airports). Currently, drivers accepting illegal hails face penalties of \$500 for a first offense, \$1,500 for a second offense within 24 months, and revocation upon a third offense with 36 months.²⁷ Int. No. 1096-A would increase penalties for illegal street hails that occur at the City’s airports, in Manhattan south of East 96th Street and West 110th Street, and any areas designated by the TLC to \$2,000 for a first offense, \$4,000 for a second offense within 24 months, and \$10,000 for a third offense within 120 months.

ANALYSIS OF INT. NO. 658-A

Section one of Int. No. 658-A would amend section 19-502 of the Administrative Code (the Code). The new section would define these terms as follows:

- “Breach of the security” would be defined as in New York State General Business Law § 899-aa. That section defines the term as “the unauthorized acquisition or acquisition without valid authorization of computerized data that compromises the security, confidentiality, or integrity of personal information maintained by a business. Good faith acquisition of personal information by an employee or agent of the business for the purposes of the business is not a breach of the security of the system, provided that the private information is not used or subject to unauthorized disclosure. In determining whether information has been acquired, or is reasonably believed to have been acquired, by an unauthorized person or a person without valid authorization, such business may consider the following factors, among others: (1) indications that the information is in the physical possession and control of an unauthorized person, such as a lost or stolen computer or other device containing information; or (2) indications that the information has been downloaded or copied; or (3) indications that the information was used by an unauthorized person, such as fraudulent accounts opened or instances of identity theft reported.”
- “Personal information” would be defined as in New York State General Business Law § 899-aa. That section defines the term as “any information concerning a natural person which, because of name, number, personal mark, or other identifier, can be used to identify such natural person.”
- “Passenger geolocation information” would mean information concerning the location of a wireless communication device that, in whole or in part, is generated by or derived from the operation of such device and that could be used to determine or infer information regarding the present, prospective, or historical location of an individual.

²⁵ *Id.*

²⁶ *Id.*

²⁷ 35 R.C.N.Y. § 55-19(a).

Section two would add a new section 19-546 to the Code regarding information security and use of personal information. All entities licensed by the TLC, or authorized by the TLC to provide services licensed by the TLC, that collect or maintain passenger personal information or passenger geolocation information would be required to file an information security and use of personal information policy with the TLC. The policy would have to include, at a minimum, the following elements:

- a statement of internal access policies relating to passenger and driver personal information for employees, contractors, and third party access, if applicable;
- a statement that, except to the extent necessary to provide credit, debit, and prepaid card services and services for any application that provides for electronic payment, personal information will only be collected and used with such passenger's affirmative express consent and that such personal information will not be used, shared, or disclosed, except for lawful purposes;
- procedures for notifying the TLC and affected parties of any breach of the security of the system;
- a statement that any credit, debit, or prepaid card information collected by the entity or a credit, debit, or prepaid card services provider is processed by the entity or such provider in compliance with applicable payment card industry standards;
- a statement of the entity's policies regarding the use of passenger geolocation information, which must include, at a minimum, a prohibition on the use, monitoring, or disclosure of trip information, including the date, time, pick-up location, drop-off location, and real-time vehicle location and any retained vehicle location records, without such passenger's affirmative express consent; and
- and other provisions related to the protection of passenger or driver information that the TLC may require by rule.

All covered entities would be required comply with the requirements of the information security and use of personal information policy. Any entity that does not file a policy or violates the policy would be subject to a civil penalty of \$1,000 per offense.

Section three of the proposed legislation states that the local law would take effect 120 days after its enactment, except that TLC would be required to take all necessary action, including the promulgation of rules, prior to that effective date.

ANALYSIS OF INT. NO. 1080-A

Section one of Int. No. 1080 would amend Section 19-502 of the Code by adding a new subdivision z. The new subdivision would define "dispatch service provider" to mean an entity licensed by TLC to dispatch, reserve, or refer trips to drivers on behalf of a base station, black car base, or luxury limousine base through a publicly-available, passenger-facing booking tool.

Section two would add a new section 19-545 to the Code. Subdivision a of the new section would prohibit any black car base or luxury limousine base, or a dispatch service provider operating on behalf of such a base (covered services), from quoting or charging a fare that is more than the fare listed in the rate schedule filed with TLC. Paragraph one of subdivision b would require that any website, smartphone application, software program accessed through an electronic device, or similar publically-available, passenger-facing booking tool utilized by a covered service allow prospective passengers to request a fare estimate prior to booking transportation. This requirement would not apply to service provided as part of "line work," a pre-arranged service provided pursuant to a contract with a black car base in which the dispatch and passenger assignment are completed at the point of pick up by an employee or contractor of either the black car base or the contracting party. Paragraph two would require the covered services to inform passengers of their right to an accurate fare estimate when the law takes effect.

Subdivision c would require that, if a passenger requests a fare estimate, the covered service must ask for a destination and provide an accurate price quote. The covered service would be prohibited from charging the

passenger more than 120% of the price quoted unless the passenger changes the location of the pick-up, destination, number of stops, or the vehicle type requested or requests a route change requiring the payment of a toll. The price quote could be expressed in a range in dollars and cents, provided that the high-end of the price range not be more than 150% of the low-end. The price charged could not be more than 120% of the high-end of the range.

Subdivision d would provide that any covered service in violation of the new section would be subject to a civil penalty of between \$250 and \$500 for each offense. However, if a customer is overcharged, requests that the fare be corrected, and receives a refund within 10 business days, the covered service would not be in violation.

Section three of the proposed legislation states that the local law would take effect 120 days after its enactment, except that TLC would be required to take all necessary action, including the promulgation of rules, prior to that effective date.

ANALYSIS OF INT. NO. 1092-A

Section one of Int. No. 1092-A would add a new section 19-544 to the Code. The new section would state that no black car would be subject to retirement from service as long as it passes all required inspections.

Section two of the proposed legislation states that the local law would take effect immediately.

ANALYSIS OF INT. NO. 1095-A

Section one of Int. No. 1095-A would amend subdivision a of Section 19-505. The amended subdivision would add “universal license” to the types of driver licenses authorized to allow someone to operate a taxi or FHV, stipulate that someone with a universal license is allowed to operate both a taxi and an FHV, and prohibit TLC from issuing separate taxi and FHV driver licenses. Existing taxi and FHV driver’s licenses would be deemed to be universal licenses.

Section two would amend section 19-505 by adding a new subdivision r. The new subdivision would require that any procedures established by the TLC to determine the ability of an applicant for a universal driver’s license to speak and understand English not include a written examination.

Sections three through twelve would remove references to separate taxi and FHV driver licenses from various sections of the Code.

Section thirteen of the proposed legislation states that the local law would take effect 120 days after its enactment, except that TLC would be required to take all necessary action, including the promulgation of rules, prior to such effective date.

ANALYSIS OF INT. NO. 1096-A

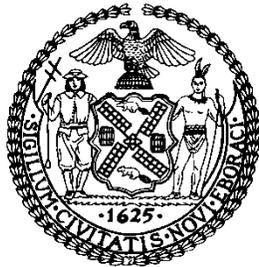
Section one of Int. No. 1096-A would amend paragraph one of subdivision b of section 19-507 of the Code to provide for increased penalties for illegal street hails. Any driver found to have picked up an illegal street hail would be liable for a fine of \$2,000 for the first offense, \$4,000 for a second offense within two years, and \$10,000 for a third or subsequent offense within 10 years. These penalties would apply to illegal street hail that occur at airports, the area of Manhattan south of East 96th Street and West 110th Street, or other areas identified by the TLC by rule. In addition, section one would make technical, formatting edits throughout the paragraph.

Section two of the proposed legislation states that the local law would take 90 days after it becomes law.

UPDATE

On April 6, 2016, the Committee on Transportation passed Int. No. 658-A, Int. No. 1080-A, Int. No. 1092-A, and Int. No. 1096-A by a vote of ten in the affirmative and zero in the negative, with zero abstentions, and passed Int. No. 1095-A by a vote of nine in the affirmative, one in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int No. 658-A:)



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

**PROPOSED INTRO. NO.: 658-A
COMMITTEE: Transportation**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring information security and use of personal information for services licensed by taxi and limousine commission

Sponsor: By Council Members Garodnick, Rodriguez, Chin, Constantinides, Rose, Espinal, Williams, Cabrera, Mendez, Rosenthal and Menchaca

SUMMARY OF LEGISLATION: Proposed Intro. No. 658-A would require all entities that are licensed by the Taxi and Limousine Commission (“Commission”), and entities authorized by the Commission that provide services regulated by the Commission, and that collect or maintain passenger personal information or passenger geolocation information to file with the Commission an information security and use of personal information policy. Any policy filed with the Commission must, at a minimum, include provisions relating to internal access, passenger consent for personal information collection and use and passenger geolocation information use, procedures to report security breaches to the Commission, and a statement that the entity is in compliance with applicable payment card industry standards with respect to payment processing and information collection. The legislation would also require entities that file such a policy with the Commission to comply with the policy. Failure to file or comply with the required policy would subject the entity to a \$1,000 for each offense.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law except that the Taxi and Limousine Commission would take all necessary action, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: Although this legislation would impose civil penalties on those who violate its provisions, because it is intended as a deterrent to would-be violators of the legislation and full compliance is anticipated, it is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because the Commission would use existing resources to implement this local law, it is anticipated 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

SOURCE OF INFORMATION: NYC Council Finance Division
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Rui Xu, Legislative Financial Analyst, New York City Council Finance Division

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

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 658 by the Council on February 12, 2015 and referred to the Committee on Transportation. A hearing was held by the Committee on February 29, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 658-A, will be considered by the Committee on April 6, 2016. Upon successful vote by the Committee, Proposed Intro. No. 658-A will be voted on by the full Council on April 7, 2016.

DATE PREPARED: April 5, 2016

(For text of Int Nos. 1080-A, 1092-A, 1095-A, and 1096-A and their Fiscal Impact Statements, please see, respectively, the Reports of the Committee on Transportation for Int Nos. 1080-A, 1092-A, 1095-A, and 1096-A printed in these Minutes)

Accordingly, this Committee recommends the adoption of Int Nos. 658-A, 1080-A, 1092-A, 1095-A, and 1096-A.

Int. No. 658-A

By Council Members Garodnick, Rodriguez, Chin, Constantinides, Rose, Espinal, Williams, Cabrera, Mendez, Rosenthal, Menchaca and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring information security and use of personal information policies for services licensed by taxi and limousine commission.

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 new subdivisions aa, bb, and cc to read as follows:

aa. "Breach of the security of the system" has the same meaning as in paragraph c of subdivision 1 of section 899-aa of the general business law.

bb. "Personal information" has the same meaning as in paragraph a of subdivision 1 of section 899-aa of the general business law and includes such information pertaining to passengers and drivers.

cc. "Passenger geolocation information" means information concerning the location of a wireless communication device that, in whole or in part, is generated by or derived from the operation of such device and that could be used to determine or infer information regarding the present, prospective, or historical location of an individual.

§ 2. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-546 to read as follows:

§ 19-546 Information security and use of personal information. a. All entities licensed by the commission, or authorized by the commission to provide services regulated by the commission, that collect or maintain passenger personal information or passenger geolocation information shall file with the commission an information security and use of personal information policy. Any policy filed pursuant to this section must include, at a minimum, the following provisions:

(i) a statement of internal access policies relating to passenger and driver personal information for employees, contractors, and third party access, if applicable;

(ii) a statement that, except to the extent necessary to provide credit, debit, and prepaid card services and services for any application that provides for electronic payment, personal information will only be collected and used with such passenger's affirmative express consent and that such personal information will not be used, shared, or disclosed, except for lawful purposes;

(iii) procedures for notifying the commission and affected parties of any breach of the security of the system, pursuant to section 899-aa of the general business law;

(iv) a statement that any credit, debit, or prepaid card information collected by the entity or a credit, debit, or prepaid card services provider is processed by the entity or such provider in compliance with applicable payment card industry standards;

(v) a statement of the entity's policies regarding the use of passenger geolocation information, which must include, at a minimum, a prohibition on the use, monitoring, or disclosure of trip information, including the date, time, pick-up location, drop-off location, and real-time vehicle location and any retained vehicle location records, without such passenger's affirmative express consent; and

(vi) and other provisions related to the protection of passenger or driver information that the commission may require by rule.

b. Any entity that files an information security and use of personal information policy pursuant to subdivision a of this section shall comply with the terms of such policy.

c. Any entity that has been found to have violated subdivisions a or b of this section shall be subject to a civil penalty of \$1,000 for each offense.

§ 3. This local law shall take effect 120 days after its enactment into law, except that the Taxi and Limousine Commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, I. DANEEK MILLER; DONOVAN J. RICHARDS; Committee on Transportation, April 6, 2016.

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

Report for Int No. 1080-A

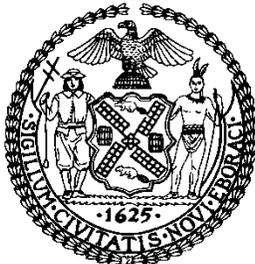
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to fare quotes for black car and luxury limousine service.

The Committee on Transportation, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 432), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Transportation for Int No. 658-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 1080-A:



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

**PROPOSED INTRO. No.: 1080-A
COMMITTEE: Transportation**

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

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

SUMMARY OF LEGISLATION: This bill would prohibit that black car and luxury limousine bases, or a dispatch service provider operating on behalf of such base, from providing a fare estimate to a passenger that is higher than the fare listed in the rate schedule filed with the Taxi and Limousine Commission (“Commission”). In addition, any booking app must allow passengers to request a fare estimate prior to booking the transportation and issue a one-time notification to passengers that they have the right to request such an estimate. Once a fare has been quoted, the legislation would prohibit black car and luxury limousine bases, or dispatch service provider operating on behalf of such base, from charging a fare that is more than 120 percent higher than the estimate provided unless such passenger changes the estimated route. Moreover, if the fare is quoted as a range, the charged fare could not be higher than 150 percent of the lower fare or 120 percent of the higher fare. The bill would require that any base or entity that fails to comply with the requirements of the legislation be subject to a civil penalty of not less than \$250 or more than \$500 for each offense, except in cases where a too high fare was charged and, within ten days of a passenger requesting that the fare be lowered to comply with the law, the base or entity refunds the overcharge amount.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law, except that the Taxi and Limousine Commission would take such actions as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2018

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: Although this legislation would impose civil penalties on those who violate its provisions, because it is intended as a deterrent to would-be violators of the legislation and full compliance is anticipated, it is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: Because the Commission would use existing resources to implement this local law, it is anticipated 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

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

ESTIMATE PREPARED BY: Rui Xu, Legislative Financial Analyst, New York City Council Finance Division

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

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 1080 by the Council on February 24, 2016 and referred to the Committee on Transportation. A hearing was held by the Committee on February 29, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1080-A, will be considered by the Committee on April 6, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1080-A will be voted on by the full Council on April 7, 2016.

DATE PREPARED: April 5, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1080-A:)

Int. No. 1080-A

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

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

Be it enacted by the Council as follows:

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

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

§ 2. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-545 to read as follows:

§ 19-545 Fare quotes. a. A black car base or luxury limousine base, or a dispatch service provider operating on behalf of such a base, shall not quote or charge a fare that is more than the fare listed in the rate schedule filed with the commission.

b. 1. Any website, smartphone application, software program accessed through an electronic device, or similar publicly-available, passenger-facing booking tool utilized by a black car base or luxury limousine base, or dispatch service provider operating on behalf of such a base, shall allow prospective passengers to request a fare quote prior to booking transportation; provided, however, that this subdivision shall not apply to trips that are the result of line work. For purposes of this section, "line work" means a type of pre-arranged service provided pursuant to a contract with a black car base in which the dispatch and passenger assignment are completed at the point of pick up by an employee or contractor of either the black car base or the contracting party.

2. Any black car base or luxury limousine base, or dispatch service provider operating on behalf of such a base, that utilizes a booking website, smartphone application, software program accessed through an electronic device, or similar publicly-available, passenger-facing booking tool shall issue a one-time notification to any prospective passengers that accesses such booking website, smartphone application, software program accessed through an electronic device, or similar publicly-available, passenger-facing booking tool of their right to a fare quote pursuant to subdivisions b and c of this section through such website,

smartphone application, software program accessed through an electronic device, or similar publicly-available, passenger-facing booking tool, or by electronic mail or text message.

c. 1. If a prospective passenger requests a fare quote, a black car base or luxury limousine base, or dispatch service provider operating on behalf of such a base, such base or entity shall ask such passenger to specify a destination and shall provide an accurate fare quote expressed in dollars and cents for the trip before such passenger books transportation. If such passenger agrees to receive such transportation, such base or entity shall not charge such passenger a fare that is more than 120 percent of the price quoted unless such passenger takes any action to alter the estimated route, including, but not limited to, changing the location of the pick-up, destination, number of stops, or the vehicle type requested, or requests a route change requiring the payment of a toll. Such price quote may be expressed in a range in dollars and cents, provided that the fare charged is not more than 120 percent of the highest price included in such range.

2. If a fare quote is expressed in a range, the higher price in such range shall not be more than 150 percent of such lower price and the fare charged shall not be more than 120 of such higher price. Such higher price may be rounded to the nearest whole number; provided, however, that the price charged pursuant to paragraph 1 of subdivision c shall not be based upon a rounded price.

d. Any black car base or luxury limousine base, or dispatch service provider operating on behalf of such a base, that has been found to have violated any provision of this section shall be subject to a civil penalty of not less than \$250 nor more than \$500 for each offense; provided, however, that if a passenger was charged a fare in violation of paragraph 1 of subdivision c of this section and requests that such base or entity bring the fare into compliance with such paragraph, such base or entity shall not be in violation of such paragraph if such passenger is refunded the amount of the overcharge within 10 business days of such request.

§ 3. This local law takes effect 120 days after it becomes law, except that the Taxi and Limousine Commission shall take such actions as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, I. DANEEK MILLER; DONOVAN J. RICHARDS; Committee on Transportation, April 6, 2016.

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

Report for Int No. 1092-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the retirement of black cars.

The Committee on Transportation, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 498), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Transportation for Int No. 658-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 1092-A:



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

**PROPOSED INTRO. NO.: 1092-A
COMMITTEE: Transportation**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the retirement of black cars.

Sponsor: By Council Members Lancman, Menchaca, Constantinides and Van Bramer

SUMMARY OF LEGISLATION: Currently, Taxi and Limousine Commission rules require that black cars be retired no later than the expiration of the owner's for-hire license or after the vehicle turns six model years old. Under Proposed Intro. 1092-A, black cars would not be subject to retirement so long as the vehicle passes all required inspections.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2017

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: The Taxi and Limousine Commission would use existing resources to implement this local law, and, therefore, it is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: NYC Council Finance Division
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Rui Xu, Legislative Financial Analyst, New York City Council Finance Division

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

LEGISLATIVE HISTORY: Intro. No. 1092 was introduced by the Council on February 24, 2016 and referred to the Committee on Transportation. A hearing was held by the Committee on February 29, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 1092-A, will be considered by the Committee on April 6, 2016. Upon successful vote by the Committee, Intro. No. 1080-A will be voted on by the full Council on April 7, 2016.

DATE PREPARED: April 5, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1092-A:)

Int. No. 1092-A

By Council Members Lancman, Menchaca, Constantinides and Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to the retirement of black cars.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-544 to read as follows:

§ 19-544 *Vehicle retirement. No black car shall be subject to retirement from service so long as such vehicle passes all inspections required pursuant to the vehicle and traffic law, this code, or any rules promulgated by the commission.*

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, I. DANEEK MILLER; DONOVAN J. RICHARDS; Committee on Transportation, April 6, 2016.

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

Report for Int No. 1095-A

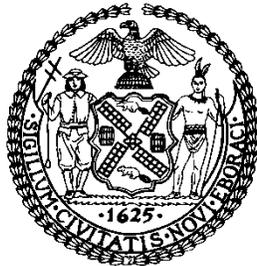
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a universal driver's license for taxicab and for-hire vehicle drivers.

The Committee on Transportation, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 501), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Transportation for Int No. 658-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 1095-A:



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

**PROPOSED INTRO. NO.: 1095-A
COMMITTEE: Transportation**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to a universal driver's license for taxicab and for-hire vehicle drivers.

Sponsor: By Council Member Rodriguez

SUMMARY OF LEGISLATION: The proposed bill would remove the requirement for separate licensing for drivers of taxicabs and for-hire vehicles by creating a universal license issued by the Taxi and Limousine Commission (TLC), which would authorize the holder to drive either a taxicab or a for-hire vehicle. In addition, the bill would prohibit any procedures established by the TLC to determine an applicant's ability to speak and understand English from including a written examination.

EFFECTIVE DATE: This local law would take effect one hundred and twenty days after it becomes law, except that the TLC would take all necessary action, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2018

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: The TLC would use existing resources to implement this local law, and, therefore, it is anticipated 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

SOURCE OF INFORMATION: NYC Council Finance Division
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Rui Xu, Legislative Financial Analyst,
New York City Council Finance Division

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

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 1095 by the Council on February 24, 2016 and referred to the Committee on Transportation. A hearing was held by the Committee on February 29, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1095-A, will be considered by the Committee on April 6, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1096-A will be voted on by the full Council on April 7, 2016.

DATE PREPARED: April 5, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1095-A:)

Int. No. 1095-A

By Council Members Rodriguez, Constantinides and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to a universal driver's license for taxicab and for-hire vehicle drivers.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-505 of the administrative code of the city of New York, as amended by local law number 115 for the year 1993, is amended to read as follows:

a. No person shall drive any motor vehicle for hire which is regulated by the provisions of this chapter without first obtaining from the commission:

- (i) a taxicab *or universal* driver's license, if the vehicle driven is a taxicab; or
- (ii) a coach driver's license, if the vehicle driven is a coach; or
- (iii) a for-hire vehicle *or universal* driver's license, if the vehicle driven is a for-hire vehicle; or
- (iv) a wheelchair accessible van driver's license, if the vehicle driven is a wheelchair accessible van; or
- (v) a commuter van driver's license, if the vehicle driven is a commuter van.

The issuance of a license to a person to drive any one of the aforementioned licensed vehicles shall not entitle such person to drive any other such licensed vehicle without first obtaining the additional appropriate driver's license, *except that a person who has obtained a universal driver's license shall be entitled to drive a taxicab and for-hire vehicle without obtaining an additional commission-issued driver's license. The commission shall not issue taxicab driver's licenses or for-hire vehicle driver's licenses. Each taxicab driver's license and for-hire vehicle driver's license issued and in effect, including any such license which is suspended, shall be deemed a universal driver's license. For purposes of this section, a universal driver's license is a license which authorizes a driver to drive taxicabs and for-hire vehicles.*

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

r. Any procedures established by the commission to determine the ability of an applicant for a universal driver's license to speak and understand English shall not include a written examination.

§ 3. Paragraph 1 of subdivision a of section 19-507.1 of the administrative code of the city of New York, as amended by local law number 30 for the year 2014, is amended to read as follows:

(1) Any taxicab or for-hire vehicle driver may attend a remedial or refresher course approved by the commission. Upon presentation to the commission of proof of satisfactory completion of a commission-approved course by such driver, three points shall be deducted from the number of points assessed under the persistent violators program against his or her [taxicab or for-hire vehicle] *commission-issued* driver's license, except as otherwise provided in this paragraph. A taxicab or for-hire vehicle driver shall be eligible for a point reduction pursuant to this subdivision only once within a five-year period. In the event no such approved course is available at the time such driver seeks to enroll, such driver may take a course provided for in paragraph one of subdivision c of section 19-507.2 of this chapter. In such instance, completion of a course taken pursuant to this paragraph or pursuant to paragraph one of subdivision c of section 19-507.2 shall result in the removal of three points from either the number of points accrued under the persistent violators program or from the number of points accrued under the critical drivers program, but not from both, upon the election of the driver who completes such course.

§ 4. Subdivision b of section 19-507.1 of the administrative code of the city of New York, as amended by local law number 30 for the year 2014, is amended to read as follows:

b. Any taxicab or for-hire vehicle driver who has been found guilty of violations of the commission's rules such that six or more points but fewer than ten points have been assessed against his or her [taxicab or for-hire vehicle] *commission-issued* driver's license within any fifteen-month period and whose license has not been revoked shall have his or her [taxicab or for-hire vehicle] *commission-issued* driver's license suspended for up to thirty days.

§ 5. Subdivision c of section 19-507.1 of the administrative code of the city of New York, as amended by local law number 30 for the year 2014, is amended to read as follows:

c. Any taxicab or for-hire vehicle driver who has been found guilty of violations of the commission's rules such that ten or more points have been assessed against his or her [taxicab or for-hire vehicle] *commission-issued* driver's license within any fifteen-month period shall have his or her [taxicab or for-hire vehicle] *commission-issued* driver's license revoked.

§ 6. Subdivision e of section 19-507.1 of the administrative code of the city of New York, as amended by local law number 30 for the year 2014, is amended to read as follows:

e. A taxicab or for-hire vehicle driver shall not be subject to an assessment of points against his or her [taxicab or for-hire vehicle] *commission-issued* driver's license or the imposition of duplicate penalties where the same act is a violation under provisions of law other than commission rules and where such violations duplicate each other or are substantively the same and any such driver may be issued only one summons or notice of violation for such violation. Points assessed pursuant to section 19-507.2 of this chapter may, pursuant to subdivisions i and j of this section, be added to points assessed by the commission under this section for violations of commission rules.

§ 7. Subdivision h of section 19-507.1 of the administrative code of the city of New York, as added by local law number 20 for the year 1999, is amended to read as follows:

h. For purposes of subdivision g of this section, examples of an owner's due diligence shall include, but are not limited to (1) giving to their drivers a clear warning that violations of the meter tampering rules will result in the immediate termination of any lease agreement, the reporting to the commission of driver tampering and the commission's probable revocation of the driver's [taxicab] *commission-issued* driver's license, (2) including in any written lease agreement provisions containing the warnings against violation of meter tampering rules, (3) stamping warnings about the illegality of meter tampering on the trip cards issued to all drivers of an owner's taxicabs, (4) having management personnel or mechanics periodically check for proper odometer and meter mileage comparisons in order to determine if there are inappropriate disparities between the two sets of figures, (5) conducting periodic random inspections of the taxicab meter and its wiring for all of its taxicabs to detect any evidence of violation of the meter tampering rules and (6) having all of such owner's taxicabs inspected by a licensed meter shop once every commission inspection cycle.

§ 8. Subdivision i of section 19-507.1 of the administrative code of the city of New York, as added by local law number 30 for the year 2014, is amended to read as follows:

i. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that six or more points but fewer than ten points in total have been assessed within any fifteen-month period against his or her [taxicab or for-hire vehicle] *commission-issued* driver's license pursuant to this section and against the driver license issued to such taxicab or for-hire vehicle driver by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence pursuant to section 19-507.2 of this chapter and whose [taxicab or for-hire vehicle] *commission-issued* driver's license has not been revoked shall have his or her [taxicab or for-hire vehicle] *commission-issued* driver's license suspended for up to thirty days; provided, however, that only points assessed against a [taxicab or for-hire vehicle] *commission-issued* driver's license for violations that threaten the safety of passengers or any other persons, as specified by rule of the commission, may be applied for purposes of this subdivision.

§ 9. Subdivision j of section 19-507.1 of the administrative code of the city of New York, as added by local law number 30 for the year 2014, is amended to read as follows:

j. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that ten or more points in total have been assessed within any fifteen-month period against his or her [taxicab or for-hire vehicle] *commission-issued* driver's license pursuant to this section and against the driver's license issued to such taxicab or for-hire vehicle driver by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence pursuant to section 19-507.2 of this chapter shall have his or her [taxicab or for-hire vehicle] *commission-issued* driver's license revoked; provided, however, that only points assessed against a [taxicab or for-hire vehicle] *commission-issued* driver's license for violations that threaten the safety of passengers or any other persons, as specified by rule of the commission, may be applied for purposes of this subdivision.

§ 10. Subdivision a of section 19-507.2 of the administrative code of the city of New York, as amended by local law number 30 for the year 2014, are amended to read as follows:

a. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that six or more points have been assessed by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence against the driver license issued to such taxicab or for-hire vehicle driver within any fifteen-month period and whose [taxicab or for-hire vehicle] *commission-issued* driver's license has not been revoked shall have his or her [taxicab or for-hire vehicle] *commission-issued* driver's license suspended for thirty days.

§ 11. Subdivision b of section 19-507.2 of the administrative code of the city of New York, as amended by local law number 30 for the year 2014, is amended to read as follows:

b. Any taxicab or for-hire vehicle driver who has been found guilty of violations such that ten or more points have been assessed by the department of motor vehicles or an equivalent licensing agency of the driver's state of residence against the driver license issued to such taxicab or for-hire vehicle driver within any fifteen-month period shall have his or her [taxicab or for-hire vehicle] *commission-issued* driver's license revoked.

§ 12. Subdivision b of section 19-515 of the administrative code of the city of New York, as amended by local law number 76 for the year 1986, is amended to read as follows:

b. For-hire vehicles shall have the name of the owner or operator displayed on the outside or inside of the vehicle in such form as shall be prescribed by the commission, except that the commission may prescribe an exemption from this requirement for classes of for-hire vehicles for which such display would be inappropriate. All for-hire vehicles must at all times carry in the glove compartment and produce upon demand of any police, peace, law enforcement officer, inspector or officer of the commission:

1. The for-hire vehicle license.
2. The driver's [for-hire vehicle-] *commission-issued* driver's license.
3. Evidence of current liability insurance or financial responsibility.

§ 13. This local law shall take effect 120 days after its enactment into law, except that the Taxi and Limousine Commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, I. DANEEK MILLER; DONOVAN J. RICHARDS; Committee on Transportation, April 6, 2016.

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

Report for Int No. 1096-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for accepting a passenger by street hail from a location where street hails are not permitted.

The Committee on Transportation, to which the annexed proposed amended local law was referred on February 24, 2016 (Minutes, page 503), respectfully

REPORTS:

(For text of the report, please see the Report of the Committee on Transportation for Int No. 658-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int No. 1096-A:



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

**PROPOSED INTRO. NO.: 1096-A
COMMITTEE: Transportation**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for accepting a passenger by street hail from a location where street hails are not permitted.

Sponsor: By Council Member Rodriguez

SUMMARY OF LEGISLATION: The proposed bill would impose enhanced financial penalties for for-hire vehicles that improperly accept a passenger by street hail in certain areas of the City. Currently, a for-hire vehicle without a valid HAIL license which accepts passengers by street hail must pay a fine of \$200-\$350 for the first offense and a \$350-\$500 for a second offense within a 24 month period. The proposed enhanced penalties would apply to for-hire vehicles without valid HAIL licenses which accept passengers by street hail at City airports, below East 96th Street or West 110th Street in Manhattan, or other areas identified by the Taxi and Limousine Commission by rule. In addition to the existing penalties, drivers would face a penalty of \$2,000 for the first offense, \$4,000 for the second offense, and \$10,000 for a third or subsequent offense within a 120 month period.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2018

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: Because this legislation is intended as a deterrent to would-be violators of the law and full compliance is anticipated, it is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: The Taxi and Limousine Commission would use existing resources to implement this local law, therefore, it is anticipated 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

SOURCE OF INFORMATION: NYC Council Finance Division
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Rui Xu, Legislative Financial Analyst, New York City Council Finance Division

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

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 1096 by the Council on February 24, 2016 and referred to the Committee on Transportation. A hearing was held by the Committee on February 29, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1096-A, will be considered by the Committee on April 6, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1096-A will be voted on by the full Council on April 7, 2016.

DATE PREPARED: April 5, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1096-A:)

Int. No. 1096-A

By Council Members Rodriguez, Constantinides and Van Bramer.

A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for accepting a passenger by street hail from a location where street hails are not permitted.

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision b of section 19-507 of the administrative code of the city of New York, as amended by local law number 35 for the year 2011, is amended to read as follows:

b. 1. (a) Any driver who has been found to have violated a provision of paragraph [one, two or three] 1, 2, or 3 of subdivision a of this section, or any combination thereof, shall be fined not less than [two hundred dollars] \$200 nor more than [five hundred dollars] \$500 for the first offense. Any driver who has been found in violation of any of the provisions of such paragraphs, or any combination thereof, for a second time within a [twenty-four] 24 month period shall be fined not less than [three hundred fifty dollars] \$350 nor more than [one thousand dollars] \$1,000, and the commission may suspend the driver's license of such driver for a period not to exceed [thirty] 30 days. Any driver who has been found to have violated any of the provisions of [paragraph one, two or three of such subdivision] such paragraphs, or any combination thereof, three or more times within a [thirty-six] 36 month period shall be fined not more than [one thousand dollars] \$1,000 for each such third or subsequent offense, and the commission shall revoke the driver's license of such driver.

(b)(1) Any driver who has been found to have violated any of the provisions of paragraph [four] 4 of subdivision a of this section shall be fined not less than [two hundred dollars] \$200 nor more than [three hundred fifty dollars] \$350 for the first offense. Any driver who has been found in violation of any of the provisions of such paragraph for a second time within a [twenty-four] 24 month period shall be fined not less

than [three hundred fifty dollars] \$350 nor more than [five hundred dollars] \$500, and the commission may suspend the driver's license of such driver for a period not to exceed [thirty] 30 days. The commission shall revoke the driver's license of any driver who has been found to have violated any of the provisions of paragraph [four] 4 of such subdivision three or more times within a [thirty-six] 36 month period.

(2) *Notwithstanding clause 1 of this subparagraph, any driver who has been found to have violated any of the provisions of paragraph 4 of subdivision a of this section shall be fined \$2,000 for the first offense, \$4,000 for a second offense within a 24 month period, and \$10,000 for a third or subsequent offense within a 120 month period, with these enhanced fines not affecting any otherwise applicable license revocation or penalty, if the violation occurred in any of the following areas: (i) airports in the city of New York; (ii) that area of Manhattan that is south of east 96th street and south of west 110th street in which a HAIL vehicle is prohibited from picking up passengers by street hail; and (iii) in such other areas as the commission shall identify by rule.*

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

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, I. DANEEK MILLER; DONOVAN J. RICHARDS; Committee on Transportation, April 6, 2016.

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

Report for Int No. 1109-B

Report for the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to pedestrian plazas.

The Committee on Transportation, to which the annexed amended proposed local law was referred on March 9, 2016 (Minutes, page 633), respectfully

REPORTS:

INTRODUCTION

On April 4, 2016, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a hearing on Proposed Int. No. 1109-B, a local law in relation to pedestrian plazas. At the first hearing on this bill on March 30, 2016, the Committee heard testimony from the New York City Department of Transportation (DOT), the New York City Police Department (NYPD), and other interested stakeholders.

BACKGROUND

Pedestrian plazas are public spaces located within the bed of a street that has been closed to vehicular traffic, creating more open space for community use and enhancing pedestrian safety in the area.¹ The City's Plaza Program—launched in 2008—allows for the selection of new pedestrian plazas through a competitive

¹ N.Y.C. Department of Transportation, Pedestrians: Public Plazas, <http://www.nyc.gov/html/dot/html/pedestrians/public-plazas.shtml> (last accessed Mar. 26, 2016).

application process.² The Times Square pedestrian plaza began as a set of temporary plazas in the area, with permanent reconstruction launched in 2013.³ Today, there are 53 plazas open to the public, with an additional 20 still in development or under construction.⁴

Following an increase in the number of incidents involving individuals aggressively soliciting tips in exchange for taking photographs with tourists and the growth in the number of such individuals in the Times Square pedestrian plaza—including those in costumes of various animated film and comic book characters, as well as topless, body-painted women—the City convened a task force to discuss quality of life issues in the plaza.⁵ The task force included representatives from NYPD, DOT, the Department of City Planning, the Law Department, the Department of Consumer Affairs, the City Council, and the Times Square Alliance.⁶ The City’s task force on Times Square released recommendations to address a number of issues related to quality of life in the area, particularly in regard to individuals soliciting tips after posing for photographs in the plaza. Among the recommendations was a call to “[e]mpower [DOT] with rulemaking authority to develop common sense time, place, and manner regulations in public plazas, including, but not limited to, Times Square.”⁷ The recommendations also called for a number of actions designed to address congestion and improve the experience in and around the plazas, including the deployment of a dedicated NYPD detail, the completion of capital construction of the plazas, limitations on street-permitted activity, the designation of Times Square as a “public place,” and an area-wide transportation study following completion of plaza construction.⁸

The issues surrounding Times Square were also examined by local elected officials and the business improvement district for the area, the Times Square Alliance. Council Members Dan Garodnick and Corey Johnson, Borough President Gale Brewer, Community Board Five of Manhattan, and the Times Square Alliance published the “Roadmap for a 21st Century Times Square,” a plan for addressing quality of life and congestion issues in the plaza and surrounding areas.⁹ The plan—endorsed by more than 50 area businesses and stakeholders—calls for DOT to use regulatory authority granted by the Council to create three regulatory zones within the plaza.¹⁰ General civic zones would allow for free speech activity, approved concessions, and permitted events; individuals involved in solicitation, such as costumed characters, would be permitted in designated activity zones; and pedestrian traffic flow zones would be used solely for the free flow of pedestrians.¹¹

Int. No. 1109-B confers authority on DOT to promulgate reasonable time, place and manner regulations governing pedestrian plazas in order to manage the competing uses of finite public space. Given the wide diversity of pedestrian plazas, DOT would be authorized to promulgate general rules of conduct unrelated to commercial activity that are applicable to all plazas, as well as rules tailored to individual plazas that regulate activities within a plaza, such as commercial activity, other than general or food vendors. The proposed local law would also provide DOT with ability to designate and remove the designation of plazas, with all existing

² N.Y.C. Department of Transportation, NYC Plaza Program, <http://www.nyc.gov/html/dot/html/pedestrians/nyc-plaza-program.shtml> (last accessed Feb. 16, 2016).

³ Press Release, City of New York, *Mayor Bloomberg, Transportation Commissioner Sadik-Khan and Design and Construction Commissioner Burney Cut Ribbon on First Phase of Permanent Times Square Reconstruction*, Dec. 23, 2013, available at <http://www1.nyc.gov/office-of-the-mayor/news/432-13/mayor-bloomberg-transportation-comowmissioner-sadik-khan-design-construction-commissioner/#/0>.

⁴ N.Y.C. Department of Transportation, *NYC Plaza Program – Round 8 Plaza Program Information 3* (2015), available at <http://www.nyc.gov/html/dot/downloads/pdf/plaza-program-round-8-2015-nov.pdf>; Email from N.Y.C. Department of Transportation, Mar. 29, 2016 on file with Committee staff.

⁵ Press Release, City of New York, *Mayor de Blasio Announces City Task Force to Curb Topless Individuals, Costumed Characters in Times Square*, Aug. 20, 2015, available at <http://www1.nyc.gov/office-of-the-mayor/news/570-15/mayor-de-blasio-city-task-force-curb-topless-individuals-costumed-characters-times>.

⁶ *Id.*

⁷ Press Release, City of New York, *City Task Force on Times Square Announces Recommendations*, Oct. 1, 2015, available at <http://www1.nyc.gov/office-of-the-mayor/news/668-15/city-task-force-times-square-recommendations>.

⁸ *Id.*

⁹ *Roadmap for a 21st Century Times Square: Community Briefing Book for the Times Square Task Force* (Sept. 2015), available at <http://www.timessquarenyc.org/download.aspx?id=7474>.

¹⁰ *Id.* at 34-41.

¹¹ *Id.*

plazas grandfathered in. In addition, an agency or office designated by the Mayor would be required to promulgate rules establishing a process for the issuance of permits for events within pedestrian plazas and pertaining to the management of pedestrian plaza operations during events.

ANALYSIS OF INT. NO. 1109-B

Section one of Int. No. 1109-B would set forth the declaration of legislative findings for the bill. The section would state that the Council finds and declares that as public amenities, pedestrian plazas (plazas) enhance quality of life in New York City and help to attract tourism by providing a place for community gathering, entertainment, and cultural events, recreation, and active and passive enjoyment of the unique urban spaces in this City. It would go to state that there is a need to coordinate the wide variety of sometimes conflicting civic and commercial uses of these finite spaces, as well as to create an ambiance that helps enrich local communities and attract tourists, who are vital to the City's economy and foster economic development, noting that—among other concerns—some plazas face high levels of pedestrian congestion and/or activity that interfere with residents' and tourists' ability to enjoy these spaces and their unique qualities.

The section would state that the Council finds that it is necessary and appropriate to confer authority on DOT to promulgate reasonable time, place, and manner regulations governing plazas in order to manage the competing uses of finite public space. Given the wide diversity of pedestrian plazas, it states that the bill will allow DOT to draft both uniform pedestrian plaza rules and rules appropriately tailored to individual pedestrian plazas and the communities they serve. In addition, the section states that it is necessary and appropriate to authorize the DOT to designate and remove the designation of plazas, with all existing plazas grandfathered in, and for an agency or office designated by the Mayor to promulgate rules establishing a process for the issuance of permits for events within pedestrian plazas and pertaining to the management of pedestrian plaza operations during events.

Section two amends title 19 of the Administrative Code to add a new section 19-157 regarding plazas. Subdivision a would set forth the definitions applicable to the new section. "Event" would be defined to mean any activity within a plaza where the activity will interfere with or obstruct the regular use of the plaza. Events would not include permitted filming, demonstrations, or parades. "Pedestrian plaza" would mean an area under DOT's jurisdiction—such as property mapped as a public place of areas within a bed of a roadway—that it designates for pedestrian circulation, use and enjoyment. Pedestrian plazas could include amenities such as tables, seating, trees, plants, lighting, bike racks, or public art. "Pedestrian plaza partner" would mean an organization selected by DOT to assist with functions related to pedestrian plazas, such as the design, daily management, maintenance, programming, and the provision of funding to support such functions. The plaza partner relationship would be memorialized through an agreement with DOT.

Subdivision b of section 19-157 would authorize DOT to designate plazas. In making a designation, DOT would be required to consider factors such as the availability of and need for open space in the surrounding areas, the ability of DOT or a plaza partner to properly maintain a potential plaza and develop programming; and relationship of the potential plaza to surrounding land uses, traffic, and pedestrian activity and safety. At least 60 days before DOT designates a plaza, it must notify any affected Council Members, Community Boards, and Borough Presidents, who would then have 45 days to submit comments to DOT. DOT would be required to consider any comments submitted before making a designation. At least 90 days before DOT rescinds a plaza designation, it must notify any affected Council Members, Community Boards, Borough Presidents, and plaza partners, who may then request a hearing on the rescission. If such a request is made, DOT must hold a public hearing no more than 45 days after sending notification. Any comments from the hearing or submitted to DOT must be considered before any rescissions.

Council Members, Community Boards, Borough Presidents, and non-profits would be allowed to submit proposals for plazas, pursuant to DOT's rules. DOT would be required to respond to any proposal within 90 days.

Plazas identified pursuant to section 19-104.1—which requires the locations of plaza be posted on DOT’s website—by June 1, 2016 would grandfathered in and considered designated plazas.

New subdivision c of section 19-157 would allow DOT to promulgate rules for plazas. DOT would have the authority to create general rules of conduct that apply to all plazas. In addition, DOT would have the authority to regulate activities within and the use of a plaza and the sidewalks that are directly adjacent to such a plaza. Rules specific to an individual plaza would have to take into account the following factors: 1) the individual needs of a plaza; 2) pedestrian traffic and congestion; 3) public safety concerns; 4) the size of a plaza; 5) current and potential usage demands and the need to manage competing uses; 6) the need to create or maintain the aesthetics or special character of a plaza and its surroundings, or to promote tourism or other forms of economic development; and 7) the need to regulate commercial activity, solicitation, entertainment by individuals or groups, or expressive matter vending in such pedestrian plaza. Commercial activity would not include general vendors or food vendors. If DOT is promulgating rules for an individual plaza that has a plaza partner, it must consider the plaza partner’s input in developing such rules.

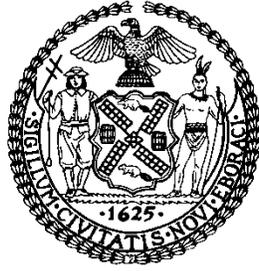
New subdivision d would require a permit issued by an agency or office designated by the Mayor for any event that is held completely within a plaza. Such agency or office—after consulting with DOT and considering any input from plaza partners—would be required to promulgate rules: (1) establishing a process for the issuance of activity permits, including, but not limited to, rules relating to the submission and processing of applications, approval or denial of applications, an appeals process, and applicable fees; and (2) relating to the management of plaza operations during events. Such rules relating to plaza management would have to address, at a minimum: establishment of paths for pedestrian traffic, establishment of paths and procedures to allow for emergency response access, and procedures related to installations permitted by the department, such as sub-concessions and artwork. Rules regarding activity permit issuance could also allow for the evaluation of unique characteristics of the plaza and the adjacent neighborhood; the customary or everyday use of the plaza; the nature of the neighborhood adjacent to the plaza; the economic and community development impacts of the proposed event; the impact of the proposed event on the plaza and the adjacent neighborhood, including, but not limited to, any positive or negative impacts on pedestrian and vehicular traffic in the neighborhood presented by the event and the impact of cumulative demands on such plaza and adjacent streets and public spaces.

Section three of Proposed Int. No. 1109-A states that the local law would take effect in 60 days, except the provisions related to plaza events included in new section 19-157(d) would take effect in 120 days. DOT and any agency or office designated by the Mayor pursuant to new section 19-157(d), would be required take all actions necessary for the law’s implementation, including the promulgation of rules, prior to such effective dates.

UPDATE

On April 6, 2016, the Committee on Transportation passed Int. No. 1109-B by a vote of ten in the affirmative and zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int 1109-B:)



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

**PROPOSED INTRO. NO.: 1109-B
COMMITTEE: Transportation**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to pedestrian plazas.

Sponsor: By Council Members Johnson, Garodnick, Lander, Rodriguez, Torres and Chin

SUMMARY OF LEGISLATION: Proposed Intro. No. 1109-B would authorize the Commissioner of the Department of Transportation (“DOT”) to designate areas as pedestrian plazas and would deem all pedestrian plazas currently identified by the DOT as designated pursuant to this law. Proposals to designate an area as a pedestrian plaza may be submitted by Council Members, Community Boards, Borough Presidents, or non-profit organizations and, once the DOT decides to designate an area as a pedestrian plaza notice and an opportunity to comment must be provided to Council Members, Community Boards, and Borough Presidents.

The bill would also grant the DOT the authority to rescind the designation of a pedestrian plaza with notice to Council Members, Community Boards, Borough Presidents, or any pedestrian plaza partner. Upon request by one of those stakeholders, DOT must hold a public hearing prior to rescinding such designation.

The legislation would authorize the DOT to promulgate uniform rules for the general regulation of all pedestrian plazas and plaza- specific rules relating to the use of a specific plaza. Lastly, the legislation would require a plaza activity permit for events held within the pedestrian plaza to be issued by an agency or office designated by the Mayor and require such agency or office to promulgate rules regarding the issuance of such permits.

EFFECTIVE DATE: This local law would take effect 60 days after it becomes law, except that the provision relating to the promulgation of rules for plaza activity permits and the requiring of plaza activity permits for events, would take effect 120 days after it becomes law, and DOT and any agency or office designated by the mayor to issue plaza activity permits, would take all actions necessary for its implementation, including the promulgation of rules, prior to such effective dates.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2017

FISCAL IMPACT STATEMENT:

	Effective FY16	FY Succeeding Effective FY17	Full Fiscal Impact FY17
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$613,000	\$613,000
Net	\$0	-\$613,000	-\$613,000

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would impact expenditures in the amount of approximately \$613,000 annually. The estimate include \$162,910 in Personal Services cost and \$450,000 in Other than Personal Services costs relating to the implementation of Flow Zones and Designated Activity Zones (DAZs) in Times Square as authorized by the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: The City's general fund

SOURCE OF INFORMATION: NYC Council Finance Division
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: Rui Xu, Legislative Financial Analyst, New York City Council Finance Division

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

LEGISLATIVE HISTORY: This legislation was introduced as Intro. No. 1109 by the Council on March 9, 2016 and referred to the Committee on Transportation. The legislation was subsequently amended and a hearing was held by the Committee on the amended legislation, Proposed Intro. No. 1109-A, on March 30, 2016 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1109-B, will be considered by the Committee on April 6, 2016. Upon successful vote by the Committee, Proposed Intro. No. 1109-B will be voted on by the full Council on April 7, 2016.

DATE PREPARED: April 1, 2016

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int No. 1109-B:)

Int. No. 1109-B

By Council Members Johnson, Garodnick, Lander, Rodriguez, Torres, Chin and Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to pedestrian plazas.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. a. The Council finds and declares that as public amenities, pedestrian plazas enhance quality of life in New York City and help to attract tourism by providing a place for community gathering, entertainment, and cultural events, recreation, and active and passive enjoyment of the unique urban spaces in this City. However, there is a need to coordinate the wide variety of sometimes conflicting civic and commercial uses of these finite spaces, as well as to create an ambiance that helps enrich local communities and attract tourists, who are vital to the City's economy and foster economic development. Among other concerns, some pedestrian plazas face high levels of pedestrian congestion and/or activity that interfere with residents' and tourists' ability to enjoy these spaces and their unique qualities.

b. The Council finds that it is necessary and appropriate to confer authority on the New York City Department of Transportation to promulgate reasonable time, place, and manner regulations governing pedestrian plazas in order to manage the competing uses of finite public space. Given the wide diversity of pedestrian plazas, this law will allow the Department to draft both uniform pedestrian plaza rules and rules appropriately tailored to individual pedestrian plazas and the communities they serve. Further, it is necessary and appropriate to authorize the Department of Transportation to designate and remove the designation of plazas, with all existing plazas grandfathered in, and for an agency or office designated by the Mayor to promulgate rules establishing a process for the issuance of permits for events within pedestrian plazas and pertaining to the management of pedestrian plaza operations during events.

§ 2. Title 19 of the administrative code of the city of New York is amended to add a new section 19-157 to read as follows:

§ 19-157 Pedestrian plazas. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Event. The term “event” means any activity within a pedestrian plaza where the activity will interfere with or obstruct the regular use of such pedestrian plaza, but shall not include activities conducted pursuant to a valid film permit, demonstrations, or parades.

Pedestrian plaza. The term “pedestrian plaza” means an area designated by the department as such for pedestrian circulation, use and enjoyment on property under the jurisdiction of the department including, but not limited to, property mapped as a public place or property within the bed of a roadway, and which may contain amenities such as tables, seating, trees, plants, lighting, bike racks, or public art.

Pedestrian plaza partner. The term “pedestrian plaza partner” means an organization selected by the department to assist with functions related to pedestrian plazas, pursuant to a non-exclusive agreement with the department, pursuant to chapter 13 or 14 of the charter of the city of New York. Such functions may include, but are not limited to, the design, daily management, maintenance, programming, and the provision of funding to support such functions.

b. Pedestrian plaza designation. 1. The department may designate an area as a pedestrian plaza. In making such designation, the department shall consider factors, including but not limited to, the following: (i) availability of and need for open space in the surrounding areas; (ii) ability of the department or any pedestrian plaza partner to properly maintain such pedestrian plaza and develop programming; and (iii) relationship of such pedestrian plaza to surrounding land uses, traffic, and pedestrian activity and safety.

2. No less than 60 days before designating a pedestrian plaza, the department shall forward notice of its intent to any affected council members, community boards, and borough presidents. Within 45 days of receipt of such notice, such council members, community boards, and borough presidents may submit comments regarding such proposed pedestrian plaza. The department shall consider such comments before making a determination in regard to such proposed pedestrian plaza.

3. Proposals for the designation of an area as a pedestrian plaza may be submitted by a council member, community board, borough president, or non-profit organization pursuant to rules of the department. Within 90 days of the receipt of such application, the department shall issue a response to such a proposal.

4. All pedestrian plazas identified on the department’s website pursuant to section 19-101.4 prior to June 1, 2016 shall be deemed designated pedestrian plazas pursuant to this section.

5. At least 90 days before the department rescinds the designation of a pedestrian plaza, the department shall notify the affected council members, community boards, borough presidents, and any pedestrian plaza partner. If any such council member, community board, borough president, or pedestrian plaza partner so requests, the department shall hold a public hearing on the proposed designation rescission no more than 45 days after sending such notice. The department shall consider any comments from such public hearing or any comments submitted to the department before rescinding such designation.

c. Pedestrian plaza rules. 1. The commissioner may promulgate uniform rules applicable to pedestrian plazas, including, but not limited to, setting general rules of conduct.

2. In addition to uniform rules promulgated pursuant to paragraph 1 of this subdivision, the commissioner may promulgate pedestrian plaza-specific rules to regulate the use of, and activities within, an individual pedestrian plaza and sidewalks directly adjacent to such pedestrian plaza. In developing such pedestrian plaza-specific rules, the department shall consider factors including, but not limited to: the individual needs of

such pedestrian plaza; pedestrian traffic and congestion; public safety concerns; the size of such pedestrian plaza; current and potential usage demands and the need to manage competing uses; the need to create or maintain the aesthetics or special character of such pedestrian plaza and its surroundings, or to promote tourism or other forms of economic development; and the need to regulate commercial activity, solicitation, entertainment by individuals or groups, or expressive matter vending in such pedestrian plaza. For the purposes of this paragraph, commercial activity shall not include vendors who are licensed pursuant to sections 17-307 or 20-453.

3. If the department has selected a pedestrian plaza partner for a pedestrian plaza, the department shall consider the input of such partner in developing rules related solely to such pedestrian plaza.

d. Pedestrian plaza events. A plaza activity permit issued by an agency or office designated by the mayor shall be required for any event held completely within a pedestrian plaza. Such agency or office, after consultation with the commissioner and consideration of any input of pedestrian plaza partners, shall promulgate rules: (i) establishing a process for the issuance of such permits, including, but not limited to, rules relating to the submission and processing of applications, approval or denial of applications, an appeals process, and applicable fees; and (ii) pertaining to the management of pedestrian plaza operations during events, including, but not limited to, establishment of paths for pedestrian traffic, establishment of paths and procedures to allow for emergency response access, and procedures related to installations permitted by the department, such as sub-concessions and artwork. Such rules regarding the issuance of plaza activity permits may allow for the evaluation of unique characteristics of the pedestrian plaza in which the proposed event for which the permit is sought and the adjacent neighborhood; the customary or everyday use of such pedestrian plaza; the nature of the neighborhood adjacent to such pedestrian plaza; the economic and community development impacts of such proposed event; the impact of such proposed event on such pedestrian plaza and the adjacent neighborhood, including, but not limited to, any positive or negative impacts on pedestrian and vehicular traffic in the adjacent neighborhood presented by such proposed event and the impact of cumulative demands on such pedestrian plaza and adjacent streets and public spaces.

§ 3. This local law takes effect 60 days after it becomes law, except that subdivision d of section 19-157, as added by section two of this local law, takes effect 120 days after it becomes law, and the commissioner of transportation and any agency or office designated by the mayor pursuant to subdivision d of section 19-157, as added by section two of this local law, shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective dates.

YDANIS A. RODRIGUEZ, *Chairperson*; DANIEL R. GARODNICK, JAMES VACCA, MARGARET S. CHIN, JAMES G. VAN BRAMER, DAVID G. GREENFIELD, COSTA G. CONSTANTINIDES, CARLOS MENCHACA, I. DANEEK MILLER; DONOVAN J. RICHARDS; Committee on Transportation, April 6, 2016.

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

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

By the Presiding Officer –

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

Approved New Applicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Aishah Fields	247 West 145th Street #4A New York, N.Y. 10039	9
Derrick Fulton	295 West 150th Street #55 New York, N.Y. 10039	9
Zeena Khan	2274 Lyon Avenue Bronx, N.Y. 10462	18
Kathleen Boehme	35-11 215th Place Queens, N.Y. 11361	19
Mary Braunstien	32-33 210th Street Queens, N.Y. 11361	19
Mynor O. Rodriguez	213-05 75th Avenue #6H Queens, N.Y. 11364	23
Melissa Glenn	221-26 111th Avenue Queens, N.Y. 11429	27
Leo R. Nelson	113-05 207th Street Queens Village, N.Y. 11429	27
Tracie Bacon	321 Monroe Street Brooklyn, N.Y. 11216	36
Nora Chanko	1485 Prospect Place #2 Brooklyn, N.Y. 11213	36
Tiffany Yip	2211 Bragg Street #2F Brooklyn, N.Y. 11229	46
Susan LaForgia	225 Oak Avenue Staten Island, N.Y. 10306	50
Lucinda Cimaglia	15 Monterey Avenue Staten Island, N.Y. 10312	51
Dana Marie Ortiz	189 Shotwell Avenue Staten Island, N.Y. 10312	51
Frank J. Rapacciuolo	54 Nelson Street Staten Island, N.Y. 10312	51

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Suzette Uricola	400 Chambers Street #8Y New York, N.Y. 10282	1
Victoria Kobylevskaya	71 Columbia Street #17G New York, N.Y. 10002	2
Herbert Cruz	321 West 24th Street #1B New York, N.Y. 10001	3
Donna McGrane	206 West 104th Street #57 New York, N.Y. 10025	7
Monisha C. Robinson	523 West 125th Street #1B New York, N.Y. 10031	7
Sergio J. Romero	2375 First Avenue #12C New York, N.Y. 10035	8
Betty Murray	1428 5th Avenue #407 New York, N.Y. 10035	9
Blanca Martinez	164 Sherman Avenue #21 New York, N.Y. 10034	10
Evelyn Trinidad	195 Nagle Avenue #5K New York, N.Y. 10034	10
Waqar R. Rizvi	304 West 260th Street Bronx, N.Y. 10471	11
Judy L. Kendrick	4 Adler Place #B Bronx, N.Y. 10475	12
Nydia M. Roman	900 Co-op City Blvd #14A Bronx, N.Y. 10475	12
Shirley J. Saunders	120 Benchley Place #20L Bronx, N.Y. 10475	12
Zulma Feliciano	955 Waring Avenue #4A Bronx, N.Y. 10469	13
Abdool Majeed	2332 Laconia Avenue Bronx, N.Y. 10469	13
Michael Stephens	560 Balcom Avenue #7M Bronx, N.Y. 10465	13
Jacqueline Pollitt	2010 Bruckner Blvd #10L Bronx, N.Y. 10473	18
Kimberlee J. Kitson	56-13 205th Street Oakland Gardens, N.Y. 11364	23
Cecilia Rodriguez	234-14 Seward Avenue Queens Village, N.Y. 11427	23
Salvador Guevara	148-05 87th Avenue Jamaica, N.Y. 11435	24
Mary C. White	119-40 196th Street St. Albans, N.Y. 11412	27
Shondel O. Garnett	116-19 147th Street Jamaica, N.Y. 11436	28

Danielle M. Graziano	156-12 97th Street Howard Beach, N.Y. 11414	32
Katihurca A. Santana	60-88 Myrtle Avenue #3 Ridgewood, N.Y. 11385	34
Judy Thorne	1289 Union Street #5D Brooklyn, N.Y. 11225	35
Jose L. Munoz	739 Park Avenue #1 Brooklyn, N.Y. 11206	36
Annery Nunez	362 41st Street #33 Brooklyn, N.Y. 11232	38
Mildred Varela	651 48th Street Brooklyn, N.Y. 11220	38
David Smith	77 Garfield Place #C Brooklyn, N.Y. 11215	39
Willermine Bonica	284 Sutter Avenue #2B Brooklyn, N.Y. 11212	41
Wesley B. Hope	185 Sumpter Street Brooklyn, N.Y. 11233	41
Garnet Lewis	870 Madison Street Brooklyn, N.Y. 11221	41
Yelena Gurevich	1514 West 11th Street #A7 Brooklyn, N.Y. 11204	44
Zinaida Karasik	3323 Kings Highway #3B Brooklyn, N.Y. 11234	45
Milla Brodsky	2632 West 2nd Street #3J Brooklyn, N.Y. 11223	47
Kamilah Cherry	2980 West 28th Street #1941 Brooklyn, N.Y. 11224	47
Ahmet Katgi	8645 Bay Parkway #D2 Brooklyn, N.Y. 11214	47
L. Byers-Bernardini	141 St. Marks Place #4C Staten Island, N.Y. 10301	49
Annmarie Edkins	136 Maple Parkway Staten Island, N.Y. 10303	49
Trisha D. Munroe	416 Maryland Avenue #3B Staten Island, N.Y. 10305	49
Joanne Nelson-Williams	35 Long Pond Lane Staten Island, N.Y. 10304	49
Anthony Iglesias	85 J Freedom Avenue Staten Island, N.Y. 10314	50
Paula Mancinelli	81 Abingdon Avenue Staten Island, N.Y. 10308	51
Joan M. Migiorato	32 Galvaston Loop Staten Island, N.Y. 10314	51

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

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

- | | | |
|------|---|---|
| (1) | M 321 & Res 1031 - | Ramon Peguero - as a member of the New York City Civilian Complaint Review Board. |
| (2) | M 379 & Res 1032 - | Marbre C. Stahly-Butts - as a member of the New York City Civilian Complaint Review Board. |
| (3) | M 380 & Res 1033 - | Michael Regan - as a member of the New York City Board of Correction. |
| (4) | M 386 & Res 1034 - | Michelle de la Uz - as a member of the New York City Planning Commission. |
| (5) | Int 658-A - | Information security and use of personal information policies for services licensed by taxi and limousine commission. |
| (6) | Int 704-A - | Requiring a survey and study of diversity among the directors, officers and executive level staff members of city contractors |
| (7) | Int 806-B - | Judgments imposed by the environmental control board. |
| (8) | Int 807-A - | Notices of violation adjudicated by the environmental control board. |
| (9) | Int 810-A - | Denial of an application based on unpaid civil penalties imposed by the environmental control board. |
| (10) | Int 812-A - | Unique identifiers for buildings and lots in notices of violation adjudicated by the environmental control board. |
| (11) | Int 1080-A - | Fare quotes for black car and luxury limousine service. |
| (12) | Int 1092-A - | Retirement of black cars. |
| (13) | Int 1095-A - | Universal driver's license for taxicab and for-hire vehicle drivers. |
| (14) | Int 1096-A - | Increasing penalties for accepting a passenger by street hail from a location where street hails are not permitted. |
| (15) | Int 1109-B - | Pedestrian plazas. |
| (16) | Resolution approving various persons Commissioners of Deeds. | |

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

Affirmative – Barron, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **48**.

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

The following was the vote recorded for **M-321 & Res No. 1031**:

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

Negative – Borelli and Matteo – **2**.

The following was the vote recorded for **M-379 & Res No. 1032**:

Affirmative – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Negative – Borelli, Greenfield and Matteo – **3**.

The following was the vote recorded for **M-380 & Res No. 1033**:

Affirmative – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Gibson, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **45**.

Negative – Borelli, Ulrich, and Matteo – **3**.

The following was the vote recorded for **Int No. 1095-A:**

Affirmative – Barron, Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Greenfield, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **43**.

Negative – Borelli, King, Ulrich and Matteo – **4**.

Abstention – Gibson – **1**.

The following was the vote recorded for **Int No. 1096-A:**

Affirmative – Cabrera, Chin, Cohen, Constantinides, Cornegy, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Greenfield, Grodenchik, Johnson, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Mendez, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Torres, Treyger, Vacca, Vallone, Williams, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **42**.

Negative – Barron, Borelli, Salamanca, Ulrich and Matteo – **5**.

Abstention – Gibson – **1**.

The following was the vote recorded for **Int No. 1109-B:**

Affirmative – Borelli, Cabrera, Chin, Cohen, Constantinides, Crowley, Cumbo, Deutsch, Dickens, Dromm, Espinal, Eugene, Ferreras-Copeland, Garodnick, Gentile, Greenfield, Grodenchik, Johnson, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Mealy, Menchaca, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vacca, Vallone, Williams, Matteo, Van Bramer, and the Speaker (Council Member Mark-Viverito) – **42**.

Negative – Cornegy – **1**.

Abstention – Barron, Gibson, King, Mendez and Reynoso – **5**.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 658-A, 704-A, 806-B, 807-A, 810-A, 812-A, 1080-A, 1092-A, 1095-A, 1096-A and 1109-B.

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

Report for voice-vote item Res No. 928-A

Report of the Committee on Immigration in favor of approving, as amended, a Resolution calling on the United States Supreme Court to issue a decision in *United States v. Texas* that overturns the Fifth Circuit's ruling in *Texas v. United States*, and upholds the implementation of President Obama's expanded DACA and DAPA programs.

The Committee on Immigration, to which the annexed proposed amended resolution was referred on December 16, 2015 (Minutes, page 4527), respectfully

REPORTS:

I. INTRODUCTION

On January 27, 2016, the Committee on Immigration, Chaired by Carlos Menchaca, held a public hearing to discuss Proposed Resolution No. 928-A calling on the United States Supreme Court to issue a decision in *United States v. Texas* that overturns the Fifth Circuit's ruling in *Texas v. United States*, and upholds the implementation of President Obama's expanded DACA and DAPA programs. Representatives from the New York City Mayor's Office for Immigrant Affairs, as well as advocates and other stakeholders testified in support of the resolution and the expanded DACA and DAPA programs.

Since the hearing, the United States Supreme Court has received legal briefs from the Obama administration, as well as from the State of Texas and 25 other states. Additionally, nearly 20 amici curiae briefs have been filed in support of the implementation of President Obama's 2014 executive action programs. Notably, the City of New York, along with 117 other municipalities is among the parties that filed briefs in support of the implementation of expanded DACA and DAPA programs.

On April 5, 2016, the Committee on Immigration unanimously voted in favor of Proposed Resolution No. 928-A. The Council is set to vote on the resolution at the April 7, 2016 Stated Meeting.

II. BACKGROUND

On November 20, 2014, President Obama announced a series of Executive Orders that expanded previously implemented programs for temporary deportation relief, created new avenues for temporary deportation deferrals, and clarified already existing policies and immigration enforcement priorities.¹ Of the various executive orders issued that day, the expansion of the existing "Deferred Action for Childhood Arrivals" (DACA) program and creation of the "Deferred Action for Parents of American Citizens and Lawful Permanent Residents" (DAPA) program, would, arguably, have the most significant impact on immigrant communities given that estimates say between 3.9 and 5 million undocumented immigrants could qualify for temporary deportation relief and work authorization nation-wide.²

a. Expanded DACA

The initial DACA program, launched by President Obama in 2012, allowed certain youth who entered the U.S. prior to age 16, resided continuously in the U.S. since June 15, 2007 or before, and who are either in school, obtained a U.S. high school diploma or General Education Development certificate ("GED"), or have

¹ U.S. Citizenship and Immigration Services website, available at: <http://www.uscis.gov/immigrationaction>.

² Krogstad, Jens Manuel. "Key facts about immigrants eligible for deportation relief under Obama's expanded executive actions," Pew Research Center, January 19, 2016, available at: <http://www.pewresearch.org/fact-tank/2016/01/19/key-facts-immigrants-obama-action/>.

been honorably discharged from the U.S. Coast Guard or Armed Forces, and were under 31 years of age on June 15, 2012, to be eligible for a two year deferral of deportation and work authorization.³

President Obama's 2014 plan expands DACA eligibility criteria to allow applicants of any age, not just those less than 31 years of age on June 15, 2012, who met all other criteria to apply for deferred action and work authorization. Additionally, the order further expands eligibility criteria by moving the threshold date for continuous residence from June 15, 2007 to January 1, 2010 – thus reducing the number of years an applicant must have continuously lived in the U.S. to qualify. Finally, the order mandates that the duration of the grant of deferred action and work authorization be extended from two years to three.⁴ Projections estimate that approximately 300,000 undocumented immigrants could qualify for relief through the expanded DACA program.⁵

b. DAPA

The new DAPA program would allow for parents of U.S. Citizens and Lawful Permanent Residents to request deferred action and employment authorization for a period of three years if they have lived in the U.S. continuously since January 1, 2010, pass required background checks and meet other eligibility criteria.⁶ Projections estimate that upwards of 3.5 million undocumented immigrant parents could qualify for relief through the DAPA program.⁷

III. LEGAL CHALLENGES TO DACA AND DAPA

In response and opposition to President Obama's 2014 administrative relief initiatives, the State of Texas, joined by 25 other states, filed a lawsuit against the Obama administration in federal district court in Brownsville, TX.⁸ The lawsuit claims that President Obama overstepped his constitutional authority with the instant executive actions and asserted that the proposed programs would place financial burdens on the state. Judge Andrew Hanen ruled in favor of the states and issued an injunction, which halted the implementation of the expanded DACA and new DAPA programs.⁹ The Obama Administration appealed both, the decision and the injunction, to the Fifth Circuit Court of Appeals but, ultimately, did not prevail and the injunction remains in place.¹⁰

The Obama administration filed a *writ of certiorari* with the United States Supreme Court asking that they review the lower court's decision. On January 19, 2016, the United States Supreme Court agreed to rule on the case during the current term which concludes in June 2016.¹¹

IV. PROPOSED RESOLUTION NO. 928-A

Proposed Resolution No. 928-A (hereinafter "the Resolution") recognizes and supports the immigration executive orders issued by President Obama on November 20, 2014 and calls upon the United States Supreme Court to uphold the implementation of the expanded DACA and new DAPA programs.

The Resolution recognizes that the implementation of the expanded DACA program would allow undocumented immigrants, of any age, who entered prior to age 16, are currently enrolled in school or obtained a high school diploma or GED, or were honorably discharged from the U.S. Coast Guard or Armed Forces, and have lived in the U.S. continuously since January 1, 2010 to qualify for a three year deferral of deportation and work authorization.

³ U.S. Citizenship and Immigration Services Website, available at: <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>.

⁴ U.S. Citizenship and Immigration Services website, available at: <http://www.uscis.gov/immigrationaction#1>.

⁵ Krogstad, Jens Manuel. "Key facts about immigrants eligible for deportation relief under Obama's expanded executive actions," Pew Research Center, January 19, 2016, available at: <http://www.pewresearch.org/fact-tank/2016/01/19/key-facts-immigrants-obama-action/>.

⁶ U.S. Citizenship and Immigration Services website, available at: <http://www.uscis.gov/immigrationaction#2>.

⁷ Krogstad, Jens Manuel. "Key facts about immigrants eligible for deportation relief under Obama's expanded executive actions," Pew Research Center, January 19, 2016, available at: <http://www.pewresearch.org/fact-tank/2016/01/19/key-facts-immigrants-obama-action/>.

⁸ American Immigration Council, "*Understanding the Legal Challenges to Executive Action*", available at, <http://www.immigrationpolicy.org/just-facts/understanding-legal-challenges-executive-action>

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

The Resolution further recognizes that the implementation of the DAPA program would allow undocumented immigrant parents of U.S. Citizens or Lawful Permanent Residents, pass required background checks, and meet other eligibility criteria to qualify for a three year deferral of deportation and work authorization.

The Resolution recognizes that the implementation of these programs was halted when the State of Texas, along with 25 other states, filed a lawsuit against the Obama administration in federal district court and received a favorable ruling and an injunction preventing the programs from moving forward. The Obama administration was unsuccessful in their appeal filed with the U.S. Court of Appeals for the Fifth Circuit and subsequently filed a request for review with the United States Supreme Court who, on January 19, 2016 decided to hear the case during the current term ending in June 2016.

Further, the Resolution acknowledges that the decision to support the 2014 immigration executive orders is timely as the programs could provide over 121,000 individuals in New York City with temporary relief from deportation and work authorization. Additionally, the decision is timely as the United States Supreme Court, on January 19, 2016, agreed to rule on the 2014 executive orders during the current term ending in June 2016.

The Resolution explains that the City acknowledges the significant cultural contributions of its immigrant communities and believes that the implementation of the executive action programs will significant benefit not just for countless undocumented immigrants and their families, who would no longer fear being separated, but for the nation as a whole.

Further, the resolution suggests that the Center for American Progress projects that the implementation of the 2014 administrative relief programs would increase the U.S. gross domestic product by 0.4 percent over ten years; equivalent to \$90 billion by 2024.

For all of these reasons, and in light of Congressional inaction on comprehensive immigration reform, the Resolution calls upon the United States Supreme Court to issue a decision in *United States v. Texas* that overturns the Fifth Circuit's ruling in *Texas v. United States*, and upholds the implementation of President Obama's expanded DACA and DAPA programs.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res No. 928-A:)

Res. No. 928-A

Resolution calling on the United States Supreme Court to issue a decision in *United States v. Texas* that overturns the Fifth Circuit's ruling in *Texas v. United States*, and upholds the implementation of President Obama's expanded DACA and DAPA programs.

By The Speaker (Council Member Mark-Viverito), Council Members Menchaca, Chin, Lander, Mendez, Rodriguez, Wills, Van Bramer, Cohen, Dromm, Koo, Espinal, Rosenthal, Levin and Kallos.

Whereas, On November 20, 2014, President Obama announced a series of executive orders on immigration, including an expanded Deferred Action for Childhood Arrivals (DACA) program and the new Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program; and

Whereas, The original DACA program, established in 2012, allows individuals who were under the age of 31 as of June 15, 2012 and came to the United States as children under the age of 16, have lived in the United States continuously since June 15, 2007, and meet certain criteria, to request consideration for deferred action for a period of two years, subject to renewal; and

Whereas, Deferred action is a discretionary determination made by the United States Citizenship and Immigration Services ("USCIS") to defer removal of an individual as an act of prosecutorial discretion; and

Whereas, Deferred action does not provide an individual with lawful or permanent immigration status, but approved applicants may receive a work permit; and

Whereas, In order to apply for DACA, individuals must meet certain pre-requisites, including demonstrating that they are currently in school, have graduated or obtained a certificate of completion from high school, or have obtained a General Education Development certificate (“GED”) while in the United States, or be an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and

Whereas, The expanded DACA program would allow individuals of any age who entered the United States before the age of 16, have lived in the United States continuously since January 1, 2010, and meet all other eligibility requirements to request deferred action and work authorization; and

Whereas, The expanded DACA program would extend the period of deferred action and work authorization from two to three years; and

Whereas, The new DAPA program would allow parents of U.S. Citizens and Lawful Permanent Residents who have lived in the United States continuously since January 1, 2010, pass required background checks, and meet certain criteria, to request deferred action and employment authorization for a period of three years, subject to renewal; and

Whereas, Reports estimate that under expanded DACA and DAPA, between four and five million undocumented immigrants would become eligible for deferred action; and

Whereas, It is estimated that in New York City up to 121,000 individuals could become eligible for deferred action under the expanded DACA program and the new DAPA program; and

Whereas, In December of 2014, the State of Texas, along with 25 other states, filed a lawsuit against the Obama administration regarding these programs, which has stalled their launch; and

Whereas, In the lawsuit, Texas asserted that the President overstepped his constitutional and statutory authority in executive actions on immigration and that the proposed programs would place a financial burden on the state; and

Whereas, On February 16, 2015, Judge Andrew Hanen of the U.S. District Court in Brownsville, Texas issued a preliminary injunction, which temporarily halted the implementation of the expanded DACA and DAPA programs; and

Whereas, In response, the U.S. Department of Justice (“DOJ”) filed an appeal of the injunction to the U.S. Court of Appeals for the Fifth Circuit; and

Whereas, In November of 2015, nearly a year after the President announced the extended DACA and DAPA programs, the U.S. Court of Appeals for the Fifth Circuit affirmed the lower court’s decision and continued the preliminary injunction against the DAPA program and the expansion of the DACA program; and

Whereas, The Obama administration filed a petition with the Supreme Court requesting that it review the Fifth Circuit’s decision, with the goal of the Court reviewing the appeal during the current term, which is the final full Supreme Court term of President Obama’s presidency; and

Whereas, On January 19, 2016, the Supreme Court granted the Department of Justice’s request, and in *United States v. Texas* (No. 15-674) will review and rule on the Fifth Circuit’s decision during the current term ending in June 2016; and

Whereas, The expanded DACA and DAPA programs, if implemented, would greatly benefit not only millions of undocumented immigrants, but the nation as a whole; and

Whereas, The Center for American Progress projects that implementation of the President’s administrative relief programs, such as expanded DACA and DAPA, would raise the level of U.S. gross domestic product by 0.4 percent after ten years, which is equivalent to an additional \$90 billion by 2024; and

Whereas, Beyond economic gains, immigrants contribute to the fabric and diversity of this nation, particularly in New York City, which has a long-standing history of welcoming and fostering growth among flourishing immigrant communities; and

Whereas, The expanded DACA and DAPA programs will preserve family units in immigrant communities and prevent working families from being unnecessarily separated; and

Whereas, During a time of Congressional inaction on comprehensive immigration reform, swift implementation of the President’s expanded DACA and DAPA programs is vital to enhance the lives of millions of undocumented immigrants who contribute daily to this country; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Supreme Court to issue a decision in *United States v. Texas* that overturns the Fifth Circuit’s ruling in *Texas v. United States* and upholds the implementation of President Obama’s expanded DACA and DAPA programs.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, PETER A. KOO, RAFAEL L. ESPINAL, Jr.; Committee on Immigration, April 5, 2016.

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

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

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

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1135

By The Speaker (Council Member Mark-Viverito) and Council Members Chin and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to neighborhood support teams.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-173 to read as follows:

§ 10-173 Neighborhood support teams. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

Coordinating agency. The term “coordinating agency” means the department or official designated by the mayor to coordinate and oversee the requirements of this section.

Geographic area. The term “geographic area” means an area no larger than one half square mile.

Quality of life condition. The term “quality of life condition” means conditions involving sanitation services, transportation, social service, public health, public safety, and any other condition as determined by the coordinating agency that has an adverse effect on the quality of life for residents and visitors in a geographic area.

b. Commencing July 1, 2016, and on or before July 1 annually thereafter, the coordinating agency shall review requests from council members, community boards, business improvement districts, community-based organizations, and any other sources determined by the coordinating agency, and develop a priority list of no less than three geographic areas that the coordinating agency deems would benefit from inter-agency collaboration to address and improve quality of life issues in such areas. With input from and coordination with the departments responsible for addressing such issues, the coordinating agency shall create and execute plans to address the quality of life issues in such geographic areas, which shall include but not be limited to visits to such areas and community meetings. The coordinating agency shall submit reports detailing the progress made on such plans every 6 months to the individual or group who submitted the request for services and any council member whose district contains all or part of such geographic area. Each geographic area shall remain on such list for no less than one year and may remain on such list in successive years so long as

the coordinating agency deems that such geographic area will benefit from being on such list. Commencing July 1, 2017, and annually thereafter, the coordinating agency shall provide to the council an assessment of the efforts in each geographic area designated pursuant to this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1136

By The Speaker (Council Member Mark-Viverito) and Council Members Chin and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to the collection and evaluation of civil actions and other complaints alleging misconduct by correction officers.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-112 to read as follows:

§ 7-112 *Civil actions regarding the department of correction. Beginning July 1, 2016 and every six months thereafter, the law department shall post on its website and provide the comptroller, department of correction, department of investigation, and board of correction, the following information regarding civil actions filed against the department of correction and/or individual employees of the department of correction:*

a. the number of civil actions filed against the department of correction and/or individual employees of the department of correction during the preceding six months;

b. the number of actions pending;

c. for each pending action: (i) the venue, (ii) the name of each attorney and law firm representing each plaintiff, (iii) if the department declined to represent any parties, the reasons for doing so, (iv) the number of claims, (v) the nature of each claim, (vi) a summary of any incident alleged to have given rise to the action, (vii) the address of the plaintiff, (viii) the date filed, (ix) the rank and years of service to the department, if applicable, of employee of the department of correction against whom a claim is asserted, (x) whether any such person was the subject of a civil action or actions alleging misconduct and if so, the disposition, and (xi) the race and gender of the plaintiff and any such person; and

d. if an action has been resolved: (i) whether such resolution was achieved through settlement, dispositive motion, trial, or other means and (ii) the amount of any settlement or other disposition. Upon resolution of all claims regarding an action, such action shall be included in the subsequent report indicating such resolution and such action shall not appear in subsequent reports.

§ 2. This local law takes effect immediately.

Referred to the Committee on Oversight and Investigations.

Int. No. 1137

By The Speaker (Council Member Mark-Viverito) and Council Members Cumbo, Chin, Dromm, Rose, Cohen, Kallos and Crowley.

A Local Law to amend the New York city charter, in relation to creating a gender equity advisory board.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-b to read as follows:

§20-b. Gender equity advisory board. a. There shall be a gender equity advisory board to study the nature and extent of discrimination that women and girls face in the city, to study such discrimination's impact on the economic, civic, and social well-being of women and girls, to analyze the function and composition of city agencies with a gender-based lens, and to make recommendations to the mayor and the council for the reduction of gender-based inequality. Such advisory board shall consist of no fewer than nine members who shall serve without compensation, each for a term of three years, beginning upon appointment of the last member. Members of the advisory board shall be representative of the New York city population and shall have experience in advocating for issues important to women and girls. No fewer than five members of the advisory board shall be appointed by the mayor, and no fewer than four members shall be appointed by the speaker of the council. One member shall be designated as chair of the advisory board by the mayor. In the event of the death or resignation of any member, his or her successor shall be appointed by the official who appointed such member to serve for the unexpired portion of the term for which such member had been appointed. No member of the advisory board shall be removed from office except for cause and upon notice and hearing by the appropriate appointing official.

b. The advisory board shall have the power and duty to:

- 1. hold at least one meeting every four months, including at least one annual meeting open to the public;*
- 2. keep a record of its activities;*
- 3. determine its own rules of procedure; and*
- 4. perform such other duties and functions as may be necessary to achieve these purposes as determined by such board.*

c. The advisory board may request information from any city agency or office it deems necessary to enable the advisory board to properly carry out its functions. The advisory board may also request from any private organization providing services to women and girls in the city pursuant to a contract with an agency or office information necessary to enable to advisory board to properly carry out its functions.

d. No later than December 31, 2017 and annually by December 31 thereafter, the advisory board shall submit to the mayor and the speaker of the council a report concerning its activities during the previous twelve months, the goals for the following year, and recommendations pursuant to subdivision a of this section.

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

Referred to the Committee on Women's Issues.

Res. No. 1024

Resolution calling on Congress and the President to oppose H.R.923/S.498, known as the “Constitutional Concealed Carry Reciprocity Act of 2015,” and related bill H.R.402, known as the “National Right-to-Carry Reciprocity Act of 2015,” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun in a different state, regardless of the licensing eligibility standards in the other state.

By The Speaker (Council Member Mark-Viverito) and Council Members Gibson, Chin, Rose, Cohen, Van Bramer, Rosenthal, Levin and Kallos..

Whereas, A permit to carry a concealed handgun allows an individual to carry his or her handgun outside of his or her home or place of business; and

Whereas, Both New York State and New York City have instituted stringent procedures governing whether citizens can lawfully possess and carry a handgun; and

Whereas, In New York State, in order to purchase a handgun an individual must first obtain a license to carry or possess a handgun; and

Whereas, The application process entails meeting strict eligibility requirements and a finding of there being no good cause to deny the license, including: (i) good moral character, (ii) older than 21 years old, (iii) never convicted of a felony, or serious offense, (iv) not a fugitive from justice, (v) not an unlawful or addicted user of any controlled substance, (vi) not an undocumented immigrant or admitted under a nonimmigrant visa,

(vii) has not been dishonorably discharged from the Armed Forces, (viii) has not renounced his or her United States citizenship, (ix) stating if he or she has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness, and (x) having had a license revoked, suspended, or declared ineligible under state law, (xi) had a legal guardian appointed due to mental incapacity or lacks the mental capacity to manage his or her own affairs; and

Whereas, New York State has given the New York City Police Commissioner the authority to grant and issue licenses to carry firearms in New York City; and

Whereas, The Licensing Division of the New York City Police Department (“NYPD”) rigorously screens each applicant prior to granting a license; and

Whereas, The NYPD’s Licensing Division requires an in-person interview, tax returns, and performs a thorough background check which includes the inspection of sealed criminal records; and

Whereas, Applicants can be denied because they have a history of driving under the influence of alcohol, have unpaid traffic tickets, or simply because they were uncooperative during the application process; and

Whereas, New York City does not recognize out-of-city permits; and

Whereas, A New York State permit is valid throughout the State except in New York City where such individual needs to obtain a special permit to validate such permit from the NYPD; and

Whereas, Although New York State and City possess these safeguards, there are pending bills in Congress that would undermine New York's efforts; and

Whereas, Representative Marlin A. Stutzman and Senator John Cornyn introduced H.R.923/S.498, known as the “Constitutional Concealed Carry Reciprocity Act of 2015,” and Representative Richard Nugent introduced H.R. 402, known as the “National Right-to-Carry Reciprocity Act of 2015”; and

Whereas, H.R.923/S.498 and H.R.402 would amend the United States Code to authorize an individual who is not prohibited from possessing, transporting, shipping, or receiving a firearm under federal law, who is entitled and not prohibited from carrying a concealed firearm in his or her state of residence or who is carrying a valid state license or permit to carry a concealed weapon, and who is carrying a government-issued photographic identification document, to carry a concealed handgun in any state in accordance with the restrictions of that state; and

Whereas, H.R.923/S.498 and H.R.402 would permit an individual to carry and conceal a handgun in New York State even if the license he or she holds is from another state with less stringent licensing standards; and

Whereas, H.R.923/S.498 and H.R.402 would therefore undermine the strict New York State and City licensing standards and create a loophole for those seeking to carry and conceal handguns; and

Whereas, H.R.923/S.498 and H.R.402 would allow concealed carry permit holders from outside New York State and City to freely carry their loaded handguns in crowded tourist destinations and bustling business areas; and

Whereas, H.R.923/S.498 and H.R.402 would allow states with the weakest gun laws to dictate who may carry a handgun in New York State and City; and

Whereas, If H.R.923/S.498 and H.R.402 were enacted, the law would create serious and potentially life-threatening situations for law enforcement officers and make it difficult for an officer to verify the validity of such permits and distinguish legal from illegal handgun possession; and

Whereas, Each state and local municipality should be able to determine for itself who may carry a concealed handgun within its borders; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress and the President to oppose H.R.923/S.498, known as the “Constitutional Concealed Carry Reciprocity Act of 2015,” and related bill H.R.402, known as the “National Right-to-Carry Reciprocity Act of 2015,” which would allow a resident from one state who has a license to carry a concealed handgun to lawfully carry his or her handgun in a different state, regardless of the licensing eligibility standards in the other state.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety)

Int. No. 1138

By Council Members Barron, Chin, Dickens, Dromm, Rose, Cohen, Williams and Cornegy.

A Local Law to establish a task force to review proposals for restoring free tuition at the City University of New York.

Be it enacted by the Council as follows:

Section one. Task force on eliminating tuition at the City University of New York. a. There is hereby established a temporary task force to examine the feasibility of eliminating tuition at the City University of New York and to develop recommendations for achieving such result.

b. The task force shall be comprised of 13 members, who shall include:

1. the public advocate, or their designee;
2. the speaker of the city council or their designee;
3. the director of the office of management and budget, or their designee;

4. six members as appointed by the mayor, including one member who shall represent faculty of the City University of New York, one member who is a non-student member of the board of trustees of the City University of New York, one member with expertise in the finance and management of public institutions of higher education, one member who shall represent advocacy organizations with relevant experience, and two additional members; and

5. four members, as appointed by the speaker of the city council, including one member who shall represent students at the City University of New York, one member who shall represent advocacy organizations with relevant experience, one member who shall have expertise in state and municipal budgeting and finance and one additional member.

c. All members shall be appointed within 60 days of the enactment of this local law. Members of the task force shall serve without compensation and shall meet when deemed necessary by the chair or upon the written request of at least three members of the task force. No member of the task force shall be removed except for cause and upon notice and hearing by the appropriate appointing official.

d. Upon appointment of all members, the task force shall elect a chair from its membership at the first meeting of such task force. The task force shall issue a report to the mayor and the speaker of the council no later than six months after such meeting. Such report shall include, but not be limited to an analysis of existing and potential sources of revenue that could replace tuition at the City University of New York, obstacles preventing the elimination of tuition, recommendations for how such obstacles should be addressed and steps the city should take to address them. After the submission of such report, the task force shall cease to exist.

§ 2. This local law takes effect immediately.

Referred to the Committee on Higher Education.

Int. No. 1139

By Council Members Borelli and Cabrera.

A Local Law to amend the administrative code of the city of New York, in relation to allowing restaurant surcharges.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 19 to read as follows:

*SUBCHAPTER 19
RESTAURANT SURCHARGES*

§ 20-824. *a. Definitions. For purposes of this section, the following terms have the following meanings:*

Restaurant. The term "restaurant" includes any "bar," "restaurant," or "restaurant bar" as defined in section 17-502 of title 17.

Surcharge. The term "surcharge" means a charge imposed on top of the stated price of individual items not including a charge for an additional service that was not included in the pricing of the item. The term "surcharge" does not include tax, gratuity, tip or a charge for the administration of a banquet, special function, or package deal pursuant to section 146-2.19 of subpart 146-2 of part 146 of subchapter B of chapter II of title 12 of the compilation of codes, rules and regulations of the state of New York.

b. A restaurant adding a surcharge to the amount a paying customer owes must disclose the amount of such added surcharge to such customer before the food is ordered. The disclosure must be:

- 1. Written;*
- 2. Clear and conspicuous;*
- 3. On any menu, if applicable; on the customer's final bill; and on the customer's credit card receipt, if a credit card is used;*
- 4. In plain English, or in the same language as the rest of the menu, if applicable; and*
- 5. In a font size similar to surrounding text.*

c. Enforcement. The department is authorized to enforce the provisions of this subchapter.

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

Referred to the Committee on Consumer Affairs.

Int. No. 1140

By Council Members Cabrera, Cohen, Levine, Koslowitz and Palma.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking and using electronic cigarettes in vehicles when a child under the age of eight is present, and to repeal subdivision f of section 17-505.

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 17-505 of the administrative code of the city of New York is REPEALED.

§ 2. Section 17-502 of the administrative code of the city of New York is amended by adding new subdivision ss to read as follows:

ss. "Vehicle" shall mean any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

§ 3. Section 17-503 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. It shall be unlawful for the operator or any passenger in a vehicle to be smoking or using electronic cigarettes when a child under the age of eight is present within such vehicle.

§ 4. Subdivision d of section 17-508 of the administrative code of the city of New York is amended to read as follows:

d. It shall be unlawful for any person to smoke, or use an electronic cigarette, in any area or vehicle where smoking, and using electronic cigarettes, are prohibited under section 17-503 and section 17-504.

§ 5. This local law takes effect 90 days after its enactment into law, provided that the commissioner of health and mental hygiene, in consultation with the police commissioner, shall promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to its effective date.

Referred to the Committee on Health.

Res. No. 1025

Resolution calling upon the New York State Legislature to pass and the Governor to sign a law amending article 45 of the Civil Practice Law and Rules to prohibit juvenile admissions and statements against penal interest made during court-ordered mental health screening and treatment from being admitted into evidence in subsequent criminal proceedings.

By Council Members Cabrera, Chin, Rose and Cohen.

Whereas, According to the Citizens' Committee for Children of New York City, 268,743 children ages 5 through 17 have a diagnosable mental illness; and

Whereas, In a study conducted by the Administration for Children's Services in 2011, 44% of the nearly 5,400 youths housed in juvenile detention in New York City received in-care mental health services in 2010; and

Whereas, If left untreated or undiagnosed, juveniles with psychiatric conditions may pose a danger to themselves or others; and

Whereas, The New York State Unified Court System has recognized the importance of rehabilitation and treatment of juvenile criminal defendants through the creation of Mental Health Courts and Drug Treatment Courts that focus on therapy and counseling as opposed to incarceration; and

Whereas, In the process of such therapy, counseling, and other treatment, juveniles may make statements that are self-incriminating and against their penal interests; and

Whereas, There is currently no universally recognized privilege protecting statements made by juveniles to their court-appointed mental health providers; and

Whereas, Absent explicit protections in the Civil Practice Law and Rules, such statements may be used in subsequent criminal prosecutions; and

Whereas, The knowledge that statements made during court-ordered mental health screenings, assessments, or counseling can be used against juveniles in subsequent criminal prosecutions will likely undercut the goals of rehabilitation and treatment, having a chilling effect on the honest and forthright communication essential to effective mental health therapy; and

Whereas, In adopting Civil Practice Law and Rules § 4507, the New York State Legislature has already recognized the importance of honest and forthright communication to effective psychiatric therapy by determining that statements made to a psychologist are privileged communications akin to statements made to an attorney; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign a law amending article 45 of the Civil Practice Law and Rules to prohibit juvenile admissions and statements against penal interest made during court-ordered mental health screening and treatment from being admitted into evidence in subsequent criminal proceedings.

Referred to the Committee on Juvenile Justice.

Res. No. 1026

Resolution calling upon the Department of Education to have a full time mental health counselor on staff at every elementary and middle school.

By Council Members Cabrera, Levin, Chin, Rose, Cohen and Borelli.

Whereas, New York City has approximately 1,800 schools; and

Whereas, New York City public schools educate 1.1 million children every year; and

Whereas, Children spend most of their day at school; and

Whereas, Eight percent of public high school students report attempting suicide, according to New York City Department of Health and Mental Hygiene (DOHMH); and

Whereas, According to DOHMH, that percentage doubles if a student has been bullied on school grounds, which eighteen percent of students report having experienced; and

Whereas, According to DOHMH, twenty-seven percent of New York City high school students report feeling sad or hopeless each month; and

Whereas, According to Journal of the American Medical Association of Psychiatry (JAMA), adolescents exposed to childhood adversity, including family malfunctioning, abuse, neglect, violence, and economic adversity, are nearly two times as likely to experience the onset of mental disorders; and

Whereas, According to JAMA, the likelihood of experiencing the onset of mental health disorders grows with additional exposures to childhood adversity; and

Whereas, According to Data Resource Center for Child and Adolescent Health, approximately eighteen percent of children in New York State between the ages of zero and seventeen experienced two or more adverse family experiences in their lifetime; and

Whereas, According to the Children's Defense Fund's 2014 State of America's Children report, nearly forty percent of youth in the United States who needed mental health care between 2011-12 didn't receive the necessary treatment; and

Whereas, As part of ThriveNYC, New York City plans to hire 100 School Mental Health Consultants who will work with every school citywide to ensure that school staff can connect high need students with the appropriate mental health care; and

Whereas, One hundred School Mental Health Consultants is not sufficient to serve the mental health needs of approximately 1800 schools and 1.1 million students; and

Whereas, New York City will assess the need and availability of mental health services at 52 schools starting in the 2017 school year; and

Whereas, New York City will train selected staff of middle and high schools in youth Mental Health First Aid and Youth Suicide Prevention; and

Whereas, New York City will open mental health clinics at a number of community schools; and

Whereas, School climate has a significant impact on mental health; and

Whereas, ThriveNYC has announced several initiatives to improve school climate; and

Whereas, Providing mental health services in school improves the school environment and provides resources to address the emotional and behavioral needs of students; and

Whereas, According to ThriveNYC, the availability of on-site mental health services has been linked to higher GPA scores, reduced absenteeism, and improvements in graduation rates, therefore, be it

Resolved, That the Council of the City of New York calls upon the Department of Education to have a full time mental health counselor on staff at every elementary and middle school.

Referred to the Committee on Education.

Res. No. 1027

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.4330/S.5439, legislation regarding the certification or training of teachers, administrators and instructors in the area of dyslexia and related disorders.

By Council Members Cabrera, Cohen and Crowley.

Whereas, Dyslexia is a language-based learning disability that is neurological in origin and which results in difficulties with reading and other language skills such as spelling, writing, and pronouncing words; and

Whereas, Dyslexia is the most prevalent and well-recognized of the subtypes of specific learning disabilities, according to the National Center for Learning Disabilities; and

Whereas, The International Dyslexia Association estimates that perhaps as many as 15–20% of the population as a whole have some of the symptoms of dyslexia; and

Whereas, However, according to the National Center for Learning Disabilities, only about one quarter of our nation’s school-age population with learning disabilities have been formally identified, while the vast majority struggle due to unidentified and unaddressed learning and attention issues; and

Whereas, Research shows that if students are not reading on grade level by third grade, they are unlikely to catch up to their peers; and

Whereas, A study at Hunter College of the City University of New York found that students who can't read on grade level by 3rd grade are four times less likely to graduate by age 19 than those who do read proficiently by that time; and

Whereas, Failure to adequately address the needs of students with dyslexia and related language-based learning disorders can lead not only to school failure, but also to social and emotional problems and other negative life consequences; and

Whereas, For instance, some researchers have found a high incidence of dyslexia in prison populations, such as 48% of inmates in one Texas prison; and

Whereas, Key to overcoming dyslexia and related language-based learning disorders is early identification of and intervention for dyslexic students; and

Whereas, A.4330, sponsored by Assemblymember Jo Anne Simon, and its companion bill S.5439, sponsored by Senator Martin Golden, would require school districts to diagnose students as having dyslexia, to acknowledge the diagnosis on their Individual Education Plans (IEP), and to provide dyslexic students with teachers trained to instruct such students; and

Whereas, More specifically, A.4330 and S.5439 would authorize the commissioner of education to certify or require training of teachers and school administrators in the area of dyslexia and related disorders; and

Whereas, In addition, A.4330 and S.5439 would provide that, following the review of pertinent data and information, if a committee or subcommittee of special education believes that a student may have dyslexia, the student must be sent to an evaluation for dyslexia or related learning disorder; and

Whereas, Further, the legislation would provide that if a student is determined to have dyslexia, the recommendations on programs or placement for the student must be made by a team that is knowledgeable in instructing children with dyslexia; and

Whereas, Finally, A.4330 and S.5439 would require a school district to provide a teacher trained in dyslexia to any student who has been determined to have dyslexia or related learning disorder; and

Whereas, Children need the basic ability to read and write to become successful and the consequences of an inadequate education have a huge impact on our society; and

Whereas, This legislation will improve school conditions so that children with dyslexia and related learning disabilities can have an equal opportunity to learn and become college and career ready; and

Whereas, In the long run, it will help save money for both the State and City and improve the lives of the students affected with these learning disabilities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.4330/S.5439, legislation regarding the certification or training of teachers, administrators and instructors in the area of dyslexia and related disorders.

Referred to the Committee on Education.

Res. No. 1028

Resolution calling on the State Legislature to introduce and pass, and the Governor to sign, legislation amending Article 7-B of the Multiple Dwelling Law to expand the definition of an “artist” for the purpose of qualifying for certain joint living-work quarters.

By Council Members Chin, Van Bramer, Rose and Cohen.

Whereas, During the early 1960s, as manufacturers were abandoning industrial and commercial spaces in neighborhoods such as SoHo and NoHo, artists began moving into spaces in which they could both live and work; and

Whereas, Recognizing that artists are an enhancement to urban life, New York State and New York City adopted various amendments, beginning in 1964, to the State Multiple Dwelling Law and the City Zoning Resolution in an effort to permit the residential occupancy of certain loft spaces by artists; and

Whereas, Today, the neighborhoods of SoHo and NoHo are among the most well-known examples of artist-transformed urban spaces; and

Whereas, New York State Law and the New York City Zoning Resolution permits individuals to reside in certain loft spaces zoned for manufacturing, provided that they are certified as an artist by the City Department of Cultural Affairs; and

Whereas, Artist certification provides documentation that equates the person named therein with a light manufacturer; and

Whereas, Artist certification exists to protect the artist community and preserve affordable live-work spaces for artists; and

Whereas, A person with a demonstrated need for live/work space and who is regularly engaged in the fine arts, such as painting and sculpture, or in the performing or creative arts, including choreography and filmmaking, or in the composition of music, on a professional basis is potentially eligible for certification as an artist; and

Whereas, However, the definition of an “artist” under New York State Law has not been updated since 1968 and does not include newer professions in the arts; and

Whereas, Expanding the definition of an “artist” by increasing the categories of artist who can apply for certification to include the interpretive arts, such as musicians, actors, and dancers as well as new media, architecture, and design would allow more persons to be eligible for joint living-work quarters and would strengthen the City’s arts sector; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to introduce and pass, and the Governor to sign, legislation amending Article 7-B of the Multiple Dwelling Law to expand the definition of an “artist” for the purpose of qualifying for joint living-work quarters.

Referred to the Committee on Housing and Buildings.

Int. No. 1141

By Council Members Constantinides, Dickens and Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to creating online applications for rooftop access variances.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-131 to read as follows:

§ 15-131 Online applications for rooftop variances. The department shall make all components of all applications for variances to the New York city fire code or New York city fire department rules related to rooftop access available for online submission.

§ 2. This local law takes effect 6 months after it becomes law.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1142

By Council Members Crowley, Rose and Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of probation to report on recidivism and related statistics.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-203 to read as follows:

§ 9-203 *Probation recidivism report. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Adjust. The term “adjust” has the same meaning as that in section 308.1 of the New York family court act, or any successor statute.

Department. The term “department” means the New York city department of probation.

Eligible year. The term “eligible year” means any year during which a court ordered the department to supervise a probationer that pursuant to such court order would have terminated during the reporting period.

Probationer. The term “probationer” means a person the department has been ordered to supervise.

b. No later than 20 days from January 1 of each year, the department shall provide to the Council and publish on its website an annual report regarding recidivism. Such report shall include the information in paragraphs 2 through 6 of this subdivision for every eligible year regarding probationers sentenced to probation during such eligible year. Such report shall include the following information for probationers who were under the supervision of the department during the previous year:

1. The number of probationers, the average daily number of probationers, and the number of probationers whose period of supervision began;

2. The number and percentage of probationers who were: (a) arrested for a non-criminal offense, (b) arrested for any crime; (c) arrested for a misdemeanor, (d) arrested for a felony, disaggregated by whether such felony is defined as violent by section 70.02 of the penal law or any successor statute or whether such felony is defined as a felony drug offense by section 70.70 of the penal law or any successor statute, (e) convicted of any crime, (f) convicted of a misdemeanor, or (g) convicted of a felony, disaggregated by whether such felony is defined as violent by section 70.02 of the penal law or any successor statute or whether such felony is defined as a felony drug offense by section 70.70 of the penal law or any successor statute;

3. For those probationers who were arrested, the mean and median length of time between the date on which they were sentenced to probation and their subsequent arrest, in total and disaggregated by whether such arrest was for: (a) any crime, (b) a felony, or (c) a misdemeanor;

4. The number and percentage of probationers who were arrested and for whom a related declaration of delinquency, petition of violation, or similar court filing, was filed at any time, in total and disaggregated by whether such arrest was for: (a) a non-criminal offense, (b) a misdemeanor, or (c) a felony, disaggregated by whether such felony is defined as violent by section 70.02 of the penal law or any successor statute or whether such felony is defined as a felony drug offense by section 70.70 of the penal law or any successor statute;

5. The number and percentage of probationers who were: (a) in full compliance with the terms of their probation, (b) violated the terms of their probation, in total and disaggregated by whether such violation was based on an arrest or another ground, or (c) violated the terms of their probation and a related declaration of delinquency, petition of violation, or similar court filing, was filed, in total and disaggregated by whether such declaration was based on an arrest or another ground;

6. The number and percentage of probationers whose period of probation was successfully completed during the reporting period, and the mean and median length of their period of probation; and

7. The number of adjusted cases monitored by the department, and the number and percentage of such cases in which those being monitored violated the terms of their monitoring.

c. The information in subdivisions b of this section shall be reported in total and disaggregated by the following criteria:

1. *The age of the probationer, in the following categories: (a) up to age 12, (b) 13-15, (c) 16-17, (d) 18-21, and (e) 21 and older. For the purposes of subdivision b of this section, such age shall be calculated by using the probationer's age at the end of the reporting period, and for the purposes of subdivision c of this section such age shall be calculated by using the probationer's age at the time at which their period of supervision began;*

2. *Whether the underlying case for which the probationer was ordered to be monitored by the department was classified by state law, or by equivalent laws of another state, as a: (a) juvenile delinquency, (b) juvenile offender, (c) youthful offender, or (d) adult criminal case;*

3. *For those probationers for whom the underlying case for which the probationer was ordered to be monitored was an adult criminal case, or the equivalent in another state, whether such case was a misdemeanor or felony; and*

4. *The risk level of the probationer, as defined by section 351.6 of title 9 of the compilation of codes, rules and regulations of the state of New York, or any successor statute.*

d. The information in subdivisions b and c of this section shall be compared to previous reporting periods, and shall be permanently stored on the department's website.

§ 2. This local law takes effect immediately, provided that the first report pursuant to section 1 is due within 20 days of January 1, 2017.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1143

By Council Members Crowley, Dickens and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting inmate contact by staff of the department of correction accused of sexually abusing inmates.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 9 of the administrative code of the city of New York is amended by adding a new section 9-141 to read as follows:

9-141 Prohibitions regarding staff accused of sexually abusing inmates.

a. Definitions. As used in this section, the following terms have the following meanings:

Inmate. The term "inmate" means any inmate in the custody of the department, regardless of whether such inmate has been sentenced.

Sexual abuse. The term "sexual abuse" has the same meaning as set forth in section 115.6 of title 28 of the code of federal regulations, or successor regulation, promulgated pursuant to the federal prison rape elimination act of 2003.

Staff. The term "staff" means anyone other than an inmate who works at a facility operated by the department.

b. Prohibition. Staff accused of sexually abusing an inmate shall be prohibited from direct access to all inmates while such allegations are investigated.

c. Exceptions. The department may permit exceptions to the prohibition established in subdivision b of this section if the inmate alleging sexual abuse has made repeated unfounded allegations of sexual abuse while in the custody of the department.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1144

By Council Members Cumbo, Crowley, Dickens, Rose and Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the use of trauma-informed care in city correctional facilities.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 9 of the administrative code of the city of New York is amended by adding a new section 9-141 to read as follows:

§ 9-141 Trauma-informed care

a. Definitions. As used in this section, the following terms have the following meanings:

Trauma-informed care. The term “trauma-informed care” means trauma-informed care as defined by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services, or any successor agency, department, or governmental entity.

Staff. The term “staff” means any employee of the department or of any other governmental agency who regularly interacts with inmates, or any person who regularly provides health services directly to inmates.

b. Training. All staff shall be provided with training on the use of trauma-informed care. Such training shall be consistent with standards developed by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services.

c. Usage. The department shall establish guidelines for the use trauma-informed care consistent with standards developed by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services. The department shall monitor staff to ensure that trauma-informed care is appropriately utilized in all city correctional facilities.

§ 2. This local law takes effect 6 months after it becomes law.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 1145

By Council Members Cumbo, Levine, Chin, Cohen, Koslowitz and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of emergency call boxes within city parks.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-146 to read as follows:

§ 18-146 Installation of emergency call boxes. The commissioner shall install no fewer than one emergency call box per acre, or portion thereof, in every public park under the department’s jurisdiction by January 1, 2018. The commissioner shall prioritize high foot traffic areas and areas that have had the greatest number of reported crimes for the installation of emergency call boxes.

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 1146

By Council Members Cumbo, Levine, Rose, Cohen and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the preparation of a park safety report.

Be it enacted by the Council as follows:

Section 1. Park safety report. a. No later than January 1, 2018, the police department commissioner, in consultation with the parks department commissioner, shall submit a report to the mayor and the council on enhancing park safety.

b. The report required in subdivision a of this section shall make specific recommendations concerning safety measures that should be implemented at public parks under the department's jurisdiction that have the greatest number of reported crimes as set forth in the most recent quarterly New York city park crime statistics issued by the police department. The commissioners shall consider measures including, but not limited to, the following:

1. Increasing patrols by the police department and/or park enforcement patrol officers.
2. Installing security cameras and emergency call boxes.
3. Increasing lighting.
4. Where the other measures, listed above, have proven to be ineffective, installing gates and other restrictive barriers and restricting access after dark.

c. The report required in subdivision a of this section shall be made publicly available on the department's website within ten days after its release and the data collected in such report shall be made available on the city's open data portal.

§ 2. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 1147

By Council Members Cumbo, The Speaker (Council Member Mark-Viverito), Gibson, Rose, Cohen, Koslowitz and Ulrich.

A Local Law to amend the New York city charter, in relation to establishing an office of crime victim services.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 13-c to read as follows:

§ 13-c. Office of crime victim services. a. Definitions. As used in this chapter, the following terms have the following meanings:

Coordinator. The term "coordinator" means the crime victim services coordinator.

Crime victim. The term "crime victim" means a person who is a victim of a crime, including but not limited to sex offenses as defined in article 130 of the penal law, robbery as defined in article 160 of the penal law, assault as defined in article 120 of the penal law, burglary as defined in article 140 of the penal law, larceny as defined in article 155 of the penal law, domestic violence offenses as defined in article 530 of the criminal procedure law, or any other offense determined by the coordinator. The term "crime victim" is not limited to complainants in contact with the New York city police department.

Service provider. The term “service provider” means any non-government organization, funded in whole or in part by the city, or government office or agency, that provides services to crime victims, including but not limited to case management, emergency temporary housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation, public benefits, domestic and family matters safety planning, job training and economic empowerment, immigration advocacy or other services for which crime victims may otherwise be eligible.

b. The mayor shall establish an office of crime victim services. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office, within any other office of the mayor or within any department, the head of which is appointed by the mayor. Such office shall be headed by a coordinator that shall be appointed by the mayor.

c. Powers and duties. The coordinator shall have the power and the duty to:

1. coordinate service providers and any relevant governmental entities to ensure the efficient delivery of services for crime victims;

2. research and publish a crime victim services directory of service providers, by service type, location of services, hours of operation, contact information, eligibility criteria for services, language access, any specific cultural competencies, and accessibility;

3. compile data from service providers on: (a) the number of crime survivors assisted; (b) the nature of services provided to crime survivors; and (c) client-level data to understand cross-system involvement and opportunities for intervention;

4. prepare and submit to the mayor and the council an annual report of the service needs of crime victims and the availability of service providers to meet such needs, which shall include but not be limited to: (a) the nature of assistance to crime victims provided by the service providers; (b) assessment of the efficacy and capacity of services available for such crime victims; (c) an assessment of the needs of such crime victims, as well as the relevant services that would best address such needs; and (d) the number of crime victims assisted by the office;

5. make recommendations with respect to the expansion or modification of services and service providers;

6. provide outreach and education on the availability of services for crime victims; and

7. perform other duties as the mayor may assign.

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

Referred to the Committee on Public Safety.

Int. No. 1148

By Council Members Dromm, Chin, Rose and Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on educational programming for adolescents and young adults.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-141 to read as follows:

§ 9-141 Rikers Island Education Report. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

Adolescent. The term “adolescent” means any individual in the custody of the department who is 16 or 17 years old.

Assault. The term “assault” means any action taken with intent to cause physical injury to another person.

East River Academy. The term “East River Academy” means any facility operated by the department of education, on property that is under the control of the department, intended to offer educational programming to incarcerated individuals, including but not limited to adolescents.

High school equivalency diploma test. The term “high school equivalency diploma test” means any test offered by the department of education for the purpose of establishing the equivalent of a high school diploma, including but not limited to, a general education development test or the test assessing secondary completion.

Individualized educational plan. The term “individualized educational plan” has the same meaning as is set forth in section 1401 of title 20 of the United States code and any regulations promulgated thereto.

Educational programming. The term “educational programming” means any educational services offered to incarcerated individuals by the department of education.

Staff. The term “staff” means anyone, other than an incarcerated individual, working at a facility operated by the department.

Use of force A. The term “use of force A” means a use of force by staff on an incarcerated individual resulting in an injury that requires medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including those uses of force resulting in one or more of the following treatments/injuries: (i) multiple abrasions and/or contusions; (ii) chipped or cracked tooth; (iii) loss of tooth; (iv) laceration; (v) puncture; (vi) fracture; (vii) loss of consciousness; including a concussion; (viii) suture; (ix) internal injuries, including but not limited to, ruptured spleen or perforated eardrum; and (x) admission to a hospital.

Use of force B. The term “use of force B” means a use of force by staff on an incarcerated individual which does not require hospitalization or medical treatment beyond the prescription of over-the-counter analgesics or the administration of minor first aid, including the following: (i) a use of force resulting in a superficial bruise, scrape, scratch, or minor swelling; and (ii) the forcible use of mechanical restraints in a confrontational situation that results in no or minor injury.

Use of force C. The term “use of force C” means a use of force by staff on an incarcerated individual resulting in no injury to staff or an incarcerated individual, including incidents where use of oleoresin capsicum spray results in no injury, beyond irritation that can be addressed through decontamination.

Use of force P. The term “use of force P” means a use of force by staff on an incarcerated individual that is not defined in this section as use of force A, use of force B, or use of force C.

Young adult. The term “young adult” means any individual in the custody of the department who is between the ages of 18 and 21 years old.

b. The commissioner shall coordinate with the chancellor on education to create a quarterly report on educational programming in department facilities. Beginning July 1, 2016, and quarterly thereafter, the department shall post this report on its website containing information for the prior quarter. Such information shall also be compared to the previous two quarters, and available data for all previous quarters shall be maintained on the department’s website. Such quarterly report shall include, but not be limited to, the following information:

1. The total number and percentage of adolescents enrolled in educational programming.
2. The total number and percentage of young adults enrolled in educational programming.
3. The number of hours of mandated educational programming each adolescent receives, and the number of hours offered in each subject area.
4. The number of hours of mandated educational programming each young adult receives, and the number of hours offered in each subject area.
5. The number of hours of optional educational programming each adolescent is offered, and the number of hours of optional educational programming each young adult is offered.
6. The number of departmental infractions issued to adolescents during educational programming, and the number of departmental infractions issued to young adults during educational programming.
7. The number of assaults on staff during educational programming, in total and disaggregated by whether such assault was committed by an adolescent or young adult.
8. The number of incidents of use of force A during educational programming, in total and disaggregated by whether such use of force was used on an adolescent or young adult.
9. The number of incidents of use of force B during educational programming, in total and disaggregated by whether such use of force was used on an adolescent or young adult.
10. The number of incidents of use of force C during educational programming, in total and disaggregated by whether such use of force was used on an adolescent or young adult.

11. *The number of incidents of use of force P during educational programming, in total and disaggregated by whether such use of force was used on an adolescent or young adult.*

12. *The number and percentage of adolescents who graduated high school, and the number and percentage of young adults who graduated high school.*

13. *The number and percentage of adolescents to whom a high school equivalency diploma test was administered, and the number and percentage of young adults to whom a high school equivalency diploma test was administered*

14. *The number and percentage of adolescents who passed a high school equivalency diploma test, and the number and percentage of young adults who passed a high school equivalency diploma test.*

15. *The median and average score of adolescents and young adults on any standardized test, and the median and average score of such standardized test in New York city.*

16. *The number and percentage of adolescents not enrolled in East River Academy, and the reason any such adolescent is not enrolled.*

17. *The number and percentage of 18 year-old incarcerated individuals enrolled in East River Academy, and the number and percentage of young adults enrolled in East River Academy.*

18. *The number and percentage of 18 year-old incarcerated individuals participating in any educational programming, and then number and percentage not participating. For those not participating, the number and percentage who (a) have a high school diploma or (b) have passed a high school equivalency diploma test.*

19. *The number and percentage of young adults participating in any educational programming, and the number and percentage not participating. For those not participating, the number and percentage who (a) have a high school diploma or (b) have passed a high school equivalency diploma test.*

20. *The number and percentage of (a) adolescents, (b) 18 year-old incarcerated individuals, and (c) 19-21 year-old incarcerated individuals for whom individualized education plans have been developed.*

21. *The number and percentage of (a) adolescents, (b) 18 year-old incarcerated individuals, and (c) 19-21 year-old incarcerated individuals who have individualized educational plans and who are receiving services (a) in full compliance with their individualized educational plan; (b) in partial compliance with their individualized educational plan; and (c) not in compliance with their individualized educational plan.*

22. *The teacher-to-student ratio in all educational programming, in total and disaggregated by such ratio for adolescents and young adults.*

23. *The number and percentage of adolescents participating in vocational educational programming and the nature of such programming.*

24. *The number and percentage of young adults participating in vocational educational programming, and the nature of such programming.*

25. *The average and median number of credits accumulated by adolescents, and the average and median number of credits accumulated by young adults enrolled in educational programming. This paragraph shall only apply to those adolescents and young adults who had been in custody for a sufficient period of time during the reporting period to have earned credits, and the information in this subdivision shall be listed in total and by dividing the number of credits accumulated by the number of such adolescents and young adults.*

26. *The average and median rate of adolescent and young adults, upon their release from the custody of the department, in the following categories: (i) school attendance; (ii) high school equivalency diploma test passage; and (iii) high school graduation.*

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

Referred to the Committee on Fire and Criminal Justice Services.

Res. No. 1029

Resolution calling upon New York City to allow city employees without children to take one-time paid six-week leave similar to Paid Parental Leave.

By Council Member Eugene.

Whereas, On January 7, 2016, New York City Mayor Bill de Blasio signed an order to provide paid parental leave to New York City employees who hold non-union or managerial titles; and

Whereas, The new order provides six weeks of paid leave at 100 percent of salary, and will benefit up to 20,000 employees; and

Whereas, Mayor de Blasio's order has been praised as a major step in bringing New York City in line with other jurisdictions in the United States and abroad; and

Whereas, However, the Mayor's order does not include employees who do not have children; and

Whereas, According to the 2015 National Vital Statistics Report released by the Centers for Disease Control and Prevention, fertility rates in the United States have been decreasing in recent years, both among married couples and unmarried women; and

Whereas, According to labor force experts all employees, including those without children, can benefit from programs similar to paid parental leave; and

Whereas, According to a recent article in the *Wall Street Journal*, companies in the financial services sector are offering a variety of opportunities to their employees to take time off from work to pursue outside work opportunities, such as working for a non-profit; and

Whereas, Extending paid leave to employees without children will allow all New York City employees to more equally share in the benefits of the new program; now, therefore, be it

Resolved, That the Council of the City of New York calls New York City to allow city employees without children to take one-time paid six-week leave similar to Paid Parental Leave.

Referred to the Committee on Civil Service and Labor.

Int. No. 1149

By Council Members Garodnick, Chin and Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to licensing ticket sellers.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 34 to read as follows:

*Subchapter 34
Ticket Sellers*

§ 20-550 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Guide. The term "guide" has the same meaning as in section 20-242 of the code.

Mode of transportation. The term "mode of transportation" means every device in, upon, or by which any person or property is or may be transported or drawn upon a street, highway, or body of water.

Place of entertainment. The term "place of entertainment" means any privately or publicly owned and operated entertainment facility, such as a theater, stadium, arena, racetrack, museum, amusement park, or other place where performances, concerts, exhibits, athletic games, or contests are held for which an entry fee is charged.

Public space. The term "public space" means all publicly owned property between the property lines on a street as such property lines are shown on the City Record, including but not limited to, a park, plaza, pedestrian plaza, roadway, shoulder, tree space, sidewalk, or parking space between such property lines. It shall also include, but not be limited to, publicly owned or leased land, buildings, piers, wharfs, stadiums, and terminals.

Sight-seeing tour. The term "sight-seeing tour" means any event during which a person acts as a guide.

Ticket. The term “ticket” means any evidence of, or anything purported to be evidence of, the right to enter or participate in any place of entertainment, mode of transportation, or sight-seeing tour.

Ticket seller. The term “ticket seller” means a person vending tickets in a public space.

Ticket seller license. The term “ticket seller license” means a license issued by the commissioner to a ticket seller.

Vend. The term “vend” means to hawk, peddle, sell, lease, offer to sell or lease, at retail, tickets.

Vend in an aggressive manner. The term “vend in an aggressive manner” means:

(1) approaching or speaking to a person, or following a person before, during or after vending, if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, damage to or loss of property, or the commission of any offense as defined in section ten of the penal law upon oneself or another; or

(2) intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle in the course of vending by any means.

§ 20-551 Ticket seller licenses. a. 1. It shall be unlawful for any individual to act as a ticket seller without having first obtained a ticket seller license in accordance with this subchapter.

2. It shall be unlawful for any person to sell, give, or otherwise transfer any tickets, for sale in a public space, to an unlicensed ticket seller.

b. All ticket seller licenses shall be valid for one year from the date of issuance unless suspended or revoked. The annual fee for such license or renewal thereof shall be \$125, and shall be paid unless the applicant is exempted by article four of the general business law.

c. 1. Each person applying for a ticket seller license or renewal thereof shall file an application in such form and detail as the commissioner may prescribe and shall pay the fee required by this subchapter.

2. An application for a ticket seller license shall include, but need not be limited to, the following information:

(i) the name of the applicant;

(ii) the address of the applicant’s employer, if any, or if the applicant is not vending on behalf of an employer, the home address of the applicant;

(iii) one print of a full-face photograph of the applicant taken not more than thirty days prior to the date of the application;

(iv) if an applicant is a non-resident of the city, the name and address of a registered agent within the city or designation of the commissioner as their agent upon whom process or other notification may be served.

d. 1. Upon the approval of an application, the commissioner shall issue a ticket seller license to the applicant. Such licenses shall not be transferrable.

2. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter one of this title, or any rules promulgated pursuant to such subchapter or chapter, the commissioner may refuse to issue or renew a ticket seller license:

(i) if an applicant has pending any unanswered summons or unsatisfied fines or penalties for violation of this subchapter or chapter one of this title, or any rules promulgated pursuant to such subchapter or chapter;

(ii) if an applicant has been convicted of a misdemeanor for violation of this subchapter; or

(iii) for any cause set forth in chapter one of this title or elsewhere in this subchapter as a ground for suspension, or revocation, or non-renewal.

e. A ticket seller license shall contain the licensee’s name, license number, and a non-removable photograph of such licensee.

f. Whenever any information provided on the application for a ticket seller license or renewal thereof has changed, such licensee shall notify the commissioner within 10 days of such change.

g. The commissioner may promulgate rules exempting any non-profit association including, but not limited to, a government agency, charitable, educational, religious, or other such organization from compliance with this subchapter.

§ 20-552 Ticket seller license renewal. A ticket seller license issued pursuant to this subchapter shall be renewable by the licensee, provided:

(i) such licensee meets all requirements for issuance pursuant to this subchapter;

(ii) such licensee’s ticket seller license has not been revoked; and

(iii) such licensee has not committed violations which could be a basis for license revocation under any provision of this subchapter.

§ 20-553 Hearings. Unless otherwise specifically provided, notice and hearings upon the denial, suspension, or revocation of a ticket seller license or the imposition of penalties provided in this subchapter shall be in accordance with chapter one of this title and any rules promulgated pursuant to such chapter.

§ 20-554 Display of license. a. Each ticket seller shall wear the ticket seller license conspicuously at all times while engaged in vending and shall exhibit such license upon demand to any police officer, authorized officer, or employee of the department or other city agency.

b. In any civil or criminal action or proceeding for any violation of this subchapter or any rules promulgated pursuant to such subchapter, failure by a ticket seller required to be licensed pursuant to this subchapter to exhibit upon demand a license in accordance with this subchapter to any police officer, authorized officer, or employee of the department or other city agency shall be presumptive evidence that such person is not duly licensed.

§ 20-555 Duties of ticket sellers. a. Each ticket seller shall keep such written records as the commissioner may prescribe of all daily gross sales, purchases and expenses, and receipts therefor and shall make such available for inspection by an authorized officer or employee of any city agency.

b. Each ticket seller shall permit inspections by the department or any authorized city agency of any tickets to be sold by such licensee and shall provide information regarding such tickets, including the address and name of each business providing or operating entertainment, transportation, or admission to events or places of amusement.

§ 20-556 Restrictions on ticket sellers. a. No ticket seller shall vend in an aggressive manner.

b. No ticket seller shall vend on any sidewalk unless such sidewalk has at least a 12 foot wide clear pedestrian path to be measured from the boundary of any private property to any obstructions in or on the sidewalk, or if there are no obstructions, to the curb. In no event shall a licensee vend on any part of a sidewalk other than that which abuts the curb.

c. No ticket seller shall vend within any bus stop or taxi stand, within the portion of the sidewalk abutting any no standing zone adjacent to a hospital as defined in subdivision one of section 2801 of the public health law, or within 10 feet of any driveway, any subway entrance or exist, or any corner. For purposes of this subdivision, 10 feet from any corner shall be measured from a point where the property line on the nearest intersecting block face, when extended, meets the curb.

d. No ticket seller shall vend in the bed of a road and in no case shall such licensee vend so as to restrict the continued maintenance of a clear passageway for pedestrians or vehicles.

e. No ticket seller shall vend in a pedestrian plaza unless so authorized pursuant to rules of the department of transportation.

f. No ticket seller shall vend on the median strip of a divided roadway unless such strip is intended for use as a pedestrian mall.

g. No ticket seller shall vend within the geographical areas under the jurisdiction or control of the department of parks and recreation unless written authorization therefor has been obtained from the commissioner of parks and recreation.

h. Where exigent circumstances exist and a police officer or other authorized officer or employee of any city agency gives notice to a ticket seller to temporarily move from any location such ticket seller shall not vend from such location. For purposes of this subdivision, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, an accident, fire or other emergency situation, a parade, demonstration, or other such event or occurrence at or near such location.

i. No ticket seller shall use equipment, stands, vehicles, racks, or displays in connection with vending tickets.

j. No ticket seller shall make fraudulent, misrepresentative, or false statements in connection with the vending of tickets.

§ 20-557 Suspension and revocation of license. Any ticket seller license may be suspended or revoked upon notice and hearing for any of the following causes:

(i) fraud, misrepresentation, or false statements contained in the application for the license or any renewal application;

(ii) fraud, misrepresentation, or false statements made in connection with the vending of tickets;

(iii) violation of chapter one or subchapter one of chapter five of this title, or any rules promulgated pursuant to such chapter or subchapter; provided, however, that in the event of a conflict between such chapter and subchapter and this subchapter, this subchapter shall prevail;

(iv) four or more violations of any provision of this subchapter or any rules promulgated pursuant to such subchapter within a two-year period;

(v) failure to answer a summons or notice of violation, appear for a hearing, or pay a fine or civil penalty imposed pursuant to chapter one of this title or this subchapter, or any rules promulgated pursuant to such chapter or subchapter; or

(vi) conviction of a misdemeanor under this subchapter.

§ 20-558 Enforcement and rules. a. Authorized officers and employees of the department, the police department, and any department designated by the commissioner, as well as any police or peace officer, shall have the power to enforce any provision of this subchapter or any rule promulgated pursuant to this subchapter. This provision shall in no way restrict any other power granted by law to an officer or employee of any city agency.

b. Any police officer may seize tickets to be vended by an unlicensed ticket seller.

c. The commissioner shall make such rules deemed necessary for the proper implementation and enforcement of this subchapter.

§ 20-559 Penalties. a. Any person who violates any provision of section 20-551 or subdivision a of section 20-556, or any rules promulgated pursuant to such section or subdivision, shall be guilty of a misdemeanor punishable by a fine of not less than \$250 nor more than \$1,000, or by imprisonment for not more than 90 days or by both such fine and imprisonment.

b. Except as provided in subdivision a of this section, any person who violates a provision of this subchapter or any rule promulgated pursuant to such subchapter shall be guilty of an offense punishable as follows:

1. For the first violation, a fine of not less than \$50 nor more than \$100;

2. For the second violation issued for the same offense within a period of one year of the date of the first violation, a fine of not less than \$100 nor more than \$200;

3. For the third violation within a period of two years of the date of the first violation, a fine of not less than \$250 nor more than \$500; and

4. For any subsequent violations within a period of two years of the date of the first violation, a fine of not more than \$1,000.

c. In addition to the fines set forth in subdivisions a and b of this section, any person who violates any provision of this subchapter or any rules promulgated pursuant to such subchapter shall be subject to a civil penalty of not less than \$250 nor more than \$1,000 per day.

d. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a notice of violation which shall be returnable to the office of administrative trials and hearings.

§ 2. Separability. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law that was adjudged to be invalid.

§ 3. This local law takes effect in 120 days, except that the commissioners of consumer affairs and transportation may take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Consumer Affairs.

Res. No. 1030

Resolution calling upon the Mayor and the Police Commissioner of the City of New York to create a new police precinct in Queens by dividing the 105th Precinct into two separate precincts.

By Council Members Grodenchik, Richards, Lancman, Wills and Dromm.

Whereas, The New York City Police Department (“NYPD”) has 77 police precincts; and

Whereas, According to the NYPD, the 105th Precinct is New York City’s fourth largest precinct and encompasses 12.67 square miles and includes 354 miles of roadway; and

Whereas, The 105th Precinct covers most of the eastern border of Queens, running from the Grand Central Parkway in the north to the John F. Kennedy International Airport in the south; and

Whereas, According to the Expense and Capital Priorities Report for the Preliminary Budget for Fiscal Year 2016 from the Queens Borough President, Melinda Katz, police vehicles serving the 105th Precinct currently travel more than 1,000 miles per week as a result of the distance within the precinct boundaries; and

Whereas, Using precinct population data compiled by WNYC radio, the average population of all New York City precincts is 106,171, whereas the population of the 105th Precinct is 188,582; and

Whereas, According to a November 2013 NYPD press release, former New York City Police Commissioner Raymond Kelly, citing population increase as a reason, created the newest precinct in the city, the 121st Precinct on Staten Island; and

Whereas, Since January 2014, when Borough President Melinda Katz came into office, she and the Queens Borough Board have repeatedly included in their annual budget recommendations to the City a request to create a new precinct in southern Queens; and

Whereas, According to the Queens Chronicle, Community Board 13 in Queens has advocated for such a change since 1977; and

Whereas, Dividing the 105th Precinct into two precincts continues to be Community Board 13’s top priority on its annual list of budget requests; and

Whereas, According to Community Board 13, a satellite station was opened in the southern part of the 105th Precinct in 2007, but residents contend it is inadequate because it does not have the resources of a full precinct; and

Whereas, Asserting that it is not receiving its fair share of resources, Community Board 13 advocates for a full, new precinct in order to increase personnel and reduce response times to emergency 911 calls; and

Whereas, Compared to the neighboring 103rd, 107th, 111th, and 113th Precincts, the 105th Precinct has the slowest response time to 911 calls reporting a serious crime in progress, and the second slowest response time to calls reporting a critical crime in progress; and

Whereas, In March 2016, Mayor Bill de Blasio and Police Commissioner William J. Bratton announced that the 105th Precinct’s satellite station was expanding to provide 24-hour coverage, with an additional 18 officers and two sergeants; and

Whereas, As do all New Yorkers, the residents of eastern Queens deserve adequate police resources to ensure their safety; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Mayor and the Police Commissioner of the City of New York to create a new police precinct in Queens by dividing the 105th Precinct into two separate precincts.

Referred to the Committee on Public Safety.

Int. No. 1150

By Council Members Johnson, The Speaker (Council Member Mark-Viverito), Chin, Dromm, Cohen, Van Bramer and Ulrich.

A Local Law to amend the New York city charter, in relation to creating a municipal division of transitional services.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 13-c to read as follows:

§ 13-c. Municipal division of transitional services. a. The mayor shall establish a municipal division of transitional services. Such division may, but need not, be established in the executive office of the mayor or as a separate division or within any other office of the mayor, or within any department the head of which is appointed by the mayor. Such division shall be headed by a coordinator who shall be appointed by the mayor or the head of such department. For the purposes of this section, "coordinator" shall mean the coordinator of the municipal division of transitional services.

b. Powers and duties. The division shall have the power and the duty to:

1. ensure the effective and efficient provision of reentry services to all individuals released from the custody of the New York city department of correction after a period of detention or incarceration, and coordinate with relevant city agencies, including but not limited to the department of correction, to achieve such effective and efficient provision;

2. create a coordinated system for the administration of reentry services. Such system shall establish access points in close proximity to where a substantial number of such individuals are known to reside. To the extent that the coordinator deems appropriate, such system may also include integration and coordination with similar services provided by other city agencies, and existing facilities operated by city agencies may be utilized for the purpose of such integration and coordination.

3. administer contracts for the provision of reentry services as appropriate, and to the extent required by paragraph 1 of this subdivision, review the budget requests of all agencies for programs related to reentry services, and recommend to the mayor budget priorities among such services and assist the mayor in prioritizing such requests;

4. prepare and submit to the mayor and the council an annual report of the reentry service needs of city residents and the availability of reentry services to meet such needs, which shall include but not be limited to (i) an assessment of the reentry service needs of city residents, as well as the type and frequency of resources needed, including but not limited to matters concerning housing, health insurance, medical expenses and debts relating thereto, behavioral health treatment, personal finances, employment, job training, education, immigration, and public benefits, (ii) identification and assessment of the efficacy and capacity of existing reentry services available for city residents, (iii) identification of areas or populations within the city in which city residents with reentry service needs are concentrated and (iv) identification of areas or populations within the city that have disproportionately low access to reentry services;

5. provide outreach and education on the availability of reentry services; and

6. perform other duties as the mayor may assign.

c. Five-year plan. Within one year after the completion of the first annual report required by paragraph 4 of subdivision b of this section, and in every fifth calendar year thereafter, the coordinator shall prepare and submit to the mayor and the council a five-year plan for providing reentry services to those city residents who need such services. Such plan may include recommendations for approaches to serving city residents in need of reentry services, including the establishment of an initial point of access for individuals immediately upon their release from the custody of the New York city department of correction in a location adjacent to Rikers Island or to the correctional facility that releases the most inmates daily. Such plan shall also identify obstacles to making such services available to all those who need them and describe what additional resources would be necessary to do so.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 1151

By Council Members Levine, Chin, Cohen and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to permits for large special events issued by the department of parks and recreation.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-148 to read as follows:

§ 18-148 Special event permits a. No less than 20 days before granting or denying an application for a permit to use park facilities under the jurisdiction of the department for the purposes of holding an event where (i) more than 500 persons are expected to attend and (ii) revenue generating activities during such event are expected to occur, the department shall provide written notification of such application by facsimile, regular mail, electronic mail or by personal delivery to the community board for each community district where such park facilities are located and shall post such application on the website of the department. Any comments provided from such community boards regarding such proposed event shall be posted on the website of the department upon the receipt of such comments.

b. Where more than one person applies for a permit to hold an event on the same date and in the same location on park facilities under the jurisdiction of the department, and the department determines that such facilities cannot reasonably accommodate both such proposed events at such date and time, the department, in determining which of the applicants shall be granted such permit, shall consider the application that the department first received and also consider the following factors: (i) the proposed length of time over which such proposed events may occur; (ii) the number of attendees expected to attend such proposed events; (iii) the effect that such proposed events may have on the maintenance of the park where they may occur, including any possibility of damage to parkland or facilities; (iv) whether any of the applicants have previously been granted permits for events to be held in parks under the jurisdiction of the department and whether such event was conducted in a way that was caused damage or injury to park users, parkland or park facilities; (v) whether any of the applicants have previously been granted permits for events to be held in parks and did, on that prior occasion, knowingly violate a term or condition of the permit, or any law, ordinance, statute or regulation relating to the use of the parks; and (vi) the expected cost to the department for each proposed event.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of parks and recreation may promulgate rules or take other actions for the implementation of this local law prior to such effective date.

Referred to the Committee on Parks and Recreation.

Int. No. 1152

By The Public Advocate (Ms. James) and Council Members Chin and Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to the maximum fee allowed when transferring money to a city inmate.

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-141 to chapter 1 to read as follows:

§ 9-141 Inmate accounts. The commissioner of correction shall ensure that members of the public depositing funds into a city inmate's institutional fund account, established pursuant to subdivision 7 of section 500-c of the correction law, are not charged a service fee that exceeds \$5 per transaction. This fee cap applies to all devices or systems capable of allowing members of the public to deposit funds into an inmate's institutional fund account, including wire transfers.

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Criminal Services.

Int. No. 1153

By Council Members Torres, Levine, Chin, Cohen.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the creation of an endangered affordable housing watch list.

Be it enacted by the Council as follows:

Section 1. Subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 3 to read as follows:

*Article 3
Housing Watch Lists*

§ 27-2109.51 Definitions.

§ 27-2109.52 Creation of watch lists required.

§ 27-2109.53 Posting on department website; updates.

§ 27-2109.54 Removal from a watch list.

§ 27-2109.55 Determination of debt service coverage ratio.

§ 27-2109.56 Endangered affordable housing watch list.

§ 27-2109.57 Reserved.

§ 27-2109.58 Reserved.

§ 27-2109.51 Definitions. For purposes of this article, the term “debt service coverage ratio” means the quotient obtained when a multiple dwelling’s annual net operating income is divided by such multiple dwelling’s annual debt service, with the result expressed as a decimal carried to the hundredths place without rounding.

§ 27-2109.52 Creation of watch lists required. The commissioner shall create and maintain watch lists in accordance with the requirements of this article.

§ 27-2109.53 Posting on department website; updates. a. The commissioner shall make the watch lists created pursuant to this article publicly available on the department’s website and shall update each watch list not less than quarterly. The commissioner may use color designations for “High Risk” and “Moderate Risk” categories as specified in this article.

b. The commissioner shall make the watch lists created pursuant to this article searchable by the multiple dwelling’s address; the name of the multiple dwelling’s owner, including the names of principals, officers, directors or managers of such owner, as applicable; lender name, as applicable; and any other criteria that the commissioner chooses.

c. The commissioner shall provide, through the department’s website, a means for members of the public to submit potential entries for any of the watch lists created pursuant to this article, including a means for providing supporting information. The commissioner shall establish a procedure for tracking each such submission and shall notify the submitter within 30 days whether or not the submitted entry meets the criteria for inclusion on a watch list created pursuant to this article.

d. The commissioner shall provide the mayor, the public advocate, each borough president, the speaker of the council and each council member, each community board, and the commissioner of information technology and telecommunications with a copy of the housing affordability watch list created pursuant to section 27-2109.56 each time such watch list is updated pursuant to subdivision a of this section.

§ 27-2109.54 Removal from a watch list. a. If the commissioner determines that an entry included on a watch list created pursuant to this article no longer satisfies the criteria for inclusion on such watch list, the commissioner shall remove such entry within 10 business days of making that determination. Whenever the commissioner removes an entry from a watch list, the commissioner shall post on the department’s website the reasons such entry was removed and shall keep such posting available on such website for at least one year.

b. The commissioner shall establish procedures by which a person may request a determination by the department that an entry should be removed from a watch list created pursuant to this article.

§ 27-2109.55 *Determination of debt service coverage ratio.* No later than March 1 of each year, the commissioner, in consultation with the commissioner of finance, shall determine the debt service coverage ratio of each multiple dwelling in the city that has six or more dwelling units. Such determination may be based on any information in the possession of the department or the department of finance.

§ 27-2109.56 *Endangered affordable housing watch list.* a. The commissioner shall create and maintain a watch list of multiple dwellings that meet the criteria set forth in this subdivision and have six or more dwelling units. Multiple dwellings included on such watch list shall be divided into two categories as follows:

1. A category entitled "Moderate Risk" that may be designated with the color orange and that includes any multiple dwelling that has six or more dwelling units and to which only one of the following criteria applies:

(a) The multiple dwelling has a debt service coverage ratio of less than 1.05.

(b) The multiple dwelling has an aggregate number of open hazardous and immediately hazardous violations that equals or exceeds an average of one violation per dwelling unit.

(c) The multiple dwelling has one or more open orders to correct underlying conditions pursuant to subdivision c of section 27-2091.

(d) A court proceeding for harassment or a similar cause of action, filed by a current or former tenant or group of tenants of the multiple dwelling or a tenant association, is currently pending against the owner of the multiple dwelling or a principal, agent or employee of such owner.

(e) Within the preceding five years, the owner of the multiple dwelling or a principal, agent or employee of such owner has been found liable to a tenant, a group of tenants or a tenant association for only one instance of harassment or of any other cause of action based on acts described in paragraph 48 of subdivision a of section 27-2004 committed against a current or former tenant of the multiple dwelling.

(f) Foreclosure proceedings are currently pending with respect to the multiple dwelling or the multiple dwelling has been sold one or more times in the previous five years pursuant to a judgment entered under article 13 of the real property actions and proceedings law.

(g) Within one year, the multiple dwelling will be eligible to end compliance with or participation in an affordable housing program, including but not limited to a housing program administered pursuant to section 1437f of title 42 of the United States code, article II of the New York private housing finance law, article XI of the New York private housing finance law or article 2-A of the New York public housing law.

2. A category entitled "High Risk" that may be designated with the color red and that includes any multiple dwelling that has six or more dwelling units and to which one or more of the following criteria apply:

(a) The multiple dwelling has a debt service coverage ratio of less than 0.85.

(b) The multiple dwelling satisfies two or more of the criteria set forth in subparagraphs (a) through (g) of paragraph 1 of this subdivision.

(c) The multiple dwelling has an aggregate number of open hazardous and immediately hazardous violations that equals or exceeds an average of three violations per dwelling unit.

(d) The multiple dwelling has two or more open orders to correct underlying conditions pursuant to subdivision c of section 27-2091.

(e) Within the preceding five years, the owner of the multiple dwelling or a principal, agent or employee of such owner has been found liable to a tenant, group of tenants or a tenant association for two or more instances of harassment or any other cause of action based on acts described in paragraph 48 of subdivision a of section 27-2004 committed against a current or former tenant of the multiple dwelling.

(f) The owner of the multiple dwelling or a principal, agent or employee of such owner has informed the department or a tenant of the multiple dwelling or otherwise has publicly disclosed an intention to end the multiple dwelling's participation in an affordable housing program, including but not limited to a program administered pursuant to section 1437f of title 42 of the United States code, article II of the New York private housing finance law, article XI of the New York private housing finance law or article 2-A of the New York public housing law.

b. The watch list created pursuant to this section shall include the address of each multiple dwelling, the name of each multiple dwelling owner and any additional information that the commissioner may establish by rule. Such additional information may include, where available and relevant, the names of any lenders who have lent money secured by a property on the watch list or any principals, officers, directors or managers of business organizations that own properties on the watch list.

§ 27-2109.57 Reserved.

§ 27-2109.58 Reserved.

§ 2. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-138 to read as follows:

§ 11-138 Housing watch lists. No later than March 1 of each year, the commissioner of finance shall assist the commissioner of housing preservation and development in determining the debt service coverage ratio of each multiple dwelling in the city that has six or more dwelling units pursuant to section 27-2109.55. Such determination may be based on any information in the possession of the department of finance or the department of housing preservation and development.

§ 3. Section 1072 of the New York city charter is amended by amending subdivisions q and r, subdivision q as amended by local law number 39 for the year 2013 and subdivision r as added by local law number 39 for the year 2013, and by adding a new subdivision s to read as follows:

q. to provide to the public at no charge on the city's website an interactive map, updated as often as practicable and necessary but not less than once per week, displaying the following:

1. Permitted and approved street closures that do not allow for the passage of vehicular traffic on that street, including but not limited to closures for special events, crane operations and other construction work, film shoots and paving operations; and

2. Parking regulations. The information related to paragraph (1) of this subdivision shall be searchable and sortable by time, date and borough, except that street closures for crane operations, construction work and paving operations shall have the notation "subject to closure" during times where closure has been permitted and approved but where such closure may or may not occur on a particular day. All information required by this subdivision shall be available on the city's website as soon as practicable but in no case less than one week prior to any such closure or change, except closures which were applied for or planned less than one week prior to any such closure or change, which shall be available on such interactive map within seventy-two hours of the permit and approval of such closure. Where a permitted and approved street closure is due to a special event, the sponsor of the event with appropriate contact information shall be provided as part of such interactive map. For the purposes of this subdivision, special event shall mean any street fair, block party or festival on a public street(s) where such activity may interfere with or obstruct the normal use by vehicular traffic of such street(s); [and]

r. to provide to the public[,] at no charge on the city's website[,] an interactive crime map that, for each segment of a street bounded by one or more intersections and/or a terminus, shall visually display the aggregate monthly, yearly and year-to-date totals for the current and the most recent prior calendar years for each class of crime that is reported to the New York city police department, or for which an arrest was made, including crimes that occurred in parks and subway stations. Such map shall be searchable by address, zip code, and patrol precinct. All information required by this subdivision shall be available on the city's website as soon as practicable but in no case more than one month after a crime complaint has been filed. The mayor shall ensure that all agencies provide the department with such assistance and information as the department requires to compile and update the interactive crime map[.]; and

s. to provide to the public at no charge on the city's website an interactive endangered affordable housing map. Such map shall show the locations of multiple dwellings listed in the watch lists created by the department of housing preservation and development pursuant to section 27-2109.56 of the administrative code, shall signify such multiple dwellings as moderate risk or high risk, as the case may be, and shall be searchable by address, zip code, city council district, community board district and name of multiple dwelling owner, including such owner's principals, officers, directors and managers where the owner is a business organization and where such information is available. The mayor shall ensure that all agencies provide the department with any assistance and information that the department requires to compile and update such map.

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

Referred to the Committee on Housing and Buildings.

Int. No. 1154

By Council Members Treyger, Chin, Cohen, Koslowitz and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a displaced persons registry.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-114 to read as follows:

§ 30-114 *Displaced persons registry.* a. *The department, or such entity as the commissioner delegates, shall maintain a voluntary website registry for all displaced, potentially displaced or otherwise affected persons after an emergency event, in which there is a loss of communications utility service, an evacuation order issued or a similar large displacement of individuals, to assist such persons with communicating their current location and status. The website shall remain in service for no less than one month beyond the end of the emergency event, the rescinding of the evacuation order, or the general restoration of communications utility services, whichever is latest.*

b. *The website shall permit individuals to register and, at their discretion, create a password protected account and enter private information, consisting of no less than their current status, location, contact information and a short message.*

c. *Only a registrant's full name and date registered shall be viewable by the general public.*

d. *Private registrant information shall only be made available to individuals that are able to provide the password selected by that registrant.*

e. *The website shall also permit individuals to request an email notification when an individual with a specified name registers.*

f. *Information on accessing the website shall be made available in all evacuation shelters and in public awareness materials.*

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

Referred to the Committee on Recovery and Resiliency.

Int. No. 1155

By Council Members Treyger, Chin, Cohen, Koslowitz and Ulrich.

A Local Law to amend the New York city charter, in relation to maintaining a voluntary registry of people who may need evacuation assistance in the event of an emergency.

Be it enacted by the Council as follows:

Section 1. Section 497 of the New York city charter is amended by renumbering existing subdivisions n and o as subdivisions o and p, respectively, and adding a new subdivision n to read as follows:

n. *develop and maintain a voluntary registry of persons with a disability, as defined by rules promulgated by the commissioner in conjunction with the department of health and mental hygiene and the mayor's office for people with disabilities, who may need evacuation assistance in the event of an emergency, and a plan for conducting such evacuations;*

§ 2. This local law shall take effect one year after it becomes law, except that the commissioner of emergency management shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Recovery and Resiliency.

Int. No. 1156

By Council Members Van Bramer, Constantinides, Vacca, Chin Cohen and Ulrich.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the posting of current and planned water supply outages to the city's website and to the website of the department of environmental protection.

Be it enacted by the Council as follows:

Section 1. Subchapter 4 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-367 to read as follows:

§ 24-367 *Online notification of water outages.* a. *The department shall provide public notice on its website, both written and through the interactive map created by the department of information technology and telecommunications pursuant to charter section 1072, of the following information by city block: current water outages and planned or scheduled water outages. All notices shall display, to the extent possible, a start and estimated end time for the water outage.*

b. *Updates.* *The information provided under subdivision a shall be updated as often as practicable but not less than daily.*

c. *Exclusions.* *These notice requirements do not apply when water outages are not caused by, or at the request of, the department.*

§ 2. Subdivision q of section 1072 of the New York city charter, as amended by local law number 39 for the year 2013, is amended to read as follows:

q. to provide to the public at no charge on the city's website an interactive map, updated as often as practicable and necessary but not less than once per week, displaying the following:

1. Permitted and approved street closures that do not allow for the passage of vehicular traffic on that street, including but not limited to closures for special events, crane operations and other construction work, film shoots and paving operations; [and]

2. Parking regulations. The information related to paragraph (1) of this subdivision shall be searchable and sortable by time, date and borough, except that street closures for crane operations, construction work and paving operations shall have the notation "subject to closure" during times where closure has been permitted and approved but where such closure may or may not occur on a particular day. All information required by this subdivision shall be available on the city's website as soon as practicable but in no case less than one week prior to any such closure or change, except closures which were applied for or planned less than one week prior to any such closure or change, which shall be available on such interactive map within seventy-two hours of the permit and approval of such closure. Where a permitted and approved street closure is due to a special event, the sponsor of the event with appropriate contact information shall be provided as part of such interactive map. For the purposes of this subdivision, special event shall mean any street fair, block party or festival on a public street(s) where such activity may interfere with or obstruct the normal use by vehicular traffic of such street(s); and

3. *Water outages.* (a) *The department shall collect sufficient data from the department of environmental protection to map by city block, region or other appropriate unit the following information:*

(1) *Current water outages;*

(2) *Planned or scheduled water outages;*

(b) *All mapped information shall display, to the extent possible, text indicating a start and estimated end time for the water outage and shall be updated as often as practicable but not less than daily.*

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

Referred to the Committee on Environmental Protection.

Int. No. 1157

By Council Members Williams and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to exchanging gifts with department of buildings employees.

Be it enacted by the Council as follows:

Section 1. Article 101 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-101.6 to read as follows:

§ 28-101.6 Gift giving prohibited. *No gift, benefit or other thing of value may be offered or given between a department employee and a person doing business with the city. The department may, by rule, establish stricter requirements on gift exchanges involving department employees.*

Exception: *Unless otherwise provided by department rules, a department employee may accept gifts that are customary on family or social occasions from a family member or close personal friend who such employee knows is or intends to become engaged in business dealings with the city, when:*

1. *Such employee can show that the family or personal relationship is the controlling factor, rather than the business dealings; and*
2. *Such employee's receipt of the gift would, to the department's satisfaction, not result in or create the appearance that such employee is:*
 - 2.1 *Using such employee's office for private gain;*
 - 2.2 *Giving preferential treatment to any person;*
 - 2.3 *Losing independence or impartiality; or*
 - 2.4 *Accepting gifts or favors for performing official duties.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

L.U. No. 354

By Council Member Greenfield:

Application No. 20165357 TCM pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of 289 Bleecker Restaurant LLC, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 289 Bleecker Street, Borough of Manhattan, Community Board 2, Council District 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 Section 20-226 of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 355

By Council Member Greenfield:

Application No. C 160065 ZMX submitted by the New York City Department of City Planning pursuant to Sections 197-s and 201 of the New York City for an amendment of the Zoning Map, Section No. 2a, changing property from an R7A district to an R4A district, Borough of the Bronx, Community Board 12, Council District 12.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 356

By Council Member Greenfield:

Application No. 20165481 HAX submitted by New York City Department of Housing Preservation and Development pursuant to Section 577 of the Private Housing Finance Law and for an amendment to a previously approved real property tax exemption for property located at Block 2621, Lot 1 and Block 2632, Lot 1, Borough of the Bronx, Community Board 3, Council District 16.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions, and Concessions.

<http://legistar.council.nyc.gov/Calendar.aspx>

ANNOUNCEMENTS

Monday, April 11, 2016

★ Note Committee and Topic Deferred

★ Committee on Finance

Committee on Aging jointly with the

Committee on Civil Service and Labor..... 1:00 p.m.

Int 1081 - By Council Members Chin, Rose, the Speaker (Council Member Mark-Viverito), Palma, Rodriguez, Rosenthal and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to a comprehensive plan to address the needs of informal caregivers.

Int 1084 - By Council Members Cohen, the Speaker (Council Member Mark-Viverito), Palma, Rose, Van Bramer, Rodriguez and Rosenthal - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of a division of paid care.

~~★ **Res 993** - By The Speaker (Council Member Mark Viverito) and Council Members Chin, Palma, Dickens, Gentile, Rodriguez and Ulrich - **Resolution** calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation to expand the New York City child care tax credit.~~

Council Chambers – City Hall

~~Julissa Ferreras-Copeland, Chairperson~~

~~Margaret Chin, Chairperson~~

~~I. Daneek Miller, Chairperson~~

Tuesday, April 12, 2016

Committee on Housing and Buildings10:00 a.m.

Int 738 - By Council Members Levine, Crowley, Ferreras-Copeland, Mendez, Cohen, Constantinides, Vallone, Palma, Cornegy, Johnson, Gentile, Rosenthal, Torres, Lancman, Van Bramer, Richards, Cabrera, Espinal, Kallos, Gibson, Vacca, Dromm, King, Reynoso, Chin, Koslowitz, Rodriguez and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to a gas qualification for journeyman plumbers.

Int 1079 - By The Speaker (Council Member Mark-Viverito) and Council Members Williams, Palma, Richards, Rodriguez, Crowley, and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to final inspections of gas piping systems.

Int 1088 - By Council Members Espinal, Williams, Levine, Palma, Rose, Richards, Rodriguez, Crowley, Constantinides, Rosenthal, Ulrich and Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to periodic inspections of gas piping systems.

Int 1090 - By Council Members Gibson, Williams, Palma, Dickens, Rose, Richards, Gentile, Rodriguez and Crowley - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring owners to provide notice to their tenants regarding procedures that should be followed when a gas leak is suspected.

Int 1093 - By Council Members Mendez, Crowley, Williams, Palma, Dickens, Richards, Gentile, Rodriguez, Rosenthal and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring gas service providers and owners to notify the department of buildings within twenty-four hours when gas service is shut-off or not restored due to safety concerns.

Int 1094 - By Council Members Richards, Williams, Palma, Dickens, Gentile, Rodriguez, Crowley, Rosenthal and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to identifying the factors indicating gas-related violations in residential and commercial buildings.

Int 1098 - By Council Members Rodriguez, Williams, Richards, Palma, Dickens, Crowley, Rosenthal and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring annual reports on the state of gas infrastructure in the city.

Int 1100 - By Council Members Vacca, Williams, Palma, Richards, Gentile, Rodriguez, Crowley and Rosenthal - **A Local Law** to amend the administrative code of the city of New York and the New York city building code, in relation to requiring natural gas alarms in dwelling units.

Int 1101 - By Council Members Williams, Palma, Richards, Gentile, Rodriguez, Crowley, Rosenthal and Ulrich - **A Local Law** in relation to a temporary waiver of penalties for violations relating to fuel gas piping systems and appliances that are promptly repaired.

Int 1102 - By Council Members Williams, Richards, Levine, Cabrera, Palma, Gentile, Rodriguez, Crowley, Rosenthal and Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to designating violations of existing law regarding gas piping systems as “immediately hazardous”.
Council Chambers – City Hall Jumaane D. Williams, Chairperson

[Committee on Consumer Affairs](#).....1:00 p.m.

Int 1149 - By Council Member Garodnick - **A Local Law** to amend the administrative code of the city of New York, in relation to licensing ticket sellers
Committee Room – 250 Broadway, 14th Floor Rafael L. Espinal, Chairperson

[Committee on Women’s Issues](#)..... 1:00 p.m.

Oversight: The Commission on Gender Equity

Int 1137 - By The Speaker (Council Member Mark-Viverito) and Council Member Cumbo - **A Local Law** to amend the New York city charter, in relation to creating a gender equity advisory board
Committee Room – City Hall Laurie Cumbo, Chairperson

Wednesday, April 13, 2016

[Committee on General Welfare](#) jointly with the
[Committee on Public Safety](#)..... 10:00 a.m.

Oversight - Safety in the Department of Homeless Services Shelter System.

Proposed Int 583-A - By Council Members Williams, Cabrera, Chin, Eugene, Gentile, Koo, Levine, Mendez, Palma, Miller, Rosenthal, Maisel, Deutsch, King, Gibson, Kallos, Reynoso, Espinal, Menchaca and Cohen - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring reporting on crime statistics in shelters.

Council Chambers – City Hall Stephen Levin, Chairperson
Vanessa L. Gibson, Chairperson

Thursday, April 14, 2016

★ Deferred

[Committee on Higher Education](#)..... 10:00 a.m.

~~**Oversight** – Status of Nursing Programs at the City University of New York~~

~~Council Chambers – City Hall Inez Barron, Chairperson~~

[Committee on Juvenile Justice](#).....1:00 p.m.

Int 949 - By Council Members Cabrera, Cumbo, Eugene, Johnson, Mealy, Mendez, Palma, Richards, Rose, Cohen, Dickens, Wills, Lancman, Grodenchik and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the Administration for Children’s Services to report on programs and services provided to youth in placement and detention facilities.

Committee Room – City Hall Fernando Cabrera, Chairperson

Friday, April 15, 2016

[Committee on Public Housing](#) 10:00 a.m.
Oversight – Examining Elevator Safety in NYCHA Housing Following the Death of Olegario Pabon at
 Boston Road Plaza
 Council Chambers – City Hall Ritchie Torres, Chairperson

Monday, April 18, 2016

[Subcommittee on Zoning & Franchises](#) 9:30 a.m.
[See Land Use Calendar](#)
 Committee Room – 250 Broadway, 16th Floor Donovan Richards, Chairperson

[Committee on Housing and Buildings](#) 10:00 a.m.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Jumaane D. Williams, Chairperson

[Committee on Transportation](#) 10:00 a.m.
 Agenda to be announced
 Council Chambers – City Hall Ydanis Rodriguez, Chairperson

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#) 11:00 a.m.
[See Land Use Calendar](#)
 Committee Room – 250 Broadway, 16th Floor Peter Koo, Chairperson

★ *Note Time Change*

[Committee on Rules, Privileges & Elections](#) ★11:00 a.m.
 Agenda to be announced
 Committee Room – City Hall Brad Lander, Chairperson

★ *Note Topic Additions*

[Committee on Civil Rights](#) 1:00 p.m.
 ★Res 1000 - By Council Members King and Chin - **Resolution** recognizing March 5th as “Three-Fifths Clause Awareness Day” to be officially observed each year in New York City.
 ★Res 1001 - By Council Members King and Chin - **Resolution** calling upon Congress to add an amendment to the Constitution of the United States directly negating the language of Article 1, Section two, Paragraph 3, known as the “three-fifths clause”.
 Committee Room – City Hall Darlene Mealy, Chairperson

[Committee on Governmental Operations](#) 1:00 p.m.
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor Ben Kallos, Chairperson

[Subcommittee on Planning, Dispositions & Concessions](#) 1:00 p.m.
See Land Use Calendar
 Committee Room – 250 Broadway, 16th Floor Inez Dickens, Chairperson

Tuesday, April 19, 2016

★ *Note Topic Additions*

[Committee on Fire and Criminal Justice Services](#)..... 10:00 a.m.

★ **Int 1026** - By Council Members Crowley, Mealy, Mendez, Rodriguez and Rose - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of probation to evaluate the effectiveness of programs it utilizes.

★ **Int 1142** - By Council Member Crowley - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of probation to report on recidivism and related statistics.
Council Chambers – City Hall Elizabeth Crowley, Chairperson

[Committee on Land Use](#).....11:00 a.m.

[All items reported out of the Subcommittees](#)

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall

David G. Greenfield, Chairperson

★ *Note Topic Additions*

[Committee on Consumer Affairs](#).....1:00 p.m.

★ **Proposed Int 1085-A** - By Council Members Cumbo, Espinal and The Speaker (Council Member Mark-Viverito), Palma, Dickens, Rose, Gentile and Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of consumer affairs provide outreach and education on consumer protection issues that affect women.

★ **Proposed Int 1086-A** - By Council Members Deutsch, Espinal, the Speaker (Council Member Mark-Viverito), Palma, Dickens, Rose, Gentile, Rodriguez and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of consumer affairs to provide seniors with outreach and education regarding consumer protection issues.

★ **Proposed Int 1087-A** - By Council Member Espinal and The Speaker (Council Member Mark-Viverito), Palma, Dickens, Gentile, Rodriguez and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of consumer affairs to provide outreach and education on consumer protection issues that affect immigrants.

Committee Room – 250 Broadway, 14th Floor

Rafael L. Espinal, Chairperson

[Committee on Education](#) jointly with the
[Committee on Mental Health, Developmental Disability,
Alcoholism, Substance Abuse and Disability
Services](#).....1:00 p.m.

Oversight - Addressing the Needs of Students with Dyslexia and Related Language-Based Learning Disabilities.

Res 375 - By Council Members Constantinides, Richards, Barron, Chin, Eugene, Johnson, Levin, Mendez, Cohen, Rodriguez, Rosenthal, Cabrera, Kallos, Mealy, Miller, Rose, Treyger, Van Bramer, Palma, Espinal, Menchaca, Williams, Garodnick, Torres, Lander, Gentile, Maisel, Levine and Reynoso - **Resolution** calling upon New York State Department of Education to include lessons on climate change in K-12 schools' curriculum.

Res 1027 - By Council Member Cabrera - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign A.4330/S.5439, legislation regarding the certification or training of teachers, administrators and instructors in the area of dyslexia and related disorders.

Committee Room – City Hall

Daniel Dromm, Chairperson
Andrew Cohen, Chairperson

[Committee on Sanitation and Solid Waste Management](#)..... 1:00 p.m.

Oversight - Reducing Food Waste in New York City

Committee Room – 250 Broadway, 16th Floor

Antonio Reynoso, Chairperson

Wednesday, April 20, 2016

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*
.....*Agenda – 1:30 p.m.*

During the Meeting, the Speaker (Council Member Mark-Viverito) recognized the presence of State Senator and former Council Member Thomas K. Duane in the Chambers on the Council floor. She thanked him for his appearance as those assembled applauded. Also during the Meeting, various Councilwomen introduced their junior Council Members for a Day to the applause of those assembled in the Chambers.

Whereupon on motion of the Speaker (Council Member Mark-Viverito), the Public Advocate (Ms. James) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, April 20, 2016.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Int Nos. 701-A, 721-A, 763-A, 805-A, 814-A, 818-A, 819, 832-A, all adopted by the Council at the March 9, 2016 Stated Meeting, were signed into law by the Mayor on March 28, 2016 as, respectively, Local Law Nos. 31, 32, 33, 34, 35, 36, 37 and 38 of 2016. Int Nos. 554-A, 815-B, 993-A, and 1068-A, all adopted at the March 22, 2016 Stated Meeting, were signed into law by the Mayor on April 6, 2016 as, respectively, Local Laws No. 39, 30, 41, and 42 of 2016.