

**THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Thursday, April 18, 2019, 2:04 p.m.

*The Majority Leader (Council Member Cumbo) presiding as  
the Acting President Pro Tempore*

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Members Deutsch, Gjonaj, and Perkins.

The Majority Leader (Council Member Cumbo) 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 Majority Leader and Acting President Pro Tempore (Council Member Cumbo).

*There is presently a vacant seat in the Council pending the swearing-in of the certified winner of the scheduled May 14, 2019 Special Election in the 45th Council District (Brooklyn).*

*There were 47 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: Reverend Dr. William Lupfer of Trinity Church Wall Street located at 75 Broadway, New York, N.Y. 10007.

Thank you, Majority Leader Laurie Cumbo, Speaker Corey Johnson, Public Advocate Jumaane Williams, and Council Members, especially my friend and representative, Margaret Chin. As you've heard, I'm at Trinity Wall Street. We've been part of this neighborhood for over 300 years and I'm honored to pray us into session.

Let us pray.

God our Creator, we thank you for bringing us here today in service of the people of your great city. We thank you for this day and for this work. We pray that you will guide our Council Members and be present in their collective wisdom as they work to make our neighborhoods places of inclusiveness and compassion. Bring them together in a spirit of humility, integrity, and openness as they consider the issues that affect those who live and work in this diverse ever-evolving city we love and call home. Be with them in their deliberations and decisions. We keep in our heart sounds all who suffer, those who are homeless, incarcerated, unemployed, sick, or hungry, and all who experience any need or want, and we also remember in our prayers those who are seeking to enter our country or our city in search of safety and a better life for themselves and their families. We pray that they encounter compassion in their journey. We give thanks for all who work tirelessly for social justice in our city and beyond, particularly those who seek an end to mass incarceration and the racial injustice that fuels it, and those who seek to break the cycle of homelessness. Give them strength to continue their important work and courage and hope to sustain them when they are discouraged. We thank our Council Members for the gift of their service to their constituents and to one another. May they be faithful representatives of their neighborhoods while serving the good of our entire city. We ask your blessing upon them and upon this meeting,

that their labor may be fruitful and their decisions wise.  
In your name we pray.  
Amen.

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

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

Three New York City construction workers were killed during the course of their employment in April 2019: Nelson Salinas, 51, who came here from Ecuador and worked in construction to support his family; Gregory Echevarria, 34, who was a father of four and a veteran who served four tours in Afghanistan; Eric Mendoza, 23, who leaves behind a five-year-old son in Mexico. He asked that they be kept in our prayers. The Speaker (Council Member Johnson) noted that construction workers deal with dangerous conditions and that the Council needs to provide protection for workers in this field.

NYPD Highway Officer Marc St. Aramond, 42, a fourteen-year veteran of the NYPD, lost his life in a motorcycle accident on April 11, 2019. He leaves behind his wife Cecelia and their five young children. On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to Officer St. Aramond's family and to the entire NYPD family.

Humberto Cruz, 68, former director of the New York State AIDS Institute, passed away on April 19, 2019. The Speaker (Council Member Johnson) acknowledged that Dr. Cruz was a trailblazer in the public health field and was instrumental in the fight against AIDS during the height of the HIV-AIDS epidemic. Dr. Cruz had been honored by the Latino Commission on AIDS and was appointed to President Barack Obama's advisory council on HIV and AIDS. The Speaker (Council Member Johnson) expressed his gratitude for Dr. Cruz's work for people living with AIDS and noted that his legacy of activism and innovation in public health would never die.

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

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#### **ADOPTION OF MINUTES**

Council Member Adams moved that the Minutes of the Stated Meeting of March 13, 2019 be adopted as printed.

**REPORTS OF THE STANDING COMMITTEES****Report of the Committee on Environmental Protection**

Report for Int. No. 276-A

**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the New York city building code, in relation to requiring that the roofs of certain buildings be partially covered in green roof or solar photovoltaic electricity generating systems**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 464), respectfully

**REPORTS:****I. INTRODUCTION**

On April 18, 2019, the Committee on Environmental Protection, chaired by Council Member Costa Constantinides, will hold a hearing on a package of bills related to green roofs, large wind turbines, green buildings and power plants.

Proposed Int. No. 276-A would adjust the requirements of Int. No. 1032-A for certain smaller buildings and require HPD to study the impact that compliance with Int. No. 1032-A would have on the affordability of certain buildings. Proposed Int. No. 1031-A would require the Office of Alternative Energy to maintain information and resources pertaining to green roofs on its website. Proposed Int. No. 1032-A would require that the roofs of certain buildings be covered in green roofs or solar photovoltaic electricity generating systems. Proposed Int. No. 1317-A would expand city support for large wind turbines. Res. No. 66 calls for the State to increase the real property tax abatement for the installation of a green roof to \$15 per square foot. The Committee previously held a hearing on these bills on January 28, 2019, and received testimony from the New York City Department of Environmental Protection (“DEP”), DOB, renewable energy experts, environmental advocates, and interested members of the public.

Proposed Int. No. 1251-A would update the ranges for energy efficiency grades. Proposed Int. No. 1252-A would establish a sustainable energy loan program to provide certain building owners with funding for the installation of renewable energy systems or energy efficiency improvements. Proposed Int. No. 1253-C would establish the Office of Building Energy and Emissions Performance and expand existing retro-commissioning requirements to certain buildings over 25,000 square feet. The Committee previously held a hearing on these bills on December 4, 2018, and received testimony from the New York City Mayor’s Office of Sustainability (“MOS”), the New York City Department of Buildings (“DOB”), climate scientists, environmental and housing advocates, architects, engineers, members of the real estate industry, and the general public.

Proposed Int. No. 1318-A would require the city to prepare and submit an assessment on the feasibility of replacing in-city gas fired power plants with battery storage powered by renewable sources. The Committee previously held a hearing on this bill on February 11, 2019 and received testimony from the testimony from Con Edison, the New York City Mayor’s Office of Sustainability, energy experts, public health and environmental advocates, and interested members of the public.

Preconsidered Res. No. 845 calls upon the New York State Department of Environmental Conservation to deny the Water Quality Certification permit for the construction of the Northeast Supply Enhancement pipeline through New York Harbor. The Committee previously held a hearing on this resolution on April 15, 2019, and received testimony from Con Edison, the New York City Mayor’s Office of Recovery and Resiliency, energy experts, environmental advocates, and interested members of the public.

More information about these bills is available with the materials for that hearing, which can be accessed online at <http://legistar.council.nyc.gov/>.

## **II. PROPOSED INT. NO. 276-A**

Proposed Int. No. 276-A would adjust the green roof requirements established by Int. No. 1032-A for certain buildings that are 5 stories or less in height. It would also require the Department of Housing Preservation and Development (HPD) to study the impact that compliance with Proposed Int. No. 1032-A would have on the affordability of housing in buildings receiving certain tax exemptions or owned by HPD. Finally, this bill would provide for adjusting the requirements of Proposed Int. No. 1032-A for certain buildings (e.g. buildings receiving certain tax exemptions or owned by HPD) for a period of 5 years. This local law would take effect upon the effective date of Int. No. 1032-A.

## **III. PROPOSED INT. NO. 1031-A**

Proposed Int. No. 1031-A would require the office of alternative energy to post and maintain links on its website to information regarding the installation of green roofs and other resources and materials regarding green roof systems. This local law would take effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

## **IV. PROPOSED INT. NO. 1032-A**

Proposed Int. No. 1032-A would require the installation of green roofs or solar photovoltaic electricity generating systems on the roofs of new construction and buildings undergoing certain major renovations. This local law would take effect 180 days after becoming law.

## **V. PROPOSED INT. NO. 1251-A**

Proposed Int. No. 1251-A would update the ranges for energy efficiency grades, which building owners are required to post pursuant to Local Law 33 of 2018. This local law would take effect immediately.

## **VI. PROPOSED INT. NO. 1252-A**

Proposed Int. No. 1252-A would establish a sustainable energy loan program for the purposes of providing certain building owners with funding for the installation of renewable energy systems or energy efficiency improvements. This local law would take effect immediately.

## **VII. PROPOSED INT. NO. 1253-C**

Proposed Int. No. 1253-C would establish the Office of Building Energy and Emissions Performance as well as greenhouse gas emissions limits for existing buildings. This bill would mandate that buildings in each certain occupancy group reduce their greenhouse emissions to get below an absolute target. The limits in the first compliance period, which must be met by 2024, were calculated so the highest emitting 20% of buildings in each occupancy group would be required to make some reduction in their greenhouse gas emissions. There would be several ways to reduce greenhouse gas emissions to comply with the bill, including through operational changes, building retrofits, the purchase of greenhouse gas offsets, the purchase of renewable energy credits, and the use of clean distributed energy resources. Clean distributed energy resources include any method of storing clean energy, including fuel cells. The limits in the second compliance period, between the years 2024 and 2029, were calculated so the highest emitting 75% of buildings in each occupancy group need to reduce their greenhouse gas emissions.

This bill would also create an advisory board, made up of a wide range of stakeholders, who will recommend ways to adapt and fine-tune the metric for 2030. The advisory board would complete reports and recommendations on particular issues, such as how to incentivize reduction of energy use during peak demand, and examine the potential feasibility of separate targets for base building and tenant-controlled energy systems. The advisory board is also required to study other matters relating to emissions reduction, including how to ensure that higher education buildings are able to reduce emissions without increasing tuition costs.

Adjustments to the building emissions limit would be available if a building is unable to make reductions because of a legal limitation, such as its status as a landmark site, or a financial limitation, and if that building makes an effort to purchase greenhouse gas offsets, renewable energy credits, and participate in available grant and incentive programs. An institution that cannot participate for religious reasons in available financing, such as Property Assessed Clean Energy (PACE) financing, would not be considered reasonably able to participate in that financing program. A building may also apply for a percent reduction if that building is 40% over its greenhouse gas emissions limit, or if that building is a hospital. This bill would also include a study and implementation plan of carbon trading, to be completed in January of 2021.

This local law would take effect 180 days after it becomes law, except that the department shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules.

#### **VIII. PROPOSED INT. NO. 1317-A**

Proposed Int. No. 1317-A would clarify the Department of Buildings' (DOB) obligation to include wind energy generation in its toolbox of renewable energy technologies. It would also require DOB to develop or support standards and technologies and authorize the installation of large wind energy turbines and assemblies that are certified in appropriate locations. This local law would take effect one hundred and eighty days after it becomes law, except that the commissioner of buildings and the commissioner of environmental protection may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

#### **IX. PROPOSED INT. NO. 1318-A**

Proposed Int. No. 1318-A would mandate an assessment on the feasibility of replacing in-city gas fired power plants with battery storage powered by renewable sources by MOS or such other office as the mayor may designate. Such an assessment shall include when such replacement could take place, and a review of potential technologies for battery storage of energy. The assessment will be part of the long-term energy plan and shall be updated every four years. This local law would take effect immediately.

#### **X. RES. NO. 66**

Res. No. 66 calls upon the State Legislature to pass, and the Governor to sign, legislation that would increase the real property tax abatement for the installation of a green roof to \$15 per square foot.

#### **XI. PRECONSIDERED RES. NO. 845**

Preconsidered Res. No. 845 calls upon the New York State Department of Environmental Conservation to deny the Water Quality Certification permit for the construction of the Northeast Supply Enhancement pipeline through New York Harbor.

*The following is the text of the Fiscal Impact Statement for Int. No. 276-A:*



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

**PROPOSED INTRO. NO. 276-A**

**COMMITTEE:** Environmental Protection

**TITLE:** A Local Law to amend the New York city building code, in relation to requiring that the roofs of certain buildings be partially covered in green roof or solar photovoltaic electricity generating systems.

**SPONSORS:** Council Members Richards, Brannan, Rose, Espinal, Cohen, Rivera, Rosenthal, Rodriguez, Lander, and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 276-A would adjust the green roof requirements established by Int. No. 1032-A for buildings five stories or less. It would also require the Department of Housing Preservation and Development (“HPD”) to study the potential impact of compliance with the green roof requirements on the affordability of certain buildings. Finally, this bill would provide for adjusting the requirements of Int. No. 1032-A for certain buildings (e.g. buildings receiving certain tax exemptions or owned by HPD) for a period of five years.

**EFFECTIVE DATE:** This local law would take effect on the same date that a local law for the year 2019 amending the New York city building code, relating to requiring that the roofs of certain buildings be covered in green roofs or solar photovoltaic electricity generating systems, as proposed in introduction number 1032, takes effect, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as HPD will utilize existing resources to comply with this legislation.

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

**SOURCES OF INFORMATION:** City Council Finance Division  
Mayor's Office of City Legislative Affairs

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
 Crilhien R. Francisco, Unit Head  
 Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 276 on January 31, 2018 and referred to the Committee on Housing and Buildings. On July 20, 2018, the Council re-referred the legislation to the Committee on Environmental Protection. A hearing was held by the Committee on Environmental Protection on January 28, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 276-A, will be considered by the Committee on Environmental Protection on April 18, 2019. Upon a successful vote by the Committee on Environmental Protection, Proposed Intro. No. 276-A will be submitted to the full Council for a vote on April 18, 2019.

**DATE PREPARED:** April 10, 2019.

**(For text of the remaining bills with their Fiscal Impact Statement, please see the Report of the Committee on Environmental Protection for 1031-A, 1032-A, 1251-A, 1252-A, 1253-A, 1317-A, 1318-A, respectively, printed in these Minutes; for text of Res. No. 66 and preconsidered Res. No. 845, please see the voice-vote Resolutions Calendar of these Minutes; for text of Int. No. 276-A:)**

*Accordingly, this Committee recommends the adoption of Int. Nos, 276-A, 1031-A, 1032-A, 1251-A, 1252-A, 1253-A, 1317-A, Res. No. 66, and Preconsidered Res. No. 845.*

**(The following is the text of Int. No. 276-A:)**

Int. No. 276-A

By Council Members Richards, The Speaker (Council Member Johnson), Brannan, Rose, Espinal, Cohen, Rivera, Rosenthal, Rodriguez, Lander, Kallos, Chin, Gibson, Menchaca, King and Levin.

**A Local Law to amend the New York city building code, in relation to requiring that the roofs of certain buildings be partially covered in green roof or solar photovoltaic electricity generating systems**

*Be it enacted by the Council as follows:*

Section 1. Item 1 of section BC 1511.2 of the New York city building code, as added by a local law for the year 2019 amending the New York city building code, relating to requiring that the roofs of certain buildings be covered in green roofs or solar photovoltaic electricity generating systems, as proposed in introduction number 1032, is amended to read as follows:

1. A contiguous area of a sustainable roofing zone measuring less than 200 square feet (18.5 m<sup>2</sup>), *or in the case of a building five stories or less in height where the main use or dominant occupancy is classified as Group R, such an area measuring less than 100 square feet (9.20 m<sup>2</sup>)*, shall be equipped with at least a solar photovoltaic electricity generating system if such system would accommodate at least 4kW of solar photovoltaic electricity generating capacity, as determined by the department; and

§ 2. a. The department of housing preservation and development shall study the potential impact of compliance with section 1511.2 of the New York city building code on affordability in connection with construction or renovation of (i) buildings with one or more dwelling units for which occupancy or initial occupancy is restricted based upon the income of the occupant or prospective occupant as a condition of (A) a loan, grant, tax exemption or conveyance of property from any state or local governmental entity pursuant to the private housing finance law or the general municipal law, or (B) a tax exemption pursuant to section 420-c of the



real property tax law, (ii) buildings subject to the alternative enforcement program pursuant to section 27-2153 of the administrative code of the city of New York, and (iii) buildings owned by the department of housing preservation and development. Such department shall the results of such study report to the mayor and the speaker of the city council no later than 4 years after the effective date of this section. Such report shall include particularized recommendations for cost-effective pathways for these buildings to comply with section 1511.2 of the New York city building code, and whether the exemption provided for by subdivision b of this section should be continued to maintain affordability.

b. For a period of 5 years after the effective date of this section, buildings described in subdivision a of this section shall only be required to comply with section 1511.2 of the New York city building code to the extent determined by the department of housing preservation and development based on considerations of affordability or financial viability. Five years after the effective date of this section, all such buildings shall be required to comply with section 1511.2 of the New York city building code.

§ 3. This local law takes effect on the same date that a local law for the year 2019 amending the New York city building code, relating to requiring that the roofs of certain buildings be covered in green roofs or solar photovoltaic electricity generating systems, as proposed in introduction number 1032, takes effect, except that the commissioner of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to its effective date.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., KALMAN YEGER; Committee on Environmental Protection, April 18, 2019.

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

Report for Int. No. 1031-A

**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to posting information regarding green roofs on the website of the department of buildings**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on July 18, 2018 (Minutes, page 2881), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 276-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1031-A:*



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

**PROPOSED INTRO. NO. 1031-A**

**COMMITTEE:** Environmental Protection

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to posting information regarding green roofs on the website of the department of buildings.

**SPONSORS:** Council Members Espinal, Constantinides, Levine, Yeger, Ampy-Samuel, Cohen, Rivera, Lander and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1031-A would require the office of alternative energy to post and maintain links on its website to information regarding the installation of green roofs and other resources and materials regarding green roof systems.

**EFFECTIVE DATE:** This local law would take effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 1031-A because the relevant City agencies would utilize existing resources to fulfill the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
Cirilhien R. Francisco, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1031 on July 18, 2018 and referred to the Committee on Environmental Protection. A hearing was held by the Committee on Environmental Protection on January 28, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1031-A, will be considered by the Committee on Environmental Protection on April 18, 2019. Upon a successful vote by the Committee on Environmental Protection, Proposed Intro. No. 1031-A will be submitted to the full Council for a vote on April 18, 2019.

**DATE PREPARED:** April 10, 2019.

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

**(The following is the text of Int. No. 1031-A:)**

Int. No. 1031-A

By Council Members Espinal, The Speaker (Council Member Johnson), Constantinides, Levine, Yeger, Ampry-Samuel, Cohen, Rivera, Lander, Kallos, Chin, Brannan, Gibson, Menchaca, Ayala, King, Rosenthal and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to posting information regarding green roofs on the website of the department of buildings**

*Be it enacted by the Council as follows:*

Section 1. Section 28-103.30 of the New York city administrative code, as added by local law 196 for the year 2017, is renumbered section 28-103.29.1.

§ 2. Sections 28-103.31, 28-103.31.2 and 28-103.31.3 of the New York city administrative code, as added by local law 233 for the year 2017, are renumbered sections 28-103.33, 28-103.33.2 and 28-103.33.3, respectively.

§ 3. Section 28-103.31.1 of the New York city administrative code, as added by local law 233 for the year 2017, is amended to read as follows:

**§ [28-103.31.1 Definition] 28-103.33.1 Definitions.** As used in this section, the [term "alternative energy project" means construction] *following terms have the following meaning:*

**ALTERNATIVE ENERGY PROJECT.** *Construction* work on a building[, as such term is defined in section 28-101.5 of the administrative code,] that will result in such building having at least 50 kilowatts of alternative energy capacity installed onsite from:

1. A qualified energy resource, as such term is defined in section 45 of title 26 of the United States code; or
2. A source that is determined to be renewable by the commissioner or the head of another agency designated by the mayor.

**GREEN ROOF SYSTEM.** *See section 1502.1 of the New York city building code.*

§ 4. Section 28-103.31.4 of the New York city administrative code, as added by local law 233 for the year 2017, is amended to read as follows:

§ [28-103.31.4] **28-103.33.4 Posting of information.** The office of alternative energy shall maintain a website and shall post on such website the contact information for such office and a statement indicating that any person may contact such office if such person has a comment, question or complaint with respect to such office.

*§ 28-103.33.4.1 Information regarding installation of green roof systems. The office of alternative energy shall further post and maintain links on its website to information regarding the installation of green roof systems and other resources and materials regarding green roof systems.*

§ 5. This local law takes effect 120 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., KALMAN YEGER; Committee on Environmental Protection, April 18, 2019.

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

Report for Int. No. 1032-A

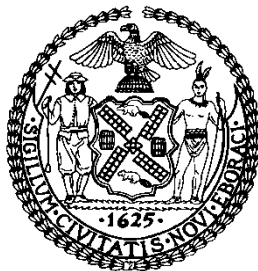
**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring that the roofs of certain buildings be covered in green roofs or solar photovoltaic electricity generating systems**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on July 18, 2018 (Minutes, page 2882), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 276-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1032-A:*



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

**PROPOSED INTRO. NO. 1032-A**

**COMMITTEE: Environmental Protection**

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**TITLE:** A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring that the roofs of certain buildings be covered in green roofs or solar photovoltaic electricity generating systems.

**SPONSORS:** Council Members Espinal, Levin, Constantinides, Richards, Levine, Ampry-Samuel, Cohen, Rivera, Rosenthal, Rodriguez, Lander and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1032-A would require the installation of green roofs or solar photovoltaic electricity generating systems on the roofs of certain buildings in the City.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law, except that the commissioner of buildings shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 1032-A because the relevant City agencies would utilize existing resources to fulfill the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
Crielhien R. Francisco, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1032 on July 18, 2018 and referred to the Committee on Housing and Buildings. On July 20, 2018, the Council re-referred the legislation to the Committee on Environmental Protection. A hearing was held by the Committee on Environmental Protection on January 28, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1032-A, will be considered by the Committee on Environmental Protection on April 18, 2019. Upon a successful vote by the Committee on Environmental Protection, Proposed Intro. No. 1032-A will be submitted to the full Council for a vote on April 18, 2019.

**DATE PREPARED:** April 10, 2019.

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

**(The following is the text of Int. No. 1032-A:)**

Int. No. 1032-A

By Council Members Espinal, The Speaker (Council Member Johnson), Levin, Constantinides, Richards, Levine, Ampy-Samuel, Cohen, Rivera, Rosenthal, Rodriguez, Lander, Kallos, Chin, Brannan, Gibson, Menchaca, King and Ayala.

**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 that the roofs of certain buildings be covered in green roofs or solar photovoltaic electricity generating systems**

*Be it enacted by the Council as follows:*

Section 1. Exception 12 of section 28-101.4.3 of title 28 of the administrative code of the city of New York is amended by adding a new exception 12.4 to read as follows:

*12.4 Sustainable roofs. Work involving the replacing of an entire existing roof deck or roof assembly shall comply with section 1511.2 of the New York city building code.*

§ 2. Section BC 1502.1 of the New York city building code is amended by adding a new definition of “sustainable roofing zone” in alphabetical order to read as follows:

**SUSTAINABLE ROOFING ZONE.** *Areas of a roof assembly where a solar photovoltaic electricity generating system, a green roof system, or a combination thereof, is installed.*

§ 3. Section BC 1504.9 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**1504.9 Reflectance.** Roof coverings on roofs or setbacks with slope equal to or less than two units vertical in 12 units horizontal (17 percent) shall have:

1. A minimum initial solar reflectance of 0.7 in accordance with ASTM C 1549 or ASTM E 1918, and a minimum thermal emittance of 0.75 as determined in accordance with ASTM C 1371 or ASTM E 408; or
2. A minimum SRI of [78] 82 as determined in accordance with ASTM E 1980.

*Roof coverings on roofs or setbacks with slope greater than two units vertical in 12 units horizontal (17 percent) shall have:*

1. *A minimum initial solar reflectance of 0.25 in accordance with ASTM C 1549 or ASTM E 1918, and a minimum thermal emittance of 0.75 as determined in accordance with ASTM C 1371 or ASTM E 408; or*
2. *A minimum SRI of 39 as determined in accordance with ASTM E 1980.*

**Exceptions:**

1. Terraces on setbacks comprising less than 25 percent of the area of the largest floor plate in the building.
  2. Any portion of a roof covered by a green roof system, including such a system with agricultural plantings, in compliance with Section 1507.16.
  3. Any portion of a roof used as outdoor recreation space by the occupants of the building that is landscaped, covered by wood decking or covered with a walking surface or other protective surface, provided that such walking surface or protective surface has a minimum initial solar reflectance of 0.3 as determined in accordance with ASTM C 1549 or ASTM E 1918.
  4. Ballasted roofs, provided that the ballast has a minimum initial solar reflectance of 0.2 as determined in accordance with ASTM C 1549 or ASTM E 1918.
  5. Any portion of a roof that is under mechanical equipment, [flush mounted solar panels lying directly on the roof surface,] duckboarding, decking, platform, roof tank, cooling tower or any other rooftop structure or equipment exempted by rule by the commissioner.
  6. Any roof or portion of a roof composed of glass, metal, clay or concrete tile or plastic/rubber intended to simulate clay or concrete tile, wood, or slate.
7. Any roof, if the amount of rooftop space not subject to exceptions 1 through 7 is in the aggregate less than 100 square feet (9.3 m<sup>2</sup>).

§ 4. Section BC 1511 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**SECTION BC 1511**

**SOLAR PHOTOVOLTAIC PANELS/MODULES  
AND REQUIRED SUSTAINABLE ROOFING ZONES**

**1511.1 Solar photovoltaic panels/modules.** Solar photovoltaic panels/modules installed upon a roof or as an integral part of a roof assembly shall comply with the requirements of this code and the *New York City Fire Code*.

**1511.1.1 Structural fire resistance.** The structural frame and roof construction supporting the load imposed upon the roof by the photovoltaic panels/modules shall comply with the requirements of Table 601.

**1511.2 Sustainable roofing zone.** *A sustainable roofing zone shall be required on 100 percent of the roof. For such sustainable roofing zone:*

1. *A contiguous area of a sustainable roofing zone measuring less than 200 square feet (18.5 m<sup>2</sup>) shall be equipped with at least a solar photovoltaic electricity generating system if such system would accommodate at least 4kW of solar photovoltaic electricity generating capacity, as determined by the department; and*

2. *A sustainable roofing zone with a slope less than or equal to two units vertical in 12 units horizontal (17 percent) that would accommodate less than 4kW of solar photovoltaic electricity generating capacity, as determined by the department, shall be equipped with at least a green roof system.*

***Exceptions:***

1. *Areas required to be set aside for setbacks or access pursuant to the New York City Fire Code, the New York City Construction Codes, or the Zoning Resolution of the City of New York.*
2. *Areas occupied by rooftop structures, mechanical equipment, towers, parapets, guardrails, solar thermal systems, and appurtenances.*
2. *Areas occupied by obstructions related to stormwater management practices including, but not limited to, cisterns, or reuse systems that are installed to comply with site connection or stormwater construction permits issued by the department of environmental protection.*
3. *Terraces on setbacks comprising less than 25 percent of the area of the largest floor plate in the building.*
4. *Recreational spaces that are principal to the use of the building on which the rooftop is located.*
5. *A roof assembly with a slope greater than two units vertical in 12 units horizontal (17 percent) that would accommodate less than 4kW of solar photovoltaic electricity generating capacity.*
6. *Areas where site conditions are determined by the department to be unfavorable to either a solar photovoltaic electricity generating system or a green roof system.*

§ 5. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., KALMAN YEGER; Committee on Environmental Protection, April 18, 2019.

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

Report for Int. No. 1251-A

**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a building energy efficiency grade.**

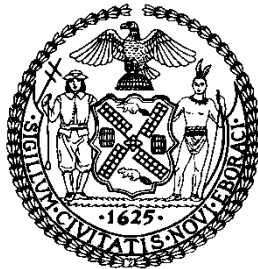
The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4526), respectfully



**REPORTS:**

(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 276-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1251-A:*



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

**PROPOSED INTRO. NO. 1251-A**

**COMMITTEE:** Environmental Protection

**TITLE:** A Local Law amend the administrative code of the city of New York, in relation to a building energy efficiency grade.  
**SPONSORS:** Council Members Cohen, Levine, Brannan, Ampry-Samuel, Espinal Jr., Levin and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1251-A would update the ranges for energy efficiency grades.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 1251-A.

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

**SOURCES OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
 Crilhien R. Francisco, Unit Head  
 Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1251 on November 28, 2018 and referred to the Committee on Environmental Protection (Committee). A hearing was held by the Committee on December 4, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1251-A, will be considered by the Committee on April 18, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1251-A will be submitted to the full Council for a vote on April 18, 2019.

**DATE PREPARED:** April 10, 2019.

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

**(The following is the text of Int. No. 1251-A:)**

Int. No. 1251-A

By Council Members Cohen, The Speaker (Council Member Johnson), Levine, Brannan, Ampry-Samuel, Espinal, Levin, Kallos, Chin, Gibson, Rivera, King, Ayala and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to a building energy efficiency grade**

*Be it enacted by the Council as follows:*

Section 1. The definition of “energy efficiency grade” in section 28-309.12.1 of the administrative code of the city of New York, as added by local law number 33 for the year 2018, is amended to read as follows:

**ENERGY EFFICIENCY GRADE.** The term “energy efficiency grade” means, for a covered building, a grade based on an energy efficiency score assigned through the benchmarking tool in accordance with this section as follows:

1. If such score is equal to or greater than [90] 85 the energy efficiency grade shall be A;
2. If such score is equal to or greater than [50] 70 but less than [90] 85, the energy efficiency grade shall be B;
3. If such score is equal to or greater than [20] 55 but less than [50] 70, the energy efficiency grade shall be C;
4. If such score is less than [20] 55, the energy efficiency grade shall be D;
5. If the owner of such building has not complied with section 28-309.12.2, and such owner has had an opportunity to be heard with respect to such non-compliance, the energy efficiency grade shall be F; and
6. If, in accordance with the rules of the department, it is not feasible to obtain an energy efficiency score for such building or if such building is subject to the exception in section 28-309.8, the energy efficiency grade shall be N.

§ 2. This local law takes effect immediately.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., KALMAN YEGER; Committee on Environmental Protection, April 18, 2019.

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

Report for Int. No. 1252-A

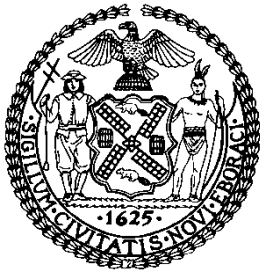
**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a sustainable energy loan program.**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4527), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 276-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1252-A:*



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

**PROPOSED INTRO. NO. 1252-A**

**COMMITTEE:** Environmental Protection

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to establishing a sustainable energy loan program.

**SPONSORS:** Council Members Constantinides, the Speaker (Council Member Johnson), Cumbo, Richards, Lander, Ampry-Samuel, Yeger, Espinal, Brannan, Levin, and Kallos, (in conjunction with the Mayor).

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1252-A would establish a sustainable energy loan program, called the Property Assessed Clean Energy (PACE) program, for the purposes of providing certain building owners with funding for the installation of renewable energy systems or energy efficiency improvements.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$320,000	\$320,000
<b>Net</b>	\$0	(\$320,000)	(\$320,000)

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be an impact of \$320,000 per year resulting from the enactment of Proposed Intro. 1252-A. The NYC Mayor's Office of Sustainability (MOS) selected non-profit NYCEEC as the third-party administrator of the PACE program on behalf of the City. PACE is a financing program that will allow private lenders to make loans directly to building owners. MOS expects to hire one Senior Policy Advisor to supervise the program and initiatives related to financing energy efficiency, budgeted at \$90,000 per year. The funding for the financing will not come from City tax levy money, rather it will be funded using federal or State money. Therefore, the costs for the City to implement the requirements of this legislation are administrative costs. It is estimated that the cost for NYEEC to administer the loan program will be approximately \$230,000 in OTPS cost per year until Fiscal 2026, when loan origination fees are expected to cover the administrative costs.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCES OF INFORMATION:** City Council Finance Division  
Mayor's Office of City Legislative Affairs

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
Cirilhien R. Francisco, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1252 on November 28, 2018 and referred to the Committee on Environmental Protection. A hearing was held by the Committee on Environmental Protection on December 4, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1252-A, will be considered by the Committee on Environmental Protection on April 18, 2019. Upon a successful vote by the Committee on Environmental Protection, Proposed Intro. No. 1252-A will be submitted to the full Council for a vote on April 18, 2019.

**DATE PREPARED:** April 10, 2019.

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

**(The following is the text of Int. No. 1252-A:)**

Int. No. 1252-A

By Council Members Constantinides, The Speaker (Council Member Johnson), Cumbo, Richards, Lander, Ampry-Samuel, Yeager, Espinal, Brannan, Levin, Kallos, Chin, Gibson, Menchaca, Rivera, King, Ayala and Rosenthal (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a sustainable energy loan program**

*Be it enacted by the Council as follows:*

Section 1. Title 11 of the administrative code of the city of New York is amended by adding a new chapter 30 to read as follows:

*CHAPTER 30  
NEW YORK CITY SUSTAINABLE ENERGY LOAN PROGRAM*

*§ 11-3001 Definitions. As used in this chapter, the following terms have the following meanings:*

*Administering agency. The term “administering agency” means an agency or office designated by the mayor, pursuant to section 11-3008, to implement, administer and enforce the provisions of this chapter.*

*Authority. The term “authority” means the New York state energy research and development authority, as defined by subdivision two of section eighteen hundred fifty-one of the public authorities law, or its successor.*

*Credit support. The term “credit support” means the use of (i) direct loans, (ii) letters of credit, (iii) loan guarantees or (iv) insurance products, in any combination, and the purchase of or commitment to purchase, or the sale of or commitment to sell, debt instruments, including subordinated securities.*

*Energy audit. The term “energy audit” means a formal evaluation of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the authority, or certified by a certifying entity approved by the authority for purposes of article 5-L of the general municipal law, or certified by the administering agency, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.*

*Energy efficiency improvement. The term “energy efficiency improvement” means any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the authority. However, “energy efficiency improvement” shall not include lighting measures or household appliances that are not permanently fixed to real property.*

*Loan. The term “loan” means a loan made pursuant to the program.*

*Program. The term “program” means the sustainable energy loan program established by this chapter.*

*Renewable energy system. The term “renewable energy system” means an energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the owner of real property is a commercial entity, by means of a solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the authority not including the combustion or pyrolysis of solid waste.*

*Renewable energy system feasibility study. The term “renewable energy system feasibility study” means a written study, conducted by a contractor certified by the authority, or certified by an entity approved by the authority for purposes of article 5-L of the general municipal law, or certified by the administering agency, for the purpose of determining the feasibility of installing a renewable energy system.*

*§ 11-3002 Sustainable energy loan program. Pursuant to the authority granted by section 119-gg of the general municipal law, there is hereby established a sustainable energy loan program. The administering agency may implement the program using federal grant assistance or federal credit support or monies from the state of New York or any state authority as defined by section 2 of the public authorities law available for this purpose. The administering agency may enter into an agreement with one or more for-profit or not-for-profit corporations to manage or assist in the implementation, administration and enforcement of the program. Any fees imposed on an owner of real property by a for-profit or not-for-profit corporation managing or assisting in the implementation, administration and enforcement of the program to recoup any such corporation’s administrative costs shall be subject to approval by the administering agency.*

*§ 11-3003 Loans. The program may make loans to the owners of real property located within the city to finance the installation of renewable energy systems and energy efficiency improvements, related energy*

*audits and renewable energy system feasibility studies, and the verification of the installation of such systems and improvements.*

*§ 11-3004 Loan conditions. a. Every loan shall be repaid over a term not to exceed the weighted average of the useful life of such systems and improvements as determined by the administering agency. The administering agency shall set a fixed rate of interest for the repayment of the principal amount of each loan at the time the loan is made.*

*b. For loans made to an owner of real property that is a commercial entity, not-for-profit organization, or entity other than an individual, the administering agency shall have the authority to impose requirements on the maximum amount that may be borrowed through such loan, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.*

*c. For loans made to an owner of real property who is an individual, the principal amount of each loan made under the program, excluding interest, shall not exceed the lesser of 10 percent of the appraised real property value of the real property benefitted by such loan or the actual cost of installing the renewable energy system and energy efficiency improvements, including the costs of necessary equipment, materials, and labor, the costs of each related energy audit and renewable energy system feasibility study, and the cost of verification of such renewable energy system and energy efficiency improvements.*

*d. No loan shall be made for energy efficiency improvements unless determined to be appropriate through an energy audit, and no such loan shall be made for a renewable energy system unless determined to be feasible through a renewable energy system feasibility study.*

*e. No loan shall be made unless the administering agency, any corporation managing or assisting in the implementation, administration and enforcement of the program pursuant to section 11-3002 and any lender to the program have agreed to the subordination of such lender's rights under the loan, including the subordination of the payment of any lien arising from the loan to the payment of all other liens and encumbrances on such real property arising out of taxes and assessments, sewer rents, sewer surcharges, water rents, other city charges and interest or penalty thereon levied or charged pursuant to law or rule.*

*f. No loan shall be made to an owner of real property that has unpaid civil penalties or taxes or other debt owed to the city that is delinquent.*

*§ 11-3005 Repayment. a. A loan shall constitute a lien upon the real property benefitted by such loan.*

*b. A loan shall be repaid by the property owner through a charge on the real property benefitted by such loan. Such charge shall be on the real property and shall be levied and collected at the same time and in the same manner as municipal taxes, provided that such charge shall be separately listed on the tax bill. Any partial payment of charges separately listed on the tax bill shall be allocated to payment of taxes and assessments, sewer rents, sewer surcharges, water rents, any other city charges and interest or penalty thereon levied or charged pursuant to law or rule before payment shall be allocated to any loan.*

*c. In the event such charge is not paid when due, such unpaid charge shall be subject to the provisions of chapters 3 and 4 of this title and other related provisions of the charter and administrative code.*

*§ 11-3006 Reporting. The administering agency shall annually verify and report on the installation and performance of renewable energy systems and energy efficiency improvements financed by the program in such form and manner as the authority may establish.*

*§ 11-3007 Rulemaking. The administering agency shall promulgate rules to implement this program. Such rules shall include, but need not be limited to, eligibility criteria for loans, terms and conditions for repayment of such loans and reporting and filing requirements related to such loans. Such rules shall also include criteria for persons to be certified pursuant to the program for purposes of conducting energy audits and renewable energy system feasibility studies, which shall be at least as stringent as the criteria for certification adopted by the authority for the purposes of article 5-L of the general municipal law.*

*§ 11-3008 Designation of administering agency. The mayor shall, in writing, designate one or more offices or agencies to implement, administer and enforce the provisions of this chapter and may, from time to time at the mayor's discretion, change such designation. Within 10 days after such designation or change thereof, a copy of such designation or change thereof shall be published on the website of each such office or agency, and shall be electronically submitted to the speaker of the council.*

*§ 2. This local law takes effect immediately.*

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., KALMAN YEGER; Committee on Environmental Protection, April 18, 2019.

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

Report for Int. No. 1253-A

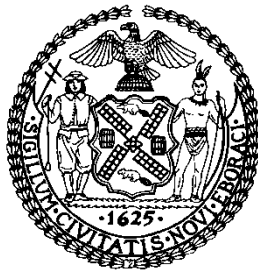
**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the commitment to achieve certain reductions in greenhouse gas emissions by 2050**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on November 28, 2018 (Minutes, page 4529), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 276-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1253-A:*



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

**PROPOSED INTRO. NO. 1253-C**

**COMMITTEE:** Environmental Protection

**TITLE:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the commitment to achieve certain reductions in greenhouse gas emissions by 2050.

**SPONSORS:** Council Member Constantinides, the Speaker (Council Member Johnson) and Council Members Torres, Kallos, Rosenthal, Levin, Rivera, Koo, Powers, Levine, Reynoso, Richards, Salamanca, Menchaca, Chin, Lander, Ampy-Samuel, Ayala, Cumbo, Rose, Brannan, the Public Advocate (Mr. Williams), Espinal, Lancman, Rodriguez, Dromm, Gibson, Treyger, Cornegy, Van Bramer, Moya, Holden, Cohen, Eugene, Barron, Adams, Koslowitz, and Cabrera.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1253-C would establish the Office of Building Energy and Emissions Performance at the Department of Building (DOB) as well as limit greenhouse gas emissions for existing buildings. This bill would also expand existing retro-commissioning requirements to certain buildings over 25,000 square feet.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law, except that prior to such effective date the department of buildings and the office of long term planning and sustainability may take such measures as are necessary for the implementation of this local law, including the promulgation of rules.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$450,000	\$450,000
<b>Net</b>	\$0	(\$450,000)	(\$450,000)

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would \$450,000 in expenditures resulting from the enactment of Proposed Intro. 1253-C for the creation of the Office of Building Energy and Emissions Performance. DOB would be need to hire approximately four to five positions to support the responsibilities of this new office. It is expected that the City will incur capital costs related to retrofitting city-owned buildings.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
Cirilhien R. Francisco, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1253 on November 28, 2018 and referred to the Committee on Environmental Protection. A hearing was held by the Committee on Environmental Protection on December 4, 2018 and the legislation was laid over. The legislation was subsequently amended three times and the amended legislation, Proposed Intro. No. 1253-C, will be considered by the Committee on Environmental Protection on April 18, 2019. Upon a successful vote by the Committee on Environmental Protection, Proposed Intro. No. 1253-C will be submitted to the full Council for a vote on April 18, 2019.

**DATE PREPARED:** April 10, 2019.

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

**(The following is the text of Int. No. 1253-C:)**



## Int. No. 1253-C

By Council Member Constantinides, The Speaker (Council Member Johnson) and Council Members Torres, Kallos, Rosenthal, Levin, Rivera, Koo, Powers, Levine, Reynoso, Richards, Salamanca, Menchaca, Chin, Lander, Ampry-Samuel, Ayala, Cumbo, Rose, Brannan, the Public Advocate (Mr. Williams), Espinal, Rodriguez, Lancman, Dromm, Gibson, Treyger, Cornegy, Van Bramer, Moya, Holden, Cohen, Eugene, Barron, Adams, Koslowitz, Cabrera and King.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the commitment to achieve certain reductions in greenhouse gas emissions by 2050**

*Be it enacted by the Council as follows:*

Section 1. Chapter 26 of the New York city charter is amended by adding a new section 651 to read as follows:

§ 651. *Office of building energy and emissions performance. a. There shall be in the department an office of building energy and emissions performance. The office shall be headed by a director, who is a registered design professional, who shall be appointed by and shall report to the commissioner. The duties of the office shall include, but not be limited to:*

1. *Overseeing implementation of building energy and emissions performance laws and policies for existing buildings, new construction and major renovations;*
2. *Establishing or administering protocols for assessing annual energy use in buildings;*
3. *Monitoring buildings' energy use and emissions, and reviewing building emissions assessment methodologies, building emissions limits, goals and timeframes to further the goal of achieving a 40 percent reduction in aggregate greenhouse gas emissions from covered buildings by calendar year 2030, relative to such emissions for the calendar year 2005;*
4. *Creating an online portal for the submission of annual building emissions assessments by owners;*
5. *Receiving and validating annual building emissions assessments;*
6. *Auditing building emissions assessments and inspecting covered buildings, as necessary, to ensure proper reporting;*
7. *Determining recommended penalties, including minimum penalties, for buildings that are noncompliant with applicable emissions limits;*
8. *Reviewing applications for alternative methods of compliance with building emissions limits, including adjustments of emissions limits, deductions for the purchase of greenhouse gas offsets or renewable energy credits, deductions for the use of distributed energy resources, and adjustments for special categories of buildings or for special use and occupancies;*
9. *Working in close coordination with the mayor's office of long-term planning and sustainability; receiving advice and recommendations, as applicable, from the advisory board established pursuant to section 28-320.2 of the administrative code; and*
10. *Ensuring the participation and cooperation of agencies, including but not limited to the department of environmental protection, the department of housing preservation and development and the department of citywide administrative services. Such participation and cooperation shall include, but not be limited to, detailing agency staff to assist office staff consistent with agency and office functions and reporting to the office on building energy performance issues and related enforcement efforts.*

§ 2. Subdivision e of section 24-802 of the administrative code of the city of New York, as added by local law number 22 for the year 2008, is amended to read as follows:

e. "City government operations" means [operations described in the Government Inventory Methodology and the Government Inventory Results sections of the Inventory of New York City Greenhouse Gas Emissions, dated April 2007] *operations, facilities, and other assets that are owned or leased by the city for which the city pays all or part of the annual energy bills.*

§ 3. Paragraph (1) of subdivision a of section 24-803 of the administrative code of the city of New York, as amended by local law number 66 for the year 2014, is amended to read as follows:

(1) Reduction of emissions citywide. There shall be, at minimum, a [thirty] 40 percent reduction in citywide emissions by calendar year 2030, and an [eighty] 80 percent reduction in citywide emissions by calendar year 2050, relative to such emissions for the base year for citywide emissions.

§ 4. Subdivision b of section 24-803 of the administrative code of the city of New York, as added by local law number 22 for the year 2008, is amended to read as follows:

b. (1) Reduction of emissions from city government operations. There shall be, at minimum, a [thirty] 40 percent reduction in city government emissions by [calendar] fiscal year [2017] 2025, and a 50 percent reduction in city government emissions by calendar year 2030, relative to such emissions for the base year for city government emissions.

(2) The emissions reduction required by paragraph [one] 1 of this subdivision shall be achieved through the applicable policies, programs and actions included in PlaNYC, *energy efficiency retrofits*, and any additional policies, programs and actions to reduce greenhouse gas emissions that contribute to global warming, *including methods to ensure equitable investment in environmental justice communities that preserve a minimum level of benefits for all communities and do not result in any localized increases in pollution*. If the office determines that such emissions reduction is not feasible despite the best efforts of city government operations, such office shall report such findings and make recommendations with respect to policies, programs and actions that may be undertaken to achieve such reductions.

(3) *Reduction of emissions by the New York city housing authority. The New York city housing authority shall make efforts to reduce greenhouse gas emissions by 40 percent by the year 2030 and 80 percent by the year 2050, relative to such emissions for calendar year 2005, for the portfolio of buildings owned or operated by the New York city housing authority. If the office determines that such emissions reduction is not feasible despite the best efforts of city government operations, such office shall report such findings and make recommendations with respect to policies, programs and actions that may be undertaken to achieve such reductions.*

§ 5. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 320 to read as follows:

**ARTICLE 320**  
**BUILDING ENERGY AND EMISSIONS LIMITS**

§ 28-320.1 *Definitions. As used in this article, the following terms shall have the following meanings:*

**BUILDING EMISSIONS.** *The term “building emissions” means greenhouse gas emissions as expressed in metric tons of carbon dioxide equivalent emitted as a result of operating a covered building and calculated in accordance with rules promulgated by the department in consultation with the mayor’s office of long term planning and sustainability. The term “building emissions” shall not include greenhouse gas emissions emitted during a local state of emergency declared by the mayor pursuant to section 24 of the executive law or a state of emergency declared by the governor pursuant to sections 28 of the executive law, where such local or state emergency has an impact on building emissions.*

**BUILDING EMISSIONS INTENSITY.** *The term “building emissions intensity” means, for a covered building, the number obtained by dividing the building emissions by the gross floor area for such building, expressed in metric tons of carbon dioxide equivalent per square foot per year.*

**CARBON DIOXIDE EQUIVALENT.** *The term “carbon dioxide equivalent” means the metric used to compare the emissions of various greenhouse gases based upon their global warming potential as defined in the Intergovernmental Panel on Climate Change Fifth Assessment Report (2014).*

**CITY BUILDING.** *The term “city building” means a building that is owned by the city or for which the city regularly pays all of the annual energy bills.*

**Exception:** *The term “city building” shall not include any senior college in the city university of New York system.*

**CLEAN DISTRIBUTED ENERGY RESOURCE.** *The term “clean distributed energy resource” means a distributed energy resource that (i) uses any of the following sources to generate electricity: hydropower, solar photovoltaics, geothermal wells or loops, tidal action, waves or water currents, and wind; or (ii) is designed and operated to store energy, including, but not limited to, batteries, thermal systems, mechanical systems, compressed air, and superconducting equipment.*

**COVERED BUILDING.** *The term “covered building” means, as it appears in the records of the department of finance, (i) a building that exceeds 25,000 gross square feet or (ii) two or more buildings on the same tax lot that together exceed 50,000 gross square feet (9290 m<sup>2</sup>), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 50,000 gross square feet (9290 m<sup>2</sup>).*

**Exceptions:**

1. *An industrial facility primarily used for the generation of electric power or steam.*
2. *Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.*
3. *A city building.*
4. *A housing development or building on land owned by the New York city housing authority*
5. *A rent regulated accommodation.*
6. *The real estate owned by any religious corporation located in the city of New York as now constituted, actually dedicated and used by such corporation exclusively as a place of public worship.*
7. *Real property owned by a housing development fund company organized pursuant to the business corporation law and article eleven of the private housing finance law.*

**DISTRIBUTED ENERGY RESOURCE.** *The term “a distributed energy resource” means a resource comprised of one or multiple units capable of generating or storing electricity, all at a single location that is directly or indirectly connected to an electric utility distribution system. The resource may serve all or part of the electric load of one or more customers at the same location, and it may simultaneously or alternatively transmit all or part of the electricity it generates or stores onto the electric distribution system for sale to or use by other customers at other locations.*

**GREENHOUSE GAS.** *The term “greenhouse gas” means a unit of greenhouse gas, including carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF<sub>6</sub>), and nitrogen trifluoride (NF<sub>3</sub>).*

**GREENHOUSE GAS OFFSET.** *The term “greenhouse gas offset” means a credit representing one metric ton of carbon dioxide equivalent emissions reduced, avoided, or sequestered by a project from a measured baseline of emissions and which has been verified by an independent, qualified third party in accordance with offset standards referenced by rules of the department.*

**FINANCIAL HARDSHIP (OF A BUILDING).** *The term “financial hardship (of a building)” means a building shall be considered to be subject to financial hardship where, for the combined two years prior to the application for an adjustment to annual building emissions limit pursuant to section 28-320.7, the building:*

1. *Had arrears of property taxes or water or wastewater charges that resulted in the property's inclusion on the department of finance's annual New York city tax lien sale list;*
2. *Is exempt from real property taxes pursuant to sections 420-a, 420-b, 446 or 462 of the real property tax law and applicable local law and the owner had negative revenue less expenses as certified to the department by a certified public accountant, or by affidavit under penalties of perjury; or*
3. *Had outstanding balances under the department of housing preservation and development's emergency repair program that resulted in the property's inclusion on the department of finance's annual New York city tax lien sale list.*

**METRIC TONS OF CARBON DIOXIDE EQUIVALENT.** *The term “metric tons of carbon dioxide equivalent” means the global standard unit in carbon accounting to quantify greenhouse gas emissions, also expressed as tCO<sub>2e</sub>.*

**RENEWABLE ENERGY CREDIT.** *The term “renewable energy credit” means a certificate representing the environmental, social and other non-power attributes of one megawatt-hour of electricity generated from a renewable energy resource, which certificate is recognized and tradable or transferable within national renewable energy markets or the New York generation attribute tracking system. This term also means the environmental, social, and other non-power attributes of one megawatt-hour of electricity generated from a hydropower resource that does not trade or transfer renewable energy certificates for those hydropower resources in any renewable energy market or via the New York generation attribute tracking system, provided that the hydropower resource owner certifies the amount of energy produced in each reporting year and that it has not sold the non-power attributes equal to its energy production more than once.*

**RENT REGULATED ACCOMMODATION.** *The term “rent regulated accommodation” means a building (i) containing one or more dwelling units with a legal regulated rent pursuant to the emergency tenant protection act of 1974, the rent stabilization law of 1969 or the local emergency housing rent control act of 1962, (ii) containing one or more dwelling units required by law to be registered and regulated pursuant to the emergency tenant protection act of 1974 or the rent stabilization law of 1969, (iii) buildings developed with subsidies received pursuant to section 1701q of title 12 of the United States code and (iv) buildings participating in a project-based assistance program pursuant to section 1473f of title 42 of the United States code.*

**§ 28-320.2 Advisory board.** *There shall be an advisory board convened, by the office of building energy and emissions performance upon the effective date of this article, in January of 2029 and in January of 2039, to provide advice and recommendations to the commissioner and to the mayor’s office of long term planning and sustainability relating to effectively reducing greenhouse gas emissions from buildings. Such recommendations shall include, but not be limited to:*

1. *A report and recommendations to be delivered to the mayor and the speaker of the city council no later than January 1, 2023 for additional or improved approaches to assessing building energy performance. Such report shall include, but not be limited to:*

- 1.1. *An approach for buildings to submit energy use or greenhouse gas emissions and other information for the purpose of assessing energy performance of covered buildings;*
- 1.2. *A methodology that includes the metric of measure, adjustments to the metric, the approach to comparing the output to a benchmark, alternative compliance paths, credit for beneficial electrification and distributed energy resources, and an approach for a trading mechanism as described in section 28-320.11;*
- 1.3. *Recommendations for addressing tenant-controlled energy usage;*
- 1.4. *Recommendations for amendments to the audit required under section 28-308.2 of the administrative code, including consideration of whether such audit should be replaced by a capital plan;*
- 1.5. *Recommendations for reducing building emissions from rent regulated accommodations;*
- 1.6. *Recommendations for allowing additional time to comply with the emissions limits for buildings converting to a new occupancy group or use with lower emissions limits or some other change in status that would affect applicability of the provisions of this article;*
- 1.7. *An evaluation of the extent to which the mayor's 80x50 energy infrastructure pathways study is incorporated and addressed within the recommendations made pursuant to items 1.1 through 1.6 of this section; and*
- 1.8. *A reference guide to delineate the responsibilities of the building designer and owners to comply with emissions limits.*
2. *A report to be delivered to the mayor and the speaker of the city council no later than January 1, 2023, providing an analysis of, and any recommendations for improving, energy and emissions performance requirements for covered buildings. Such recommendations shall be targeted to achieve at least a 40 percent reduction in aggregate greenhouse gas emissions from covered buildings by calendar year 2030 relative to such emissions for the calendar year 2005. Such report shall include, but not be limited to assessments of:*
  - 2.1. *Incentives for reduction of peak energy demand;*
  - 2.2. *Methods to allow for staggered reporting cycles for compliance with energy and emissions performance improvements;*
  - 2.3. *Methods for calculating penalties for non-compliance;*
  - 2.4. *Estimated emissions reductions associated with any recommended energy performance requirements;*
  - 2.5. *The economic impact, including benefits, of achieving the energy and emissions performance requirements;*
  - 2.6. *Methods for achieving earlier or larger reductions from city-owned buildings;*
  - 2.7. *Separate improvement targets for base building energy systems and tenant-controlled energy systems;*
  - 2.8. *Methods for achieving emissions reductions from manufacturing and industrial processes; and*

*2.9 Methods for achieving emissions reductions from hospitals while maintaining critical care for human health and safety.*

**§ 28-320.2.1 Advisory board composition.** *Such advisory board shall be staffed with registered design professionals and be composed of 16 members including the chairperson, 8 of the members of such advisory board shall be appointed by the mayor or the mayor's designee, and 8 of the members of such advisory board shall be appointed by the speaker of the council. The mayor shall appoint one architect, one operating engineer, one building owner or manager, one public utility industry representative, one environmental justice representative, one business sector representative, one residential tenant representative, and one environmental advocacy organization representative. The speaker shall appoint one architect, one stationary engineer, one construction trades representative, one green energy industry representative, one residential tenant representative, one environmental justice organization representative, one environmental advocacy representative and one not for profit organization representative. The director of such office, or the designee of such director, shall serve as chairperson of the advisory board. The advisory board may convene in working groups. Such working groups may include individuals not on such advisory board to address the recommendations required by this article. The mayor shall invite the appropriate federal, state and local agencies and authorities to participate, including but not limited to the New York state energy research and development authority. Such advisory board shall convene a working group on hospitals that shall be composed of engineers, architects, and hospital industry representatives.*

**§ 28-320.3 Building emissions limits.** *Except as otherwise provided in this article, or otherwise provided by rule, on and after January 1, 2024 a covered building shall not have annual building emissions higher than the annual building emissions limit for such building as determined in accordance with this section based on the occupancy group of the building.*

**§ 28-320.3.1 Annual building emissions limits 2024-2029.** *For calendar years 2024 through 2029 the annual building emissions limits for covered buildings shall be calculated pursuant to items 1 through 10 of this section. For the purposes of such calculation the department shall provide a method for converting categories of uses under the United States environmental protection agency Portfolio Manager tool to the equivalent uses and occupancy groups set forth in this section. For a covered building with spaces classified in more than one occupancy group, the annual building emissions limit shall be the sum of the calculated values from items 1 through 10 of this paragraph, as applicable for each space.*

- 1. For spaces classified as occupancy group A: multiply the building emissions intensity limit of 0.01074 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
- 2. For spaces classified as occupancy group B other than as described in item 6: multiply the building emissions intensity limit of 0.00846 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
- 3. For spaces classified as occupancy groups E and I-4: multiply the building emissions intensity limit of 0.00758 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
- 4. For spaces classified as occupancy group I-1: multiply the building emissions intensity limit of 0.01138 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
- 5. For spaces classified as occupancy group F: multiply the building emissions intensity limit of 0.00574 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*
- 6. For spaces classified as occupancy groups B civic administrative facility for emergency response services, B non-production laboratory, Group B ambulatory health care facility, H, I-2 and I-3: multiply the building emissions intensity limit of 0.02381 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);*

7. For spaces classified as occupancy group M: multiply the building emissions intensity limit of 0.01181 tCO<sub>2e</sub>/sf by the corresponding gross floor area (sf);
8. For spaces classified as occupancy group R-1: multiply the building emissions intensity limit of 0.00987 tCO<sub>2e</sub>/sf by the corresponding gross floor area (sf);
9. For spaces classified as occupancy group R-2: multiply the building emissions intensity limit of 0.00675 tCO<sub>2e</sub>/sf by the corresponding gross floor area (sf);
10. For spaces classified as occupancy groups S and U: multiply the building emissions intensity limit of 0.00426 tCO<sub>2e</sub>/sf by the corresponding gross floor area (sf).

**§ 28-320.3.1.1 Greenhouse gas coefficient of energy consumption for calendar years 2024 through 2029.** The annual building emissions of a covered building in accordance with this section, greenhouse gas emissions shall be calculated as follows for calendar years 2024 through 2029:

1. Utility electricity consumed on the premises of a covered building that is delivered to the building via the electric grid shall be calculated as generating 0.000288962 tCO<sub>2e</sub> per kilowatt hour, provided, however, that the department, in consultation with the office of long term planning and sustainability, shall promulgate rules governing the calculation of greenhouse gas emissions for campus-style electric systems that share on-site generation but make use of the utility distribution system and for buildings that are not connected to the utility distribution system.
2. Natural gas combusted on the premises of a covered building shall be calculated as generating 0.00005311 tCO<sub>2e</sub> per kbtu.
3. #2 fuel oil combusted on the premises of a covered building shall be calculated as generating 0.00007421 tCO<sub>2e</sub> per kbtu.
4. #4 fuel oil combusted on the premises of a covered building shall be calculated as generating 0.00007529 tCO<sub>2e</sub> per kbtu.
5. District steam consumed on the premises of a covered building shall be calculated as generating 0.00004493tCO<sub>2e</sub> per kbtu.
6. The amount of greenhouse gas emissions attributable to other energy sources, including but not limited to distributed energy resources, shall be determined by the commissioner and promulgated into rules of the department.

**§ 28-320.3.2 Building emissions limits for calendar years 2030 through 2034.** For calendar years 2030 through 2034 the annual building emissions limits for covered buildings shall be calculated pursuant to items 1 through 10 of this section. For the purposes of such calculation the department shall provide a method for converting categories of uses under the United States environmental protection agency Portfolio Manager tool to the equivalent uses and occupancy groups set forth in this section. For a covered building with spaces classified in more than one occupancy group, the annual building emissions limit shall be the sum of the calculated values from items 1 through 10 of this paragraph, as applicable for each space. The department may establish different limits, set forth in the rules of the department, where the department determines that different limits are feasible and in the public interest. Where such limits are set by rule, the average emission limits for all covered buildings shall not be less restrictive than the average emissions impact of the building emissions limits outlined in items 1 through 10 of this section. The advisory board and the office of long term planning and sustainability shall provide advice and recommendation regarding such limits.

1. For spaces classified as occupancy group A: multiply the building emissions intensity limit of 0.00420 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);
2. For spaces classified as occupancy group B other than as described in item 6: multiply the building emissions intensity limit of 0.00453 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);
3. For spaces classified as occupancy groups E and I-4: multiply the building emissions intensity limit of 0.00344 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);
4. For spaces classified as occupancy group I-1: multiply the building emissions intensity limit of 0.00598 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);
5. For spaces classified as occupancy group F: multiply the building emissions intensity limit of 0.00167 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);
6. For spaces classified as occupancy groups B civic administrative facility for emergency response services, B non-production laboratory, Group B ambulatory health care facility, H, I-2 or I-3: multiply the building emissions intensity limit of 0.01193 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);
7. For spaces classified as occupancy group M: multiply the building emissions intensity limit of 0.00403 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);
8. For spaces classified as occupancy group R-1: multiply the building emissions intensity limit of 0.00526 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);
9. For spaces classified as occupancy groups R-2: multiply the building emissions intensity limit of 0.00407 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf);
10. For spaces classified as occupancy groups S and U: multiply the building emissions intensity limit of 0.00110 tCO<sub>2</sub>e/sf by the corresponding gross floor area (sf).

**§ 28-320.3.2.1 Greenhouse gas coefficients of energy consumption for calendar years 2030 through 2034.** For the purposes of calculating the annual building emissions of a covered building in accordance with this section, the amount of greenhouse gas emissions attributed to particular energy sources shall be determined by the commissioner and promulgated into rules of the department by no later than January 1, 2023. The commissioner shall consult with the advisory board required by this article to develop such greenhouse gas coefficients for utility electricity consumption. When developing such coefficient, the commissioner shall consider factors including, but not limited to, the best available New York state energy research and development authority and State Energy Plan forecasts for Zone J for the end of the compliance period and beneficial electrification.

**§ 28-320.3.4 Building emissions limits for calendar years 2035 through 2050.** No later than January 1, 2023, the commissioner shall establish by rule annual building emissions limits and building emissions intensity limits applicable for calendar years 2035 through 2039 and building emissions limits and building emissions intensity limits applicable for calendar years 2040 through 2049. Such limits shall be set to achieve an average building emissions intensity for all covered buildings of no more than 0.0014 tCO<sub>2</sub>e/sf/yr by 2050.

**§ 28-320.3.5 Building emissions limits on and after calendar year 2050.** No later than January 1, 2023 the commissioner shall establish by rule annual building emissions limits and building emissions intensity limits applicable for calendar years commencing on and after January 1, 2050. Such limits shall achieve an average building emissions intensity for all covered buildings of no more than 0.0014 tCO<sub>2</sub>e/sf/yr.



**§ 28-320.3.6 Deductions from reported annual building emissions.** *The department may authorize a deduction from the annual building emissions required to be reported by an owner pursuant to section 28-320.3 where the owner demonstrates the purchase of greenhouse gas offsets or renewable energy credits, or the use of clean distributed energy resources, in accordance with this section.*

**§ 28-320.6.1 Deductions from reported annual building emissions for renewable energy credits.** *A deduction from the reported annual building emissions shall be authorized equal to the number of renewable energy credits purchased by or on behalf of a building owner, provided (i) the renewable energy resource that is the source of the renewable energy credits is considered by the New York independent system operator to be a capacity resource located in or directly deliverable into zone J load zone for the reporting calendar year; (ii) the renewable energy credits are solely owned and retired by, or on behalf of, the building owner; (iii) the renewable energy credits are from the same year as the reporting year; and (iv) the building that hosts the system producing the energy does not receive a deduction under § 28-320.6.3. Covered buildings claiming deductions for renewable energy credits under this section must provide the department with the geographic location of the renewable energy resource that created the renewable energy credits. The department, in consultation with the mayor's office of long term planning and sustainability, shall promulgate rules to implement this deduction.*

**§ 28-320.3.6.2 Deductions from reported annual building emissions for purchased greenhouse gas offsets.** *For calendar years 2024 through 2029, a deduction shall be authorized for up to 10 percent of the annual building emissions limit. Such a deduction shall be authorized only where within the reporting calendar year, greenhouse gas offsets equivalent to the size of the deduction as measured in metric tons of carbon dioxide equivalent and generated within the reporting calendar year have been (i) purchased by or on behalf of the owner in accordance with an offset standard referenced by rules of the department, (ii) publicly registered in accordance with such offset standard, and (iii) retired or designated to the department for retirement. Such greenhouse gas offsets must exhibit environmental integrity principles, including additionality, in accordance with rules promulgated by the department in consultation with the office of long term planning and sustainability. For the purposes of this section, additionality means a requirement that an offset project is not already required by local, national or international regulations. Prior to the department promulgation of rules, the department shall consult the advisory board on environmental justice as established in local law 64 of 2017.*

**§ 28-320.3.6.3 Deductions from reported annual building emissions for clean distributed energy resources.** *For calendar years 2024 through 2029, a deduction from the reported annual building emissions shall be authorized based upon the calculated output of a clean distributed energy resource located at, on, in, or directly connected to the building subject to the report. The department shall promulgate rules to set forth how such deduction shall be calculated, in accordance with the following:*

1. *For a clean distributed energy resource that generates electricity, the department shall establish separate calculations for each type of commercially available clean distributed energy resource, which shall not be revised more frequently than once every three years.*
2. *For a clean distributed energy resource that stores electricity, the deduction shall be based on the size of the resource and its ability to reduce greenhouse gas emissions during designated peak periods.*

**§ 28-320.3.7 Reports.** *By May 1, 2025, and by May 1 of every year thereafter, the owner of a covered building shall file with the department a report, certified by a registered design professional, prepared in a form and manner and containing such information as specified in rules of the department, that for the previous calendar year such building is either:*

1. *In compliance with the applicable building emissions limit established pursuant to section 28-320.3; or*
2. *Not in compliance with such applicable building emissions limit, along with the amount by which such building exceeds such limit.*

**§ 28-320.3.7.1 Extension of time to file report.** *An owner may apply for an extension of time to file an annual report required by section 28-320.3.7 in accordance with this section and the rules of the department. An extension may be granted where the owner is unable to file the certified report by the scheduled due date despite such owner's good faith efforts, as documented in such application. An extension granted pursuant to this section shall not modify the owner's obligation to comply with the applicable emission limits for such calendar year.*

**§ 28-320.3.8 Continuing requirements.** *In 2055, the office of building energy and emissions performance shall prepare and submit to the mayor and the speaker of the council recommendations whether to repeal or amend any of the requirements of this article.*

**§ 28-320.3.9 Extension for certain income-restricted housing.** *This section is applicable to covered buildings that are owned by a limited-profit housing company organized under article 2 of the private housing finance law, or contain one or more dwelling units for which occupancy or initial occupancy is restricted based upon the income of the occupant or prospective occupant thereof as a condition of a loan, grant, tax exemption, or conveyance of property from any state or local governmental agency or instrumentality pursuant to the private housing finance law, the general municipal law, or section 420-c of the real property tax law. Such buildings are exempted from the annual building emissions limits set forth in section 28-320.3.1 and 28-320.3.2 and from any applicable reporting requirements.*

**§ 28-320.3.10 Changes in building status.** *The department may establish by rule procedures for a building to apply for additional time to comply with the emissions limits when such building converts to a new occupancy group or use with lower emissions limits, or undergoes a change affecting the applicability of this article to such building.*

**§ 28-320.4 Assistance.** *The office of building energy and emissions performance shall establish and maintain a program for assisting owners of covered buildings in complying with this article, as well as expand existing programs established to assist owners in making energy efficiency and renewable energy improvements. These programs shall be made available to assist building owners without adequate financial resources or technical expertise.*

**§ 28-320.5 Outreach and education.** *The office of building energy and emissions performance shall establish and engage in outreach and education efforts to inform building owners about building emissions limits, building emissions intensity limits and compliance with this article. The materials developed for such outreach and education shall be made available on the office's website. Such outreach shall include a list of city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which buildings reasonably could be eligible. The office of building energy and emissions performance shall also provide outreach, education, and training opportunities for buildings' maintenance and operations staff.*

**§ 28-320.6 Penalties.** *An owner of a covered building who has submitted a report pursuant to section 28-320.3.7 which indicates that such building has exceeded its annual building emissions limit shall be liable for a civil penalty of not more than an amount equal to the difference between the building emissions limit for such year and the reported building emissions for such year, multiplied by \$268.*

**§ 28-320.6.1 Determination of penalty.** *In considering the amount of the civil penalty to be imposed pursuant to this article, a court or administrative tribunal shall give due regard to aggravating or mitigating factors including:*

1. *The respondent's good faith efforts to comply with the requirements of this article, including investments in energy efficiency and greenhouse gas emissions reductions before the effective date of this article;*
2. *The respondent's history of compliance with this article;*
3. *The respondent's compliance with the conditions of any adjustment to the applicable building emissions limit, issued by the department pursuant to section 28-320.7;*
4. *Whether the non-compliance was directly related to unexpected and unforeseeable events or conditions during the calendar year outside the control of the respondent;*
5. *The respondent's access to financial resources; and 6. Whether payment of such penalty would impact the operations of facilities critical to human life or safety .*

**§ 28-320.6.2 Civil penalty for failure to file report.** *It shall be unlawful for the owner of a covered building to fail to submit an annual report as required by section 28-320.3.7 on or before the applicable due date. An owner of a covered building subject to a violation for failure to file a report shall be liable for a penalty of not more than an amount equal to the gross floor area of such covered building, multiplied by \$0.50, for each month that the violation is not corrected within the 12 months following the reporting deadline; provided, however, that an owner shall not be liable for a penalty for a report demonstrating compliance with the requirements of this article if such report is filed within 60 days of the date such report is due.*

**§ 28-320.6.3 False statement.** *It shall be unlawful to knowingly make a material false statement in a report or other submission filed with the department, pursuant to this article. A violation of this section shall be a misdemeanor and subject to a fine of not more than \$500,000 or imprisonment of not more than 30 days or both such fine and imprisonment. A person who violates this section shall also be liable for a civil penalty of not more than \$500,000.*

**§ 28-320.6.4 Penalty recovery.** *Civil penalties provided for by this article may be recovered in a proceeding before an administrative tribunal within the jurisdiction of the office of administrative trials and hearings. Administrative summonses returnable to such tribunal for violations of this article may be issued by the department or by an agency designated by the department. Civil penalties provided for by this article may also be recovered in an action by the corporation counsel in any court of competent jurisdiction.*

**§ 28-320.7. Adjustment to applicable annual building emissions limit.** *The department, in consultation with the mayor's office of long term planning and sustainability or any other agency designated by the mayor, may grant an adjustment of the annual building emissions limit applicable to a covered building in existence on the effective date of this article or for which a permit for the construction of such building was issued prior to such effective date, provided that the owner is complying with the requirements of this article to the maximum extent practicable.*

1. *Such an adjustment may be granted upon a specific determination that:*

- 1.1. *Capital improvements are necessary for strict compliance with the limit set forth in section 28-320.3 and it is not reasonably possible to make such improvements due to (i) a constraint imposed by another provision of law including but not limited to designation as a landmark, landmark site, interior landmark, or within a historic district pursuant to chapter 3 of title 25 of the administrative code, or (ii) a physical condition of the building or building site including but not limited to lack of access to energy infrastructure, space constraints, or lack of access to a space within a building covered by a lease in existence on the effective date of this section;*

- 1.2. *The owner has made a good faith effort to purchase greenhouse gas offsets to comply with section 28-320.3 but a sufficient quantity is not available at a reasonable cost; and*
- 1.3 *The owner has availed itself of all available city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which it reasonably could participate.*
2. *Such an adjustment may be granted upon a specific determination that:*
  - 2.1. *The cost of financing capital improvements necessary for strict compliance with the limit set forth in section 28-320.3 would prevent the owner of a building from earning a reasonable financial return on the use of such building or the building is subject to financial hardship as defined in this article. In evaluating the ability of an owner to earn a reasonable financial return, the department may consider future savings expected from such capital improvements;*
  - 2.2. *The owner is not eligible for any program funded by the city or enabled by a local law that provides financing for the purpose of energy reduction or sustainability measures. Proof of ineligibility for financing must be demonstrated by rejection from any such program funded by the city or enabled by a local law or an affidavit explanation why such owner could not reasonably participate in such programs;*
  - 2.3. *The owner has made a good faith effort to purchase greenhouse gas offsets or renewable energy credits to comply with section 28-320.3 but a sufficient quantity is not available at a reasonable cost; and*
  - 2.4. *The owner has availed itself of all available city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which it reasonably could participate.*

**§ 28-320.7.1 Effective period.** *An adjustment granted pursuant to item 1 of section 28-320.7 may be effective for a period of not more than three calendar years. An adjustment granted pursuant to item 2 of such section may be effective for a period of not more than one calendar year.*

**§ 28-320.7.2 Application.** *An application for such an adjustment shall be made in the form and manner determined by the department and certified by a registered design professional.*

**§ 28-320.8 Adjustment to applicable annual building emissions limit for calendar years 2024-2029.** *The department may grant an adjustment of the annual building emissions limit for calendar years 2024 through 2029 applicable to a covered building in existence on the effective date of this article where such covered building emissions in calendar year 2018 exceeds the building emissions limit as prescribed by section 28-320.3.1 by more than 40 percent, as reported to the department by a registered design professional. The adjustment shall result in a required building emissions limit that is 70 percent of the calendar year 2018 building emissions for the covered building. Such adjustment may be granted where:*

1. *The owner of a covered building demonstrates that the building emissions in excess of the building emissions limit is attributable to special circumstances related to the use of the building, including but not limited to 24 hour operations, operations critical to human health and safety, high density occupancy, energy intensive communications technologies or operations, and energy-intensive industrial processes;*
2. *The owner of a covered building demonstrates that the energy performance of the covered building is equivalent to a building in compliance with the New York city energy conservation code in effect on January 1, 2015; and*

3. *The owner of the covered building has submitted a plan to the department setting forth a schedule of alterations to the covered building or changes to the operations and management of the covered building sufficient to ensure that the covered building will be in compliance with the annual building emissions limits for calendar years 2030 through 2034, as required by section 28-320.3.2.*

**§ 28-320.8.1 Effective period.** *An adjustment granted pursuant to section 28-320.8 may be effective for the reporting years 2025 through 2030, as prescribed by section 28-320.3.7, provided that the certificate of occupancy has not been amended after December 31, 2018.*

**§ 28-320.8.1.1 Extension of effective period.** *The commissioner may also grant an extension of the effective period of the adjustment to applicable annual building emissions limit for calendar years 2030-2035, as prescribed by section 28-320.3.8. Such extension may be granted upon submission of a schedule of alterations to the covered building or changes to the operations and management of the covered building in accordance with section 28-320.8 sufficient to ensure that by 2035 the covered building will comply with a required building emissions limit that is 50 percent of the reported 2018 building emissions for the covered building.*

**§ 28-320.8.2 Application.** *An application for an adjustment shall be submitted to the department before July 1, 2021 in the form and manner determined by the department and certified by a registered design professional.*

**§ 28-320.9 Adjustment to applicable annual building emissions limit for not-for-profit hospitals and healthcare facilities.** *The department shall grant an adjustment of the annual building emissions limits for calendar years 2024-2029 and 2030-34 where:*

1. *The building is classified as a not-for-profit hospital, not-for-profit health center, or not-for-profit HIP center, in existence on the effective date of this article; and*
2. *By no later than July 21, 2021, the owner of the covered building submits an application to the department for such adjustment in a form and manner prescribed by the department.*

*For calendar years 2024 through 2029, the adjustment shall result in the covered building being subject to an emissions limit that is 85 percent of the calendar 2018 building emissions for such covered building. For calendar years 2030 through 2034, the adjustment shall result in the covered building being subject to an emissions limit that is 70 percent of the calendar 2018 building emissions for such covered building.*

**§ 28-320.10 Fee schedule.** *The department may establish by rule a schedule of fees that shall be paid upon the filing of a report or an application for an adjustment to the applicable building emissions limit pursuant to this article. Such schedule may include a fee for the late filing of a report.*

**§ 28-320.11 Carbon trading study.** *The office of long term planning and sustainability shall conduct a study on the feasibility of a citywide trading scheme for greenhouse gas emissions from buildings and submit a report and implementation plan with the findings of such study to the mayor and the speaker of the council no later than January 1, 2021. Such study shall include methods to ensure equitable investment in environmental justice communities that preserve a minimum level of benefits for all covered buildings and do not result in any localized increases in pollution. Such study shall also include an approach to a marketplace for credit trading, pricing mechanisms, credit verification, and mechanisms for regular improvement of the scheme. Such study should also consider the reports and recommendations of the advisory board.*

§ 6. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 321 to read as follows:

**ARTICLE 321**  
**ENERGY CONSERVATION MEASURE REQUIREMENTS FOR CERTAIN BUILDINGS**

**§ 28-321.1 Definitions.** *As used in this article, the following terms shall have the following meanings:*

**COVERED BUILDING.** *The term “covered building” means a building (i) containing one or more dwelling units with a legal regulated rent pursuant to the emergency tenant protection act of 1974, the rent stabilization law of 1969 or the local emergency housing rent control act of 1962, (ii) containing one or more dwelling units required by law to be registered and regulated pursuant to the emergency tenant protection act of 1974 or the rent stabilization law of 1969, (iii) buildings developed with subsidies received pursuant to section 1701q of title 12 of the United States code and (iv) buildings participating in a project-based assistance program pursuant to section 1473f of title 42 of the United States code , (v) real estate owned by any religious corporation located in the city of New York as now constituted, actually dedicated and used by such corporation exclusively as a place of public worship and, as it appears in the records of the department of finance, (i) a building that exceeds 25,000 gross square feet or (ii) two or more buildings on the same tax lot that together exceed 50,000 gross square feet (9290 m<sup>2</sup>), or (iii) two or more buildings held in the condominium form of ownership that are governed by the same board of managers and that together exceed 50,000 gross square feet (9290 m<sup>2</sup>).*

**Exceptions:**

1. *Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than two dwelling units, as certified by a registered design professional to the department.*
2. *An industrial facility primarily used for the generation of electric power or steam.*
3. *A covered building as defined in article 320.*

**§ 28-321.2 Required energy conservation measures for certain buildings.** *A covered building must comply with either section 28-321.2.1 or section 28-321.2.2.*

**§ 28-321.2.1 Energy compliant buildings.** *The owner of a covered building shall demonstrate that, for calendar year 2024, the annual building emissions of such covered building did not exceed what the applicable annual building emissions limit would be pursuant to section 28-320.3.2 if such building were a covered building as defined in article 320 of this chapter.*

**§ 28-321.2.2 Prescriptive energy conservation measures.** *By December 31, 2024, the owner of a covered building shall ensure that the following energy conservation measures have been implemented where applicable:*

1. *Adjusting temperature set points for heat and hot water to reflect appropriate space occupancy and facility requirements;*
2. *Repairing all heating system leaks;*
3. *Maintaining the heating system, including but not limited to ensuring that system component parts are clean and in good operating condition;*
4. *Installing individual temperature controls or insulated radiator enclosures with temperature controls on all radiators;*

5. *Insulating all pipes for heating and/or hot water;*
6. *Insulating the steam system condensate tank or water tank;*
7. *Installing indoor and outdoor heating system sensors and boiler controls to allow for proper set-points;*
8. *Replacing or repairing all steam traps such that all are in working order;*
9. *Installing or upgrading steam system master venting at the ends of mains, large horizontal pipes, and tops of risers, vertical pipes branching off a main;*
10. *Upgrading lighting to comply with the standards for new systems set forth in section 805 of the New York city energy conservation code and/or applicable standards referenced in such energy code on or prior to December 31, 2024. This provision is subject to exception 1 in section 28-310.3, provided that July 1, 2010 is replaced by January 1, 2020 for the purposes of this section;*
11. *Weatherizing and air sealing where appropriate, including windows and ductwork, with focus on whole-building insulation;*
12. *Installing timers on exhaust fans; and*
13. *Installing radiant barriers behind all radiators.*

**§ 28-321.3 Reports.** *By May 1, 2025, an owner of a covered building shall submit a report to the department to demonstrate compliance with this section in accordance with section 28-321.3.1 or section 28-321.3.2.*

**§ 28-321.3.1 Energy compliant buildings reports.** *The owner of a covered building shall file with the department a report, certified by a registered design professional, prepared in a form and manner and containing such information as specified in rules of the department, that for calendar year 2024 such building was in compliance with the applicable building emissions limit established pursuant to section 28-320.3.2.*

**§ 28-321.3.2 Prescriptive energy conservation measures reports.** *A retro-commissioning agent, as defined in article 308, shall prepare and certify a report in a form and manner determined by the department. The report shall include such information relating to the completion of the prescriptive energy conservation measures as shall be set forth in the rules of the department including, at a minimum:*

*1. Project and team information:*

*1.1. Building address.*

*1.2. Experience and certification of persons performing the prescriptive energy conservation measures and any staff involved in the project.*

*1.3. Name, affiliation, and contact information for persons performing the prescriptive energy conservation measures, owner of building, and facility manager of building.*

*2. Building information:*

*2.1. List of all HVAC, domestic hot water, electrical equipment, lighting, and conveyance equipment types serving the covered building.*

**§ 28-321.4 Penalties.** *Penalties that may be assessed for violations of section 28-321.2 shall be determined by department rule.*

§ 7. This local law takes effect 180 days after it becomes law, except that prior to such effective date the department of buildings and the office of long term planning and sustainability may take such measures as are necessary for the implementation of this local law, including the promulgation of rules.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., KALMAN YEGER; Committee on Environmental Protection, April 18, 2019.

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

Report for Int. No. 1317-A

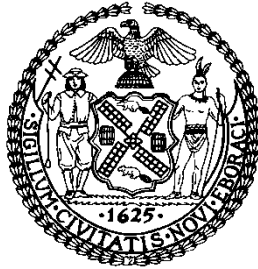
**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, and the New York city building code, in relation to large wind turbines.**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on January 9, 2019 (Minutes, page 67), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 276-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1317-A:*



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

**PROPOSED INTRO. NO. 1317-A**

**COMMITTEE: Environmental Protection**

**TITLE:** A Local Law to amend the administrative code of the city of New York, and the New York city building code, in relation to large wind turbines.

**SPONSORS:** Council Members Constantinides, Rosenthal, Vallone, Menchaca, Kallos, Rodriguez, Dromm, Lander, Maisel and Ulrich.



**SUMMARY OF LEGISLATION:** Proposed Int. No. 1317-A would amend the Administrative Code of the City of New York with regard to wind turbine noise control and with regard to the maintenance and removal of large wind turbines, and add a section to the New York City Building Code regarding requirements and standards for large wind turbines. The proposed legislation would also clarify the Department of Building’s (DOB) obligation to include wind energy generation in its toolbox of renewable energy technologies and require the DOB to develop or support standards and technologies and authorize the installation of large wind energy turbines and assemblies that are certified in appropriate locations.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law, except that the commissioner of buildings and the commissioner of environmental protection may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY21</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as DOB will utilize existing resources to comply with legislation.

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

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
Crielhien R. Francisco, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1317 on January 9, 2019 and referred to the Committee on Environmental Protection (Committee). A hearing was held by the Committee on January 28, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1317-A, will be considered by the Committee on April 18, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1317-A will be submitted to the full Council for a vote on April 18, 2019.

**DATE PREPARED:** April 10, 2019.

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

**(The following is the text of Int. No. 1317-A:)**

## Int. No. 1317-A

By Council Members Constantinides, The Speaker (Council Member Johnson), Rosenthal, Vallone, Menchaca, Kallos, Rodriguez, Dromm, Lander, Maisel, Gibson, Rivera, King and Levin and Ulrich.

**A Local Law to amend the administrative code of the city of New York, and the New York city building code, in relation to large wind turbines**

*Be it enacted by the Council as follows:*

Section 1. Section 232.1 of the administrative code of the city of New York, as added by local law number 105 for the year 2018, is amended to read as follows:

§ 24–232.1 [Small wind] *Wind* turbines. No person shall cause or permit operation of a small wind turbine, as such term are defined in section 3113.2 of the New York city building code, *or a large wind turbine as such term is defined in section 3114.2 of the New York city building code*, so as to create a sound level in excess of 5 db(A) above the ambient sound level, as measured at the property line or at an elevated receptor of the property containing the nearest occupied building.

§ 2. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 320 to read as follows:

**ARTICLE 320  
MAINTENANCE AND REMOVAL OF LARGE WIND TURBINES**

**§ 28-320.1 Maintenance.** *The owner of a large wind turbine or large wind turbine tower, as such terms are defined in section 3114.2 of the New York city building code, shall maintain such turbine and tower in accordance with department rules.*

**§ 28-320.2 Removal.** *The owner of a large wind turbine, as such term is defined in section 3114.2 of the New York city building code, shall remove such turbine when (i) the time elapsed since the installation of such turbine exceeds the manufacturer's suggested useful life of such turbine or (ii) such turbine has been continuously inoperable for 12 months or more, whichever occurs sooner, provided that the commissioner shall by rule establish a timeframe for removing large wind turbines that do not have manufacturer's suggested useful lives.*

**§28-320.3 Locking before hurricane or strong wind conditions.** *If a hurricane or strong wind conditions are expected, the commissioner may order that large turbines equipped with passive locks be stopped and locked.*

**§28-320.4 Lighting.** *A large wind turbine shall not be artificially lighted.*

**Exception:** *Lighting that is required by this code or other applicable laws or rules, provided that such lighting is shielded in accordance with rules promulgated by the commissioner.*

§ 3. Chapter 31 of the New York city building code is amended by adding a new section BC 3114 to read as follows:

**SECTION BC 3114  
LARGE WIND TURBINES**

**3114.1 General.** *Large wind turbines shall be designed and constructed in accordance with this section.*

**3114.2 Definitions.** *The following words and terms shall for the purposes of this section have the meanings shown herein.*

**LARGE WIND TURBINE.** *A turbine with a swept area greater than 200 m<sup>2</sup>.*

**LARGE WIND TURBINE TOWER.** *A structure that supports a large wind turbine.*

**3114.3 Design standards.** *A large wind turbine shall be designed in accordance with standards adopted by rules of the commissioner. Such standards shall include but need not be limited to standards relating to the design of large wind turbines that are developed by the American Wind Energy Association, the New York State Energy Research and Development Authority, the California Energy Commission, the European Wind Turbine Certification, the British Wind Energy Association, the International Electrotechnical Commission, the National Renewable Energy Laboratory, or the Underwriters Laboratory.*

**3114.4 Wind speed.** *A large wind turbine shall be designed to withstand winds of up to and including 130 mph (58.1 m/s) or such higher wind load as may be specified in this code or the design standard for such turbine pursuant to Section 3114.3.*

**3114.5 Brakes and locks.** *Where necessary for public safety, the commissioner may require that a large wind turbine shall be equipped with a redundant braking system and a passive lock, including aerodynamic overspeed controls and mechanical brakes.*

**3114.6 Visual appearance.** *A large wind turbine shall be white, off-white, grey, or another non-obtrusive color specified by the commissioner.*

**3114.8 Access.** *Access to a large wind turbine shall be limited as follows:*

1. *Access to electrical components of a large wind turbine shall be prevented by a lock.*
2. *A large wind turbine tower shall not be climbable, except by authorized personnel, up to a height of 10 feet (3048 mm) measured from the base of such tower.*

**3114.9 Noise.** *A large wind turbine shall be designed to comply with the sound level limit of section 24-232.1 of the Administrative Code.*

**3114.10 Shadow flicker.** *The commissioner shall by rule establish shadow flicker limitations for large wind turbines for the purpose of limiting, to the extent practicable, such flicker on buildings adjacent to such turbines.*

**3114.11 Signal interference.** *The commissioner shall establish rules governing large wind turbines for purpose of minimizing, to the extent practicable, interference by such turbines with radio, telephone, television, cellular or other similar signals.*

**3114.12 Setback.** *No part of a large wind turbine or large wind turbine tower shall be located within a horizontal distance of a property line that is equal or less than one-half the height of such turbine, including such tower, measured from the base of such tower or, if there is no such tower, the base of such turbine.*

**Exception:** *A turbine or tower for which each owner of property adjacent to such property line has entered into a written agreement providing that such turbine or tower or a part thereof may be located closer to such property line than this section allows.*

§ 4. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings and the commissioner of environmental protection may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., KALMAN YEGER; Committee on Environmental Protection, April 18, 2019.

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

Report for Int. No. 1318-A

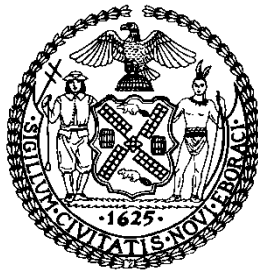
**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to an assessment of the replacement of gas-fired power plants and to amend local law number 248 for the year 2017, in relation to the completion date of the long-term energy plan**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on January 9, 2019 (Minutes, page 69), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 276-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1318-A:*



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

**PROPOSED INTRO. NO. 1318-A**

**COMMITTEE:** Environmental Protection

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to an assessment of the replacement of gas-fired power plants and to amend local law number 248 for the year 2017, in relation to the completion date of the long-term energy plan.

**SPONSORS:** Council Members Constantinides, Cabrera, Rosenthal, Cohen, Rodriguez, Menchaca, Dromm, Powers, Maisel, Vallone, Adams, Espinal, Richards, Kallos and Lander.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1318-A would require the Administration to conduct an assessment of the feasibility of utilizing renewable energy sources combined with battery storage to replace in-

city gas fired power plants. The results of such assessment must be included in the City’s long-term energy plan, which this local law would require to be completed by December 31, 2021, and updated every four years thereafter.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2020

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY19</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY20</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

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

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
Crielhien R. Francisco, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1318 on January 9, 2019 and referred to the Committee on Environmental Protection (Committee). The Committee heard the legislation on February 11, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1318-A, will be considered by the Committee on April 18, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1318-A will be submitted to the full Council for a vote on April 18, 2019.

**DATE PREPARED:** April 10, 2019.

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

**(The following is the text of Int. No. 1318-A:)**

Int. No. 1318-A

By Council Members Constantinides, The Speaker (Council Member Johnson), Cabrera, Rosenthal, Cohen, Rodriguez, Menchaca, Dromm, Powers, Maisel, Vallone, Adams, Espinal, Richards, Kallos, Lander, Yeger, Gibson, Rivera, King, Ayala and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to an assessment of the replacement of gas-fired power plants and to amend local law number 248 for the year 2017, in relation to the completion date of the long-term energy plan**

*Be it enacted by the Council as follows:*

Section 1. The introductory paragraph of subdivision d of section 3-126 is amended to read as follows:

d. The administering agency shall submit to the mayor and the speaker of the council, and make publicly available online, a long-term energy plan, in conjunction with the plan developed in accordance with subdivision e of section 20 of the New York city charter. *Such plan must be completed by December 31, 2021, and shall be updated every four years thereafter.* The advisory subcommittee established by this section shall provide, as needed, advice and recommendations with respect to the development of such plan, which shall include, but not be limited to:

§ 2. Section 3-126 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

*g. The long-term energy plan developed in accordance with subdivision d of this section shall include the following:*

*1. An assessment of the feasibility of replacing in-city gas-fired power plants associated with the bulk power system with battery storage powered by renewable energy sources in a manner that is consistent with the New York state public service commission energy storage deployment policy developed pursuant to section 74 of the public service law;*

*2. An assessment of when such replacement, if feasible, can take place; and*

*3. A review of potential technologies for battery storage of energy.*

§ 3. Section 2 of local law number 248 for the year 2017 is amended to read as follows:

This local law takes effect immediately[; provided, however, that the plan required by subdivision d of section 3-126 of the administrative code of the city of New York, as added by this local law, shall be completed by December 31, 2019 and shall be updated every four years thereafter].

§ 4. This local law takes effect immediately.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., KALMAN YEGER; Committee on Environmental Protection, April 18, 2019.

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

**Report of the Committee on Finance**

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

Report for Res. No. 846

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on April 18, 2019, respectfully

**REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 6, 2017, the Council adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”). On June 14, 2018, the Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2019 and Fiscal 2018 Expense Budgets and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2019 and Fiscal 2018 Expense Budgets.

This Resolution, dated April 18, 2019, approves the new designations and the changes in the designation of certain organizations receiving local, youth, and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2019 Expense Budget, approves a new designation and the changes in the designation of certain organizations receiving local, youth and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2018 Expense Budget, and amends the description for the Description/Scope of Services of certain organization receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2019 and Fiscal 2018 Expense Budgets.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2019 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2019 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant a certain initiative in accordance with the Fiscal 2019 Expense Budget, as described in Chart 3; sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding, in accordance with the Fiscal 2019 Expense Budget, as described in Chart 4; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives in accordance with the Fiscal 2019 Expense Budget, as described in Charts 5–14; sets forth the new designation and the change in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2018 Expense Budget, as described in Chart 15; sets forth the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2018 Expense Budget, as described in Chart 16; sets forth the change in the designation of a certain organization receiving aging discretionary funding, in accordance with the Fiscal 2018 Expense Budget, as described in Chart 17; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives in accordance with the Fiscal 2018 Expense Budget, as described in Charts 18-20; amends the description for the Description/Scope of Services of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2019 Expense Budget, as described in Chart 21; and amends the description for the Description/Scope of Services of a certain organization receiving funding pursuant to a certain initiative in accordance with the Fiscal 2018 Expense Budget, as described in Chart 22.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2019 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2019 Expense Budget.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2019 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2019 Expense Budget.

Chart 5 sets forth the change in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2019 Expense Budget. One of these changes will be effectuated upon a budget modification.

Chart 7 sets forth the new designation of a certain organization receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 8 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 9 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 11 sets forth the change in the designation of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 12 sets forth the change in the designation of a certain organization receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 13 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 14 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 15 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget.

Chart 16 sets forth the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2018 Expense Budget.

Chart 17 sets forth the change in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2018 Expense Budget.

Chart 18 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2018 Expense Budget.



Chart 19 sets forth the change in the designation of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 20 sets forth the change in the designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2018 Expense Budget.

Chart 21 amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2019 Expense Budget.

Chart 22 amends the description for the Description/Scope of Services for a certain organization receiving funding pursuant to a certain initiative in accordance with the Fiscal 2018 Expense Budget.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2019 and Fiscal 2018 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 846:)**

Preconsidered Res. No. 846

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

By Council Member Dromm.

**Whereas**, On June 14, 2018 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”); and

**Whereas**, On June 6, 2017 the City Council adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2019 and Fiscal 2018 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, and aging discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2019 and Fiscal 2018 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain a organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for a certain organization receiving funding pursuant to a certain initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 22.

**ATTACHMENT:**

**CHART #1: Local Initiatives - Fiscal 2019**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Speaker	Greenburger Center for Social and Criminal Justice, Inc. **	46-4188973	DSS/HRA	(\$12,500)	069	107	
Speaker	Greenburger Center for Social and Criminal Justice, Inc. **	46-4188973	MOCJ	\$12,500	098	002	
Miller	113th Precinct Community Council Board, Inc. **	11-3218377	DYCD	(\$5,000)	260	005	
Miller	Queens Sickle Cell Advocacy Network, Inc. **	11-3373180	DHMH	\$5,000	816	112	
Miller	113th Precinct Community Council Board, Inc. - Prom Impact 2019	11-3218377	DYCD	(\$5,000)	260	005	
Miller	Vivian's H.O.P.E. Inc.	47-4822253	DYCD	\$5,000	260	312	
Powers	City Parks Foundation - SummerStage	13-3561657	DPR	(\$5,000)	846	006	
Powers	City Parks Foundation - Asser Levy Park and / or Central Park	13-3561657	DPR	\$5,000	846	006	
Richards	Federation of Protestant Welfare Agencies, Inc. - Immigrant Workforce	13-5562220	DYCD	(\$10,000)	260	005	
Richards	United Black Men of Queens Foundation, Inc. - United Black Men of Queens Foundation	11-2623993	DYCD	\$5,000	260	005	
Richards	South Asian Youth Action, Inc. - SAYA Elementary School Programming	13-3943630	DYCD	\$5,000	260	312	
Rose	Mo's Creation - "Back to School BBQ	81-1898630	DYCD	(\$2,000)	260	312	*
Rose	Grace Foundation of New York	13-4131863	DYCD	\$2,000	260	312	
Rose	Grace Foundation of New York **	13-4131863	DYCD	(\$2,000)	260	312	
Rose	Grace Foundation of New York **	13-4131863	DHMH	\$2,000	816	121	
CD45	New York Road Runners, Inc. - Open Run & Youth Program Midwood High School	13-2949483	DYCD	(\$2,000)	260	312	
CD45	New York Road Runners, Inc. - Open Run & Youth Program	13-2949483	DYCD	\$2,000	260	312	
Powers	City Parks Foundation - SummerStage	13-3561657	DPR	(\$5,000)	846	006	
Powers	City Parks Foundation - Asser Levy Park and / or Central Park	13-3561657	DPR	\$5,000	846	006	
Cumbo	Adult Community Learning Center for Empowerment, Inc.	46-1085925	DYCD	(\$1,000)	260	005	
Cumbo	Jamel Gaines Creative Outlet, Inc. - Cultural Arts Program	83-1788832	DYCD	\$1,000	260	005	
Rose	Central Family Life Center - Fatherhood/Mentorship For Life Project	13-3626127	DYCD	(\$12,900)	260	312	
Rose	Central Family Life Center, Inc., The - Fatherhood/Mentorship For Life Project	13-3626127	DYCD	\$12,900	260	312	
Speaker	Central Family Life Center	13-3626127	DYCD	(\$45,000)	260	312	
Speaker	Central Family Life Center, Inc., The	13-3626127	DYCD	\$45,000	260	312	
Torres	Bronx River Art Center, Inc. - Public School 003X	13-3261148	DCLA	(\$10,000)	126	003	
Torres	Bronx River Art Center, Inc.	13-3261148	DCLA	\$10,000	126	003	
Ampry-Samuel	Brooklyn Children's Museum, Corp. - Public School 189K	11-2495664	DCLA	(\$10,000)	126	009	
Ampry-Samuel	Brooklyn Children's Museum, Corp.	11-2495664	DCLA	\$10,000	126	009	

CD45	Brooklyn Children's Museum, Corp. - Brooklyn School Field Trips	11-2495664	DCLA	(\$4,500)	126	009	
CD45	Brooklyn Children's Museum, Corp.	11-2495664	DCLA	\$4,500	126	009	
Diaz	Midori Foundation, Inc. - Blueprint Middle School	13-3682472	DCLA	(\$5,000)	126	003	
Diaz	Midori Foundation, Inc.	13-3682472	DCLA	\$5,000	126	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART #2: Youth Discretionary - Fiscal 2019**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Constantinides	Boy Scouts Troop 777 - Astoria Boy Scouts	82-2915015	DYCD	(\$4,000)	260	312	*
Constantinides	HANAC, Inc. - After School Program	11-2290832	DYCD	\$4,000	260	312	
Rose	Grace Foundation of New York	13-4131863	DYCD	(\$2,000)	260	312	
Rose	Mo's Creation - "Back to School BBQ	81-1898630	DYCD	\$2,000	260	312	*
Cabrera	Featherbed Lane Improvement Association, Inc.	13-2851606	DYCD	(\$5,000)	260	312	*
Cabrera	United Chaplains State of New York Athletic League	13-3834646	DYCD	\$5,000	260	312	*
Matteo	Staten Island Baseball Oldtimers	13-4033266	DYCD	(\$5,000)	260	312	
Matteo	Staten Island Baseball Old Timers Association, Inc.	13-4033266	DYCD	\$5,000	260	312	
Rose	Central Family Life Center - After School Tutoring Program	13-3626127	DYCD	(\$13,000)	260	312	
Rose	Central Family Life Center, Inc., The - After School Tutoring Program	13-3626127	DYCD	\$13,000	260	312	
Rose	Central Family Life Center - Physical and Mental Fitness Through Tae Kwon Do	13-3626127	DYCD	(\$5,000)	260	312	
Rose	Central Family Life Center, Inc., The - Physical and Mental Fitness Through Tae Kwon Do	13-3626127	DYCD	\$5,000	260	312	
Holden	Shooting Stars of Queens, Inc. - Sports League	20-0019695	DYCD	(\$5,000)	260	312	
Holden	Shooting Stars of Queens, Inc., The - Sports League	20-0019695	DYCD	\$5,000	260	312	

\* Indicates pending completion of pre-qualification review.

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

**CHART #3: Anti-Poverty Initiative - Fiscal 2019**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Cumbo	Adult Community Learning Center for Empowerment, Inc.	46-1085925	DYCD	(\$4,000)	260	005	
Cumbo	Jamel Gaines Creative Outlet, Inc. - Cultural Arts Program	83-1788832	DYCD	\$4,000	260	005	
Torres	Bronx River Art Center, Inc. - Public School 003X	13-3261148	DCLA	(\$10,000)	126	003	
Torres	Bronx River Art Center, Inc.	13-3261148	DCLA	\$10,000	126	003	
Cabrera	United Chaplains State of New York Athletic League**	13-3834646	DYCD	(\$5,000)	260	312	*
Cabrera	City Parks Foundation - St. James Park**	13-3561657	DPR	\$5,000	846	006	

\* Indicates pending completion of pre-qualification review.

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

**CHART #4: Aging Discretionary - Fiscal 2019**

<b>Borough</b>	<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Rose	Central Family Life Center - Seniors on the Move	13-3626127	DFTA	(\$20,000)	125	003	
Rose	Central Family Life Center, Inc., The - Seniors on the Move	13-3626127	DFTA	\$20,000	125	003	
Lancman	Central Queens YM & YWHA, Inc.	11-1633509	DFTA	(\$5,000)	125	003	
Lancman	Samuel Field YM & YWHA, Inc.	11-3071518	DFTA	\$5,000	125	003	

\* Indicates pending completion of pre-qualification review.

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



**CHART #5: Food Pantries - Fiscal 2019**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A *
Staten Island Delegation	Tomchei Shabbos of Staten Island - Food Pantry	22-3901876	DYCD	(\$10,000)	260	005
Staten Island Delegation	Tomchei Shabbos of Staten Island, Inc. - Food Pantry	22-3901876	DYCD	\$10,000	260	005

\* Indicates pending completion of pre-qualification review.

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

## CHART #6: Parks Equity Initiative - Fiscal 2019

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A *
Koslowitz	Department of Parks and Recreation - Macdonald Park ***	13-6400434	DPR	(\$10,000)	846	006
Koslowitz	City Parks Foundation - Macdonald Park ***	13-3561657	DPR	\$10,000	846	006
Barron	City Parks Foundation	13-3561657	DPR	(\$10,000)	846	006
Barron	City Parks Foundation - Cypress Hills Playground & Nehemiah Park	13-3561657	DPR	\$10,000	846	006
Yeger	Association of Community Employment Programs for the Homeless, Inc. **	13-3846431	DPR	(\$75,000)	846	006
Yeger	Association of Community Employment Programs for the Homeless, Inc. **	13-3846431	DYCD	\$75,000	260	005
Gibson	City Parks Foundation - Mullaly Skatepark, Claremont Park and Drew Playground	13-3561657	DPR	(\$3,333)	846	006
Gibson	Department of Parks and Recreation - Mullaly Skatepark, Claremont Park and Drew Playground	13-6400434	DPR	\$3,333	846	006
Rosenthal	Riverside Park Conservancy, Inc. - Riverside Clay Tennis Court	13-3443825	DPR	(\$13,000)	846	006
Rosenthal	Department of Parks and Recreation - Riverside Clay Tennis Court	13-6400434	DPR	\$13,000	846	006
Salamanca	Department of Parks and Recreation - Julio Carballo Field and Bill Rainey Park	13-6400434	DPR	(\$10,000)	846	006
Salamanca	Department of Parks and Recreation - Crotona Park, Julio Caraballo and Bill Rainey Park	13-6400434	DPR	\$10,000	846	006
Salamanca	Department of Parks and Recreation - Playground 52 - Basketball Backboards	13-6400434	DPR	(\$15,000)	846	006
Salamanca	Department of Parks and Recreation - Crotona Park, Julio Caraballo and Bill Rainey Park	13-6400434	DPR	\$15,000	846	006
Adams	Citizens Committee for New York City, Inc. - Clean Up - Council District 28	51-0171818	DPR	(\$10,000)	846	006
Adams	Citizens Committee for New York City, Inc. - Dunton and Civic Association Community Garden, Discovery Community Garden 1 & 2	51-0171818	DPR	\$10,000	846	006

\* Indicates pending completion of pre-qualification review.

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

\*\*\* Technical adjustment to designation made in a previous Transparency Resolution

**CHART 7: Cultural Immigrant Initiative - Fiscal 2019**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A *
Lancman	Department of Cultural Affairs	13-6400434	DCLA	(\$30,000)	126	003
Lancman	Jamaica Center for Arts and Learning, Inc.	11-2478709	DCLA	\$30,000	126	022

\* Indicates pending completion of pre-qualification review.

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

**CHART #8: Art a Catalyst for Change - Fiscal 2019**

<b>Organization - School</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Bronx County Historical Society - Forward School	13-6153378	DCLA	(\$18,000)	126	003	
Bronx County Historical Society - Academy For Scholarship And Entrepreneurship: A College Board School X270	13-6153378	DCLA	\$18,000	126	003	
New Heritage Theatre Group, Inc., The - Harlem Renaissance 05M285	13-2683678	DCLA	(\$18,000)	126	003	
New Heritage Theatre Group, Inc., The - Eagle Academy for Young Men of Harlem 148M	13-2683678	DCLA	\$18,000	126	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART #9: Senior Centers, Programs, and Enhancements - Fiscal 2019**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Conselyea Street Block Association, Inc. - Swinging 60s Senior Center	11-2347180	DFTA	(\$400,000)	125	003	
St. Nick's Alliance Corporation - Swinging 60s Senior	51-0192170	DFTA	\$400,000	125	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART #10: Worker Cooperative Business Development Initiative - Fiscal 2019**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Bronx Overall Economic Development Corporation	13-3079387	SBS	(\$200,000)	801	002	
Green Worker, Inc.	20-1828936	SBS	\$83,000	801	002	
Business Outreach Center Network, Inc.	11-3306111	SBS	\$18,000	801	002	
Democracy at Work Institute	27-5265123	SBS	\$25,000	801	002	
SCO Family of Services	11-2777066	SBS	\$20,000	801	002	
NYC NOWC, Inc.	46-5245034	SBS	\$9,000	801	002	
Commonwise Education, Inc.	45-2201993	SBS	\$10,000	801	002	
ICA Group, Inc., The	04-2628399	SBS	\$35,000	801	002	

\* Indicates pending completion of pre-qualification review.

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

**CHART #11: HIV/AIDS Faith Based Initiative - Fiscal 2019**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Central Family Life Center	13-3626127	DHMH	(\$10,000)	816	112	
Central Family Life Center, Inc., The	13-3626127	DHMH	\$10,000	816	112	
Central Family Life Center	13-3626127	DHMH	(\$5,000)	816	112	
Central Family Life Center, Inc., The	13-3626127	DHMH	\$5,000	816	112	

\* Indicates pending completion of pre-qualification review.

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

**CHART #12: YouthBuild Project Initiative - Fiscal  
2019**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Central Family Life Center	13-3626127	DYCD	(\$385,000)	260	312	
Central Family Life Center, Inc., The	13-3626127	DYCD	\$385,000	260	312	

\* Indicates pending completion of pre-qualification review.

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



**CHART #13: Adult Literacy Initiative - Fiscal 2019**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Central Queens YM & YWHA, Inc.	11-1633509	DYCD	(\$50,000)	260	005	
Samuel Field YM & YWHA, Inc.	11-3071518	DYCD	\$50,000	260	005	

\* Indicates pending completion of pre-qualification review.

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

**CHART #14: MWBE Leadership Associations - Fiscal 2019**

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
NYC MWBE Alliance	82-1902677	SBS	(\$28,940)	801	005	*
Department of Small Business Services	13-6400434	SBS	\$28,940	801	005	*

\* Indicates pending completion of pre-qualification review.

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

**CHART #15: Local Initiatives - Fiscal 2018**

<b>Member</b>	<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Cumbo	Creative Outlet Dance Theatre of Brooklyn, Inc.	11-3307754	DYCD	(\$5,000)	260	312	*
Cumbo	Jamel Gaines Creative Outlet, Inc. - Cultural Arts Program	83-1788832	DYCD	\$5,000	260	312	

\* Indicates pending completion of pre-qualification review.

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

**CHART #16: Youth Discretionary - Fiscal 2018**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Matteo	Staten Island Baseball Oldtimers	13-4033266	DYCD	(\$5,000)	260	312	
Matteo	Staten Island Baseball Old Timers Association, Inc.	13-4033266	DYCD	\$5,000	260	312	
Rose	Central Family Life Center - Education Matters After-School Tutoring Program	13-3626127	DYCD	(\$13,500)	260	312	
Rose	Central Family Life Center, Inc., The - Education Matters After-School Tutoring Program	13-3626127	DYCD	\$13,500	260	312	
Holden	Shooting Stars of Queens, Inc.	20-0019695	DYCD	(\$5,000)	260	312	
Holden	Shooting Stars of Queens, Inc., The	20-0019695	DYCD	\$5,000	260	312	

\* Indicates pending completion of pre-qualification review.

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

**CHART #17: Aging Discretionary - Fiscal 2018**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Rose	Central Family Life Center - Seniors on the Move	13-3626127	DFTA	(\$20,000)	125	003	
Rose	Central Family Life Center, Inc., The - Seniors on the Move	13-3626127	DFTA	\$20,000	125	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART #18: Support Our Seniors Initiative - Fiscal 2018**

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Cumbo	Creative Outlet Dance Theatre of Brooklyn, Inc.	11-3307754	DFTA	(\$12,000)	125	003	*
Cumbo	Jamel Gaines Creative Outlet, Inc. - Cultural Arts Program	83-1788832	DFTA	\$12,000	125	003	

\* Indicates pending completion of pre-qualification review.

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

**CHART #19: HIV/AIDS Faith Based Initiative - Fiscal  
2018**

<b>Organization - Program</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Central Family Life Center	13-3626127	DHMH	(\$10,000)	816	112	
Central Family Life Center, Inc., The	13-3626127	DHMH	\$10,000	816	112	

\* Indicates pending completion of pre-qualification review.

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

**CHART #20: Crisis Management System - Fiscal 2018**

<b>Organization</b>	<b>EIN Number</b>	<b>Agency</b>	<b>Amount</b>	<b>Agy #</b>	<b>U/A</b>	<b>*</b>
Central Family Life Center	13-3626127	ACS	(\$90,000)	068	008	
Central Family Life Center, Inc., The	13-3626127	ACS	\$90,000	068	008	
Central Family Life Center	13-3626127	MOCJ	(\$175,000)	098	002	
Central Family Life Center, Inc., The	13-3626127	MOCJ	\$175,000	098	002	

\* Indicates pending completion of pre-qualification review.

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



**CHART #21: Purpose of Funds Changes - Fiscal 2019**

Source	Member	Organization - Program	EIN Number	Agency	Amount	New Purpose of Funds	*
Local	Speaker	Greenburger Center for Social and Criminal Justice, Inc. **	46-4188973	DSS/HRA	(\$12,500)	Funds will support Alternatives to Incarceration services throughout the Bronx.	
Local	Speaker	Greenburger Center for Social and Criminal Justice, Inc. **	46-4188973	MOCJ	\$12,500	Funding will support BronxWorks Out-of-School Time (OST) program at the McLaughlin Community Center, which serves children with after-school activities, meals, swimming program, and full-day of services during the summer and school breaks.	
NYC Cleanup	Rivera	Lower East Side District Management Association, Inc. - EVIMA Neighborhood Beautification	13-3683266	DYCD	(\$100,000)	Funds will support neighborhood beautification and improvements.	
NYC Cleanup	Rivera	Lower East Side District Management Association, Inc. - EVIMA Neighborhood Beautification	13-3683266	DYCD	\$100,000	Funds will be used to clean and beautify communities, enliven public space, deter graffiti, install artwork onto security gates and create opportunities for artists and merchants in the East Village, from East Houston Street to 14th Street and 3rd Avenue to Avenue D.	
Youth	CD45	New York Road Runners, Inc. - Open Run & Youth Program Midwood High School	13-2949483	DYCD	(\$2,000)	Funds to support free school based fitness program for youth at Midwood High School in Council District 45.	
Youth	CD45	New York Road Runners, Inc. - Open Run & Youth Program	13-2949483	DYCD	\$2,000	Funding will support free school-based fitness program for Youth in Council District 45.	
Local	Chin	City Parks Foundation	13-3561657	DPR	(\$3,500)	To support Friends of Seward Park, Friends of Delury Square, the Sara D Roosevelt Park Coalition, and Friends of Columbus Park.	
Local	Chin	City Parks Foundation	13-3561657	DPR	\$3,500	The allocation will support volunteer, cultural, educational, and/or athletic programming in Parks.	
A Greener NYC	King	City Parks Foundation	13-3561657	DPR	(\$20,000)	Funds will be used to support community based activities to support improvements, beautification, maintenance and upkeep of the garden. It will also include various workshops, Summer Fun Day, and other outdoor activities	
A Greener NYC	King	City Parks Foundation	13-3561657	DPR	\$20,000	Funds will be used to support environmental education programs in Council District 12.	
Local	Speaker	Staten Island Economic Development Corporation	13-3706442	DYCD	(\$100,000)	Funds will be used to support the feasibility study of Gondola as an alternative transportation option for Staten Islanders.	
Local	Speaker	Staten Island Economic Development Corporation	13-3706442	DYCD	\$100,000	Funds will be used for general operating cost, salaries, space rentals, events and cost related to the study for the Gondola.	

\* Indicates pending completion of pre-qualification review.

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

**CHART #22: Purpose of Funds Changes - Fiscal 2018**

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Anti-Poverty	Ampry-Samuel	Citizens Committee for New York City, Inc. - Neighborhood Improvement Program	51-0171818	DYCD	(\$10,000)	To support neighborhood improvement program; to conduct the clean up efforts of Hunts Point between Garrison & Lafayette, Lafayette between Edgewater and Hunts Point; 3rd Avenue from 161 to Cross Bronx, Southern Blvd from 167 Street to 174 Street, Brook A	
Anti-Poverty	Ampry-Samuel	Citizens Committee for New York City, Inc. - Neighborhood Improvement Program	51-0171818	DYCD	\$10,000	Funding to support operating costs of community beautification projects and free workshops.	

\* Indicates pending completion of pre-qualification review.

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

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, April 18, 2019.

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

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

Report for L.U. No. 395

**Report of the Committee on Finance in favor of a Resolution approving Prospect Park South Portfolio, Block 5085, Lot 75, Block 5099, Lots 34 and 35, Block 5101, Lot 44, Block 5123, Lots 16, 19, and 22, Block 5162, Lot 20; Brooklyn, Community Districts No. 14 and 17, Council District No. 40.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on April 18, 2019, respectfully

**REPORTS:**

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

April 18, 2019

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

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

RE: Finance Committee Agenda of April 18, 2019 - Resolution approving a tax exemption for one Land Use item (Council District 40)

**Item 1: Prospect Park South Portfolio**

The Prospect Park South project is an eight-building portfolio comprised of 384 residential units in the Prospect Park South and Flatbush neighborhoods in Brooklyn. The portfolio consists of 31 studio apartments, 166 one-bedroom apartments, 115 two-bedroom apartments, 56 three-bedroom apartments, 14 four-bedroom apartments, and two superintendent units.

The buildings were built between 1924 and 1941. They were purchased by Coltown Properties (Coltown) in 2013. In December 2017, Coltown refinanced the properties with interest-only loans with a three-year term. L+M Workforce Housing Fund, LP (L+M) will be acquiring a 49% interest in the properties for \$46,550,000 as part of a preservation transaction. LMCT Housing Development Fund Company (HDFC) will hold the fee interest.

The Department of Housing Preservation and Development (HPD) is requesting that the Council approve a 30-year, partial Article XI property tax exemption for the portfolio, with a gross rent tax of 1%. HPD and the HDFC will then enter into a regulatory agreement that will require that the units be leased only to households within income tiers of 60%, 80%, 105%, and 125% of Area Median Income (AMI). Additionally, 50 units will be designated as permanently affordable, with 20 units at 60% of AMI and 30 units at 80% of AMI.

One building in the portfolio, 280 East 21st Street, currently benefits from a J-51 property tax abatement that began in 2013, has an annual maximum abatement of \$1,240, and is set to expire in 2024. The abatement will continue until expiration if the Article XI exemption is approved.

Summary:

- Borough – Brooklyn
- Block 5085, Lot 75; Block 5099, Lots 34 and 35; Block 5101, Lot 44; Block 5123, Lots 16, 19, and 22; and Block 5162, Lot 20
- Council District – 40
- Council Member – Eugene
- Council Member approval – Yes
- Number of buildings – 8
- Number of units – 384
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – LMCT HDFC, Coltown Properties, L+M Workforce Housing Fund, LP
- Purpose – preservation
- Cost to the City - \$23.5M
- Housing Code Violations
  - Class A – 42
  - Class B – 194
  - Class C – 66
- AMI targets –
  - 84 units at 60% of AMI
  - 94 units at 80% of AMI
  - 24 units at 105% of AMI
  - 180 units at 125% of AMI

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

Res. No. 851

**Resolution approving an exemption from real property taxes for property located at (Block 5085, Lot 75, Block 5099, Lots 34 and 35, Block 5101, Lot 44, Block 5123, Lots 16, 19 and 22, Block 5162, Lot 20) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 395).**

By Council Member Dromm

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 7, 2019 that the Council take the following action regarding a

housing project located at (Block 5085, Lot 75, Block 5099, Lots 34 and 35, Block 5101, Lot 44, Block 5123, Lots 16, 19 and 22, Block 5162, Lot 20) Brooklyn, (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
2.
  - a. “Company” shall mean New 91-95 East 18 Property LLC, New 682 Ocean Property LLC, New 672 Ocean Property LLC, New 666 Ocean Property LLC, New 816 Ocean Property LLC, New 280 East 21 Property LLC, and New 221 Linden Property LLC or any other entities that acquire all or a portion of the beneficial interests in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDPC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 5085, Lot 75, Block 5099, Lots 34 and 35, Block 5101, Lot 44, Block 5123, Lots 16, 19, and 22, and Block 5162, Lot 20 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one percent (1.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.

- i. "HDFC" shall mean LMCT Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. "J-51 Benefits" shall mean shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
  - l. "Owner" shall mean, collectively, the HDFC and the Company.
  - m. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule, or regulation.
5. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
6. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local,

state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but (i) the Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Gross Rent Tax shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, April 18, 2019.

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

### **Report of the Committee on Land Use**

Report for L.U. No. 369

**Report of the Committee on Land Use in favor of approving Application No. C 180171 ZMK (McDonald Avenue Catering) submitted by Congregation Chasdei Belz Beth Malka pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by establishing within an existing R5 District a C2-4 District for property located at Block 5369, Lots 1, 2, 3, 4, 5, 82 and p/o Lot 6, Borough of Brooklyn, Council District 39, Community District 12.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 28, 2019 (Minutes, page 809) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB - 12**

**C 180171 ZMK**

City Planning Commission decision approving an application submitted by Congregation Chasdei Belz Beth Malka, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by establishing within an existing R5 District a C2-4 District bounded by Avenue C, McDonald Avenue, a line 150 feet northerly of Cortelyou Road, a line 100 feet easterly of Dahill Road, a line 180 feet southerly of Avenue C, and Dahill Road.

#### **INTENT**

To approve the amendment to the Zoning Map, Section No. 22c, in order to create a new R5/C2-4 mixed-use district over the extent of the rezoning area along Dahill Road, Avenue C, and McDonald Avenue to facilitate the legalization and continued operation of a commercial banquet facility located in the interconnected cellar area of two existing school buildings in the Borough Park neighborhood of Community District 12, Brooklyn.

**PUBLIC HEARING**

**DATE:** April 2, 2019

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 16, 2019

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

**In Favor:**

Moya, Constantinides, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 17, 2019

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

**Against:**

None

**Abstain:**

None.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 852

**Resolution approving the decision of the City Planning Commission on ULURP No. C 180171 ZMK, a Zoning Map amendment (L.U. No. 369).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2019 its decision dated February 27, 2019 (the "Decision"), on the application submitted by Congregation Chasdei Belz Beth Malka, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 22c, by establishing within an existing R5 District a C2-4 District bounded by Avenue C, McDonald Avenue, a line 150 feet northerly of Cortelyou Road, a line 100 feet easterly of Dahill Road, a line 180 feet southerly of Avenue C, and Dahill Road to facilitate the legalization and continued



operation of a commercial banquet facility located in the interconnected cellar area of two existing school buildings in the Borough Park neighborhood of Community District 12, Brooklyn, (ULURP No. C 180171 ZMK) (the "Application");

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 2, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued October 15th, 2018 (CEQR No. 18DCP076K) ("the Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180171 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22c, by establishing within an existing R5 District a C2-4 District bounded by Avenue C, McDonald Avenue, a line 150 feet northerly of Cortelyou Road, a line 100 feet easterly of Dahill Road, a line 180 feet southerly of Avenue C, and Dahill Road, Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated October 15, 2018.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019.

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

## Report for L.U. No. 373

**Report of the Committee on Land Use in favor of approving Application No. C 170438 ZMX (Blondell Commons) submitted by Blondell Equities LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4b, changing from an M1-1 District to an R7A District and establishing within the proposed R7A District a C2-4 District, for property located at Block 4133, Lots 1, 2, 8, 10, 12, 61, 62, and 63, and Block 4134, Lots 1 and 14, Borough of the Bronx, Council District 13, Community District 11.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 13, 2019 Minutes, page 810) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BRONX CB-11 - THREE APPLICATIONS RELATED TO BLONDELL COMMONS****C 170348 ZMX (L.U. No. 373)**

City Planning Commission decision approving an submitted by Blondell Equities, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4b:

1. changing from an M1-1 District to an R7A District property bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue, and Blondell Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue, and Blondell Avenue;

as shown on a diagram (for illustrative purposes only) dated October 15, 2018, and subject to the conditions of CEQR Declaration E-505.

**N 170439 ZRX (L.U. No. 374)**

City Planning Commission decision approving an application submitted by Blondell Equities LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Community District 11.

**C 170353 MMX (L.U. No. 375)**

City Planning Commission decision approving an application submitted by Blondell Equities, LLC, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Fink Avenue between Blondell Avenue and Waters Avenue; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 11, Borough of The Bronx, in accordance with Map No. 13141 dated December 13, 2017 and signed by the Borough President.

**INTENT**

To approve the amendments to the Zoning Map, Text of the Zoning Resolution, and City Map in order to change the existing M1-1 District to an R7A district and establishing within the proposed R7A district a C2-4 district; establish a Mandatory Inclusionary Housing (MIH) area utilizing Option 2; eliminate, discontinue, and close a portion of Fink Avenue between Blondell Avenue and Waters Avenue; and make adjustments to the block dimensions and legal grades related.

**PUBLIC HEARING**

**DATE:** March 19, 2019

**Witnesses in Favor:** Eleven

**Witnesses Against:** Five

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 16, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission (“CPC”) on L.U. Nos. 373 through 375.

**In Favor:**

Moya, Constantinides, Levin, Reynoso, Richards, Rivera, Torres Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 17, 2019

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

**Against:**

None

**Abstain:**

None.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

## Res. No. 853

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170438 ZMX, a Zoning Map amendment (L.U. No. 373).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2019 its decision dated February 27, 2019 (the "Decision"), on the application submitted by Blondell Equities, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 4b, changing from an M1-1 District to an R7A District and establishing within the proposed R7A District a C2-4 District, which in conjunction with the related actions would facilitate the development of a nine-story mixed-use building with approximately 228 units of affordable housing in the Westchester Square area of the Bronx, Community District 11, (ULURP No. C 170438 ZMX) (the "Application");

**WHEREAS**, the Application is related to applications N 170439 ZRX (L.U. No. 374), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and C 170353 MMX (L.U. No. 375), a city map amendment to eliminate, discontinue and close Fink Avenue between Blondell and Waters avenues;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 19, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued October 12th, 2018 (CEQR No. 17DCP194X), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-505) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-505) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170438 ZMX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 4b:

1. changing from an M1-1 District to an R7A District property bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue, and Blondell Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue, and Blondell Avenue;

as shown on a diagram (for illustrative purposes only) dated October 15, 2018, and subject to the conditions of the CEQR Declaration E-505, Community District 11, Borough of the Bronx.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019.

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

Report for L.U. No. 374

**Report of the Committee on Land Use in favor of approving Application No. N 170439 ZRX (Blondell Commons) submitted by Blondell Equities LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located at Block 4133, Lots 1, 2, 8, 10, 12, 61, 62, and 63, and Block 4134, Lots 1 and 14, Borough of the Bronx, Council District 13, Community District 11.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 13, 2019 (Minutes, page 810) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for No. 373 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 854

**Resolution approving the decision of the City Planning Commission on Application No. N 170439 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 374).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2019 its decision dated February 27, 2019 (the "Decision"), on the application submitted by Blondell Equities, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing (MIH) Area utilizing Option 2, which in conjunction with the related actions would facilitate the development of a nine-story mixed-use building with approximately 228 units of affordable housing in the Westchester

Square neighborhood of the Bronx, Community District 11 (Application No. N 170439 ZRX) (the "Application");

**WHEREAS**, the Application is related to applications C 170438 ZMX (L.U. No. 373), a zoning map amendment to change the project area from an M1-1 zoning district to an R7A/C2-4 district and C 170353 MMX (L.U. No. 375), a city map amendment to eliminate, discontinue and close Fink Avenue between Blondell and Waters avenues;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 19, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued October 12th, 2018 (CEQR No. 17DCP194X), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-505) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-505) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 170439 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**THE BRONX**

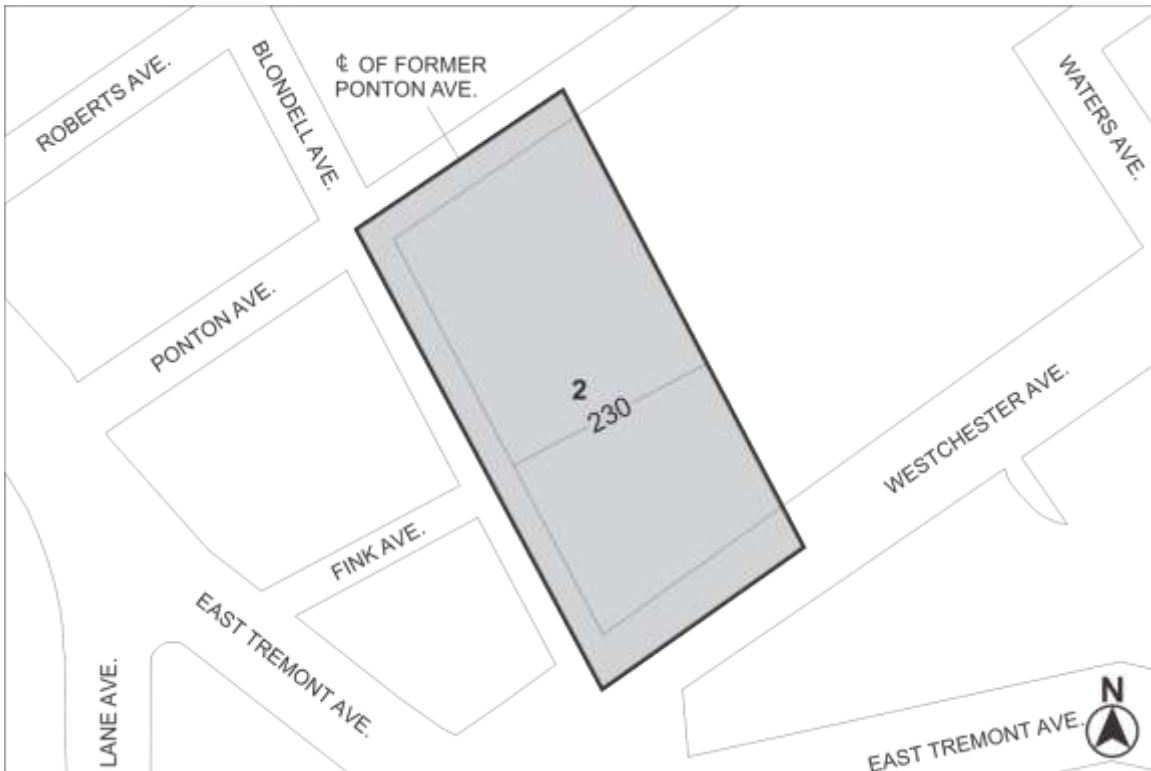
\* \* \*

**Community District 11**

\* \* \*

Map 2 - [date of adoption]

[PROPOSED MAP]





Mandatory Inclusionary Housing Program area *see Section 23-154(d)(3)*

Area 2 [date of adoption] – MIH Program Option 2

Portion of Community District 11, The Bronx

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019.

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

Report for L.U. No. 375

**Report of the Committee on Land Use in favor of approving Application No. C 170353 MMX (Blondell Commons) submitted by Blondell Equities LLC pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving the elimination, discontinuance and closing of Fink Avenue between Blondell Avenue and Waters Avenue and the adjustment of grades necessitated thereby, and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13141 dated December 13, 2017 and signed by the Borough President, in relation to property located at Block 4133, Lots 8, 10, 12, and 23 and Block 4134, Lots 1 and 14, Borough of the Bronx, Council District 13, Community District 11.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 13, 2019 (Minutes, page 811) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for No. 373 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Members Salamanca and Moya offered the following resolution:



## Res. No. 855

**Resolution approving the decision of the City Planning Commission on ULURP No. C 170353 MMX, an amendment to the City Map (L.U. No. 375).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 8, 2019 its decision dated February 27, 2019 (the "Decision"), on the application submitted by Blondell Equities, LLC, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Fink Avenue between Blondell Avenue and Waters Avenue; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13141 dated December 13, 2017 and signed by the Borough President, (ULURP No. C 170353 MMX), Community District 11, Borough of The Bronx (the "Application");

**WHEREAS**, the Application is related to application C 170438 ZMX (L.U. No. 373), a zoning map amendment to change the project area from an M1-1 zoning district to an R7A/C2-4 district and N 170439 ZRX (L.U. No. 374), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on March 19, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued October 12th, 2018 (CEQR No. 17DCP194X), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-505) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-505) and Negative Declaration.

Pursuant to Sections 197-d and 199 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 170353 MMX, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Fink Avenue between Blondell Avenue and Waters Avenue; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 11, Borough of The Bronx, in accordance with Map No. 13141 dated December 13, 2017 and signed by the Borough President, is approved; and be it further

**RESOLVED** that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

**RESOLVED** that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 13141 dated December 13, 2017 providing for the discontinuance and closing of Fink Avenue between Blondell Avenue and Waters Avenue, said street to be discontinued and closed being more particularly described as follows:

**DISCONTINUING AND CLOSING FINK AVENUE BETWEEN BLONDELL AVENUE AND WATERS STREET, BOROUGH OF THE BRONX AS SHOWN ON THE MANHATTAN BOROUGH PRESIDENT'S MAP NO. 13141, DATED DECEMBER 13, 2017**

Starting at the point of intersection of the easterly line of Blondell Avenue and the northerly line of Westchester Avenue, thence running 201.322 feet in a northerly direction, along the easterly line of Blondell Avenue to the point or place of beginning:

1. Thence, running 60.397 feet northerly along the extension of said easterly line of Blondell Avenue to a point on the northerly line of Fink Avenue, to be discontinued and closed;
2. Thence, running 666.998 feet easterly along said northerly line of Fink Avenue, which forms a deflection angle to the right of 96 degrees, 34 minutes and 14.8 seconds, with the previous course, to a point;
3. Thence, running 61.847 feet southerly, along a line which forms a deflection angle to the right of 104 degrees, 2 minutes and 2.4 seconds, with the previous course, to a point on the southerly line of said Fink Avenue;
4. Thence, running 643.961 feet westerly, along the southerly line of said Fink Avenue, which forms a deflection angle to the right of 75 degrees, 57 minutes and 49.5 seconds, with the previous course, to the point or place of beginning.

The area of Fink Avenue to be discontinued and closed is approximately 40,677.21 square feet or 0.93 acres.

**RESOLVED** that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 13141 dated December 13, 2017 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019.

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

Report for L.U. No. 379

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190053 ZMK (1640 Flatbush Avenue Rezoning) submitted by 1640 Flatbush Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23a, changing from a C8-2 District to an R6 District, changing from an R6 District to a C4-4D District, and changing from a C8-2 District to a C4-4D, on property located in the Borough of Brooklyn, Council District 45, Community District 14.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 28, 2019 (Minutes, page 1237), respectfully

#### **REPORTS:**

#### **SUBJECT**

#### **BROOKLYN CB-14 - TWO APPLICATIONS RELATED TO 1640 FLATBUSH AVENUE REZONING**

#### **C 190053 ZMK (Pre. L.U. No. 379)**

City Planning Commission decision approving an application submitted by 1640 Flatbush Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23a:

1. changing from a C8-2 District to an R6 District property bounded by the southerly boundary line of a former public place, a line 200 feet easterly of East 31<sup>st</sup> Street, a line 100 feet northerly of Aurelia Court and its westerly prolongation, and a line midway between East 31<sup>st</sup> Street and Nostrand Avenue;
2. changing from an R6 District to a C4-4D District property bounded by a line 100 feet northerly of Aurelia Court, the northerly centerline prolongation of East 32<sup>nd</sup> Street, Aurelia Court, and a line 200 feet easterly of East 31<sup>st</sup> Street; and
3. changing from a C8-2 District to a C4-4D District property bounded by the southerly boundary line of a former public place and its easterly prolongation, Flatbush Avenue, Aurelia Court, the northerly centerline prolongation of East 32<sup>nd</sup> Street, a line 100 feet northerly of Aurelia Court, and a line 200 feet easterly of East 31<sup>st</sup> Street;

as shown on a diagram (for illustrative purposes only) dated October 29, 2018 and subject to the conditions of CEQR Declaration E-506.

**N 190054 ZRK (Pre. L.U. No. 380)**

City Planning Commission decision approving an application submitted by 1640 Flatbush Owner, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to rezone a portion of the Development Site (Block 7577, Lot 60) from a C8-2 district and R6 district to a C4-4D district, a portion of the Development site from an R6 district to a C4-4D district, and portions of Lot 25 Block 7577 and Lot 69 of Block 7576 from C8-2 to an R6 district; and to designate the Development Site (Block 7577, Lot 60) as a mandatory Inclusionary Housing Area in the Flatbush neighborhood of Brooklyn Community District 14.

**PUBLIC HEARING**

**DATE:** March 19, 2019

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 16, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission (“CPC”) for Pre. LU No. 379 and approve with modifications the decision of the CPC on Pre. L.U. No. 380.

**In Favor:**

Moya, Constantinides, Levin, Reynoso, Richards Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 17, 2019

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Constantinides, Deutsch, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

<b>Against:</b>	<b>Abstain:</b>
Barron	Miller
	King.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

Report for L.U. No. 380

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190054 ZRK (1640 Flatbush Avenue Rezoning) submitted by 1640 Flatbush Owner LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, on property located in Borough of Brooklyn, Council District 45, Community District 14.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 28 2019 (Minutes, page 1238), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for No. 379 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019.

Approved with Modifications and Referred to the City Planning Commission pursuant to Rule 11.70(b) of the Rules of the Council and Section 197-(d) of the New York City Charter.

## Report for L.U. No. 382

**Report of the Committee on Land Use in favor of approving Application No. C 190102 ZMX (2069 Bruckner Blvd.) submitted by Azimuth Development Group LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 4b & 7a, changing from an R5 District to an R7A District and establishing within the proposed R7A District a C2-4, Block 3797, Lot 33 and p/o Lots 1 and 32, Borough of the Bronx, Council District 18, Community District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 28, 2019 (Minutes, page 1238) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****BRONX CB-9 - TWO APPLICATIONS RELATED TO 2069 BRUCKNER BOULEVARD REZONING****C 190102 ZMX (L.U. No. 382)**

City Planning Commission decision approving an application submitted by Azimuth Development Group LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 4b & 7a:

1. changing from an R5 District to an R7A District property bounded by Chatterton Avenue, Olmstead Avenue, Bruckner Expressway, and a line 300 feet westerly of Olmstead Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by Chatterton Avenue, Olmstead Avenue, Bruckner Expressway, a line 300 feet westerly of Olmstead Avenue, a line midway between Chatterton Avenue and Bruckner Boulevard (northerly portion), and a line 100 feet westerly of Olmstead Avenue;

as shown on a diagram (for illustrative purposes only) dated January 7, 2019, and subject to the conditions of the CEQR Declaration E-515.

**N 190103 ZRX (L.U. No. 383)**

City Planning Commission decision approving an application submitted by Azimuth Development Group LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area.

**INTENT**

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to change the existing R5 district to an R7A/C2-4 district and establish a Mandatory Inclusionary Housing (MIH) area utilizing Option 1 to facilitate a mixed-use development of two buildings to include 65 affordable

homeownership units, 265 rental units, 18,032 square feet of retail, and 159 parking spaces in the Unionport neighborhood of Bronx Community District 9.

**PUBLIC HEARING**

**DATE:** April 2, 2019

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 16, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission ("CPC") on L.U. Nos. 382 and 383.

**In Favor:**

Moya, Constantinides, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 17, 2019

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

**Against:**

None

**Abstain:**

None.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 856

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190102 ZMX, a Zoning Map amendment (L.U. No. 382).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 15, 2019 its decision dated March 13, 2019 (the "Decision"), on the application submitted by Azimuth Development Group, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map,

Section Nos. 4b and 7a, changing from an R5 District to an R7A District and establishing within the proposed R7A District a C2-4 District, which in conjunction with the related actions would facilitate a mixed-use development of two buildings to include 65 affordable homeownership units, 265 rental units, 18,032 square feet of retail, and 159 parking spaces in the Unionport neighborhood of Bronx Community District 9, (ULURP No. C 190102 ZMX) (the "Application");

**WHEREAS**, the Application is related to application N 190103 ZRX (L.U. No. 383), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 2, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued January 7<sup>th</sup>, 2019 (CEQR No. 19DCP082X) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the "E" Designation (E-515)).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-515) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190102 ZMX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 4b and 7a:

1. changing from an R5 District to an R7A District property bounded by Chatterton Avenue, Olmstead Avenue, Bruckner Expressway and a line 300 feet westerly of Olmstead Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by Chatterton Avenue, Olmstead Avenue, Bruckner Expressway, a line 300 feet westerly of Olmstead Avenue, a line midway between Chatterton Avenue and Bruckner Boulevard (northerly portion), and a line 100 feet westerly of Olmstead Avenue;

as shown on a diagram (for illustrative purposes only) dated January 7, 2019, and subject to the conditions of the CEQR Declaration E-515, Community District 9, Borough of the Bronx.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019.



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

Report for L.U. No. 383

**Report of the Committee on Land Use in favor of approving Application No. N 190103 ZRX (2069 Bruckner Blvd.) submitted by Azimuth Development Group LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, Borough of the Bronx, Council District 18, Community District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 28, 2019 (Minutes, page 1238) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for No. 382 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 857

**Resolution approving the decision of the City Planning Commission on Application No. N 190103 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 383).**

By Council Members Salamanca and Moya.

**WHEREAS**, the City Planning Commission filed with the Council on March 15, 2019 its decision dated March 13, 2019 (the "Decision"), on the application submitted by Azimuth Development Group, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area utilizing Option 1, which in conjunction with the related actions would facilitate a mixed-use development of two buildings to include 65 affordable homeownership units, 265 rental units, 18,032 square feet of retail, and 159 parking spaces in the Unionport neighborhood of Bronx Community District 9, (Application No. N 190103 ZRX), (the "Application");

**WHEREAS**, the Application is related to application C 190102 ZMX (L.U. No. 382), a zoning map amendment to change an R5 zoning district to an R7A/C2-4 district;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 2, 2019;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued January 7<sup>th</sup>, 2019 (CEQR No. 19DCP082X) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” Designation (E-515)).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-515) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190103 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter with # # is defined in Section 12-10;

\*\*\* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

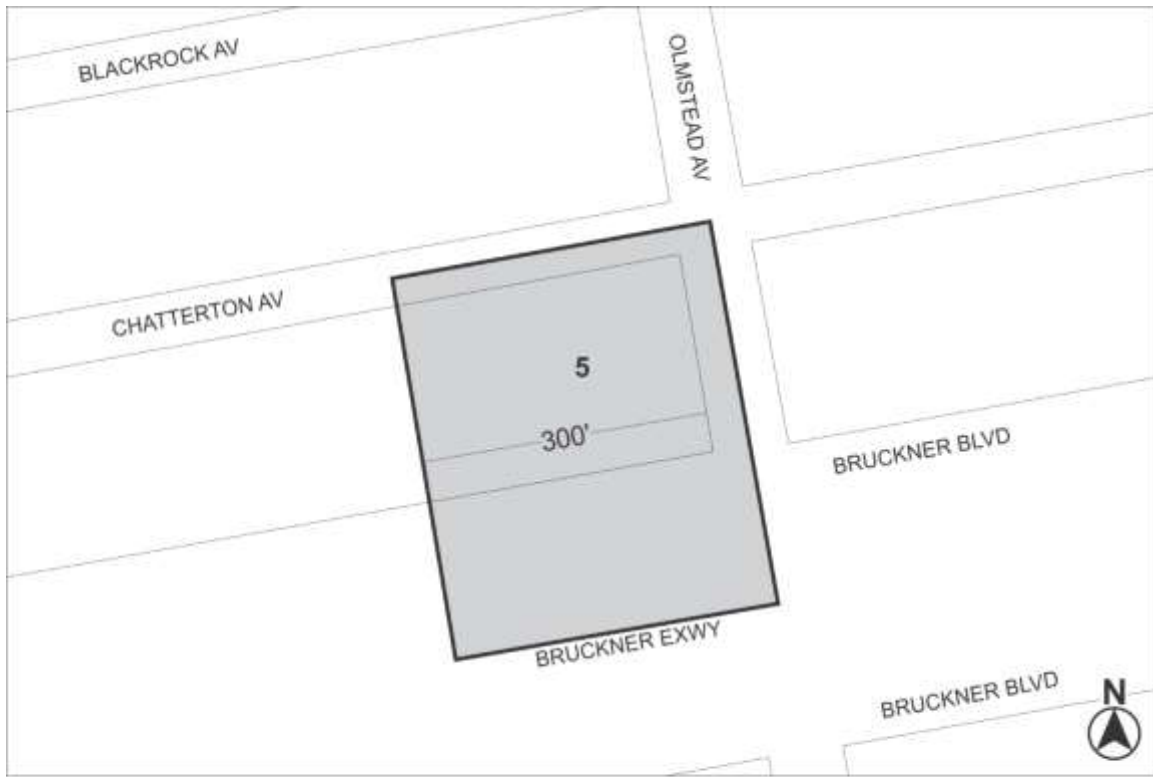
**The Bronx**

\* \* \*

**The Bronx Community District 9**

\* \* \*

**Map 5 – [Date of Adoption]**



 Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area 5 — [date of adoption] — MIH Program Option 1

Portion of Community District 9, The Bronx

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019.

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

Report for L.U. No. 384

**Report of the Committee on Land Use in favor of approving Application No. 20195471 HAX (Bruckner Apartments) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law requesting approval an exemption from real property taxes for property located at Block 3797, p/o Lot 3, Borough of the Bronx, Council District 18, Community District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 28, 2019 (Minutes, page 1239) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 9**

**20195471 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 3797, p/o Lot 33, Borough of the Bronx, Community District 9, Council District 18.

**INTENT**

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law, which will contain one multiple dwelling known as Bruckner Apartments that will provide rental housing for low-income families.

**PUBLIC HEARING**

**DATE:** April 2, 2019

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 16, 2019

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

**In Favor:**

Moya, Constantinides, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 17, 2019

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

**Against:**

None

**Abstain:**

None

In connection herewith, Council Members Salamanca and Moya offered the following resolution:

Res. No. 858

**Resolution approving a new tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 3797, p/o Lot 33, Community District 9, Borough of the Bronx, (L.U. No. 384; Non-ULURP No. 20195471 HAX).**

By Council Members Salamanca and Moya.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 13, 2019 its request dated March 11, 2019 that the Council approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for property located at Block 3797, p/o Lot 33, Community District No. 9, Borough of the Bronx, Council District No. 18 (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on April 2, 2019; and

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption Request.

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean Bruckner Affordable Owner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.

- b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD, HDC and the Owner enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3797, p/o Lot 33 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “HDC” shall mean the New York City Housing Development Corporation.
  - g. “HDFC” shall mean HP Bruckner Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - i. “Owner” shall mean, collectively, the HDFC and the Company.
  - j. “Regulatory Agreement” shall mean the regulatory agreement between HPD, HDC and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all

mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019.

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

Report for L.U. No. 385

**Report of the Committee on Land Use in favor of approving Application No. 20195472 HAX (2069 Bruckner Blvd.) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law requesting approval of an exemption from real property taxes for property located at Block 3797, p/o Lot 3, Borough of the Bronx, Council District 18, Community District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 28, 2019 (Minutes, page 1239) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB - 9**

**20195472 HAX**

Application submitted by the New York City Department of Housing Preservation and Development for approval of a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 3797, p/o Lot 33, Borough of the Bronx, Community District 9, Council District 18.

**INTENT**

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law, which will contain one multiple dwelling that will provide homeownership housing for low-income families.

**PUBLIC HEARING**

**DATE:** April 2, 2019

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 16, 2019

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

**In Favor:**

Moya, Constantinides, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** April 17, 2019

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

**Against:**

None

**Abstain:**

None.

In connection herewith, Council Members Salamanca and Moya offered the following resolution:



## Res. No. 859

**Resolution approving a new tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 3797, p/o Lot 33, Community District 9, Borough of the Bronx, (L.U. No. 385; Non-ULURP No. 20195472 HAX).**

By Council Members Salamanca and Moya.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 13, 2019 its request dated March 11, 2019 that the Council approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for property located at Block 3797, p/o Lot 33, Community District No. 9, Borough of the Bronx, Council District No. 18 (the "Exemption Area");

**WHEREAS**, upon due notice, the Council held a public hearing on the Tax Exemption Request on April 2, 2019; and

**WHEREAS**, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption Request.

**RESOLVED:**

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:
  - a. "Company" shall mean Bruckner Homeownership LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. "Effective Date" shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - d. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3797, p/o Lot 33 on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. "HDFC" shall mean HP MJM Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - h. "Owner" shall mean, collectively, the HDFC and the Company.

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019.

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

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

Report for L.U. No. 396

**Report of the Committee on Land Use in favor of approving Application No. 20195227 SCK (250-266 46th Street - 322 Seat Primary School Facility) submitted by the New York City School Construction Authority pursuant to Section 1732 of the Public Authorities Law for approval of a site selection for a new, approximately 322-Seat Primary School Facility to be located on the mid-block corner of 46th Street and 2nd and 3rd Avenues (Block 754, Lot 27,29,30,32 and 34), Borough of Brooklyn, Council District 38, Community School District No. 15.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on April 18, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 7**

**20195227 SCK**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 322-Seat Primary School Facility located at 250-266 46<sup>th</sup> Street (Block 754, Lots 27, 29, 30, 32, and 34) in the Sunset Park section of Brooklyn, Community School District 15.

**INTENT**

To approve the site plan for the construction of a new, approximately 322-seat primary school facility in the Sunset Park section of Brooklyn to accommodate students in Community School District No. 15.

**PUBLIC HEARING**

**DATE:** April 15, 2019

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** April 15, 2019

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

**In Favor:**

Adams, Barron, Koo, Miller, Treyger.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** April 17, 2019

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Constantinides, Deutsch, King, Koo, Lancman, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Diaz, Sr., Moya, Rivera.

**Against:**

None

**Abstain:**

None.

In connection herewith, Council Members Salamanca and Adams offered the following resolution:

Res. No. 860

**Resolution approving the site plan for a new, approximately 322-Seat Primary School Facility located at 250-266 46<sup>th</sup> Street (Block 754, Lots 27, 29, 30, 32, and 34) in the Sunset Park section of Brooklyn, Community District 7 (Non-ULURP No. 20195227 SCK; Preconsidered L.U. No. 396).**

By Council Members Salamanca and Adams.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on April 12, 2019, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 322-Seat Primary School Facility located at 250-266 46<sup>th</sup> Street (Block 754, Lots 27, 29, 30, 32, and 34) in the Sunset Park section of Brooklyn, Community District 7, to serve as a new annex building for Public School 1 in Community School District No. 15 (the "Site Plan");

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on April 15, 2019;

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued on March 26, 2019, (SEQR Project Number 19-011) (the "Negative Declaration"); and

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

**RESOLVED:**

The Council finds that the action described herein will have no significant effect on the environment as set forth in the Negative Declaration.

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, April 17, 2019.

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

### **Report for Committee on Sanitation and Solid Waste Management**

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

Report for Int. No. 1527

**Report of the Committee on Sanitation and Solid Waste Management in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to a paper carryout bag reduction fee, and to repeal chapter 4-F of title 16 of such code, relating to carryout bag reduction.**

The Committee on Sanitation and Solid Waste Management, to which the annexed preconsidered proposed local law was referred on April 18, 2019, respectfully

## **REPORTS**

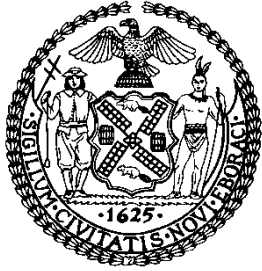
### **I. INTRODUCTION**

On April 17, 2019, the Committee on Sanitation and Solid Waste Management (“Committee”), chaired by Council Member Antonio Reynoso, will hold a second hearing on Preconsidered Int. No. 1527, sponsored by Council Member Lander, the Speaker (Council Member Johnson) and Council Members Chin, Treyger, Reynoso and Constantinides, in relation to a paper carryout bag reduction fee, and to repeal chapter 4-F of title 16 of such code, relating to carryout bag reduction. The Committee held a hearing on this bill on April 16, 2019, and received testimony from the New York City Department of Sanitation (“DSNY”), environmental advocates, local business representatives, and interested members of the public.

### **II. PRECONSIDERED INT. NO.1527**

Preconsidered Int. No. 1527 would require certain covered retail vendors who sell certain products subject to New York State sales tax to charge a fee of 5 cents for each paper bag provided to a customer of such vendor. This bill would have the City opt into the State law provision that permits localities to implement a paper bag fee, which goes into effect on March 1, 2020. It would also exempt residents who use the supplemental nutrition assistance program (SNAP) or the special supplemental nutrition program for women, infants and children (WIC), as either full or partial payment toward the items purchased in a covered store, from paying the bag fee. This local law would take effect on March 1, 2020.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1527:)**



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

**PRECONSIDERED INT. NO. 1527:**

**COMMITTEE: Sanitation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to a paper carryout bag reduction fee, and to repeal chapter 4-F of title 16 of such code, relating to carryout bag reduction.

**SPONSOR:** Council Member Lander, Chin, Treyger and Reynoso.

**SUMMARY OF LEGISLATION:** This Preconsidered Intro. would require certain covered retail vendors who sell certain products subject to New York State sales tax to charge a fee of 5 cents for each paper bag provided to a customer of such vendor. This bill would have the City opt into State law that goes into effect on March 1, 2020. It would also exempt from paying the bag fee residents who use the supplemental nutrition assistance program, special supplemental nutrition program for women, infants and children, or any successor programs, used as full or partial payment toward the items purchased.

**EFFECTIVE DATE:** This local law would take effect on March 1, 2020, except that the commissioner of sanitation and the commissioner of finance may take such measures as are necessary for its implementation prior to such effective date.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY20</b>	<b>FY Succeeding Effective FY20</b>	<b>Full Fiscal Impact FY21</b>
<b>Revenues</b>	\$10,000,000	\$30,000,000	\$30,000,000
<b>Expenditures</b>	\$10,000,000	\$30,000,000	\$30,000,000
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would result in additional revenues of \$30 million when fully implemented in Fiscal 2021. This assumes that the 10 billion plastic bags currently used annually are replaced with paper bags but only 15 percent of New York City consumers choose to use paper bags (as opposed to reusable bags, or no bags at all), resulting in 1.5 billion paper bags used annually. Of the total 5 cent charge on each paper bag purchased, 2 cents is dedicated to the City, resulting in \$30 million of additional revenue (the other 3 cent charge on each bag, resulting in \$45 million, go to the State’s Environmental Protection Fund). The pro-rated revenue impact for Fiscal 2020 would be \$10 million, given the law will take effect on March 1, 2020 – resulting in only four months of revenues in Fiscal 2020.

**IMPACT ON EXPENDITURES:** It is anticipated that this legislation would impact expenditures in the amount of \$30 million annually, due to State legislation requiring the revenues collected be spent on purchasing and distributing reusable bags. The pro-rated expenditure impact for Fiscal 2020 would be \$10 million because the law will take effect on March 1, 2020, resulting in only four months of expenditures in Fiscal 2020.

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

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst  
Kendall Stephenson, Senior Economist

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
Cirilhien R. Francisco, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was considered at a hearing by the Committee on Sanitation (Committee) as a Preconsidered Introduction on April 16, 2019, and the legislation was laid over. The legislation will be voted on by the Committee at a hearing on April 17, 2019. The Preconsidered Introduction will be introduced to the full Council on April 18, 2019 and, upon a successful vote by the Committee it will be submitted to the full Council for a vote on April 18, 2019.

**DATE PREPARED:** April 10, 2019.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 1527:)**

Int. No. 1527

By Council Member Lander, the Speaker (Council Member Johnson), and Council Members Chin, Treyger, Reynoso, Constantinides, Kallos, Ayala, Rivera, Rosenthal and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to a paper carryout bag reduction fee, and to repeal chapter 4-F of title 16 of such code, relating to carryout bag reduction**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4-F of title 16 of the administrative code of the city of New York is REPEALED and a new chapter 4-F is added to read as follows:

**CHAPTER 4-F: PAPER CARRYOUT BAG REDUCTION FEE**

§ 16-490 Definitions

§ 16-491 Paper carryout bag reduction fee

§ 16-492 Exemptions

§ 16-490 Definitions. As used in this chapter:

*Exempt bag. The term "exempt bag" means: (i) a bag used solely to contain or wrap uncooked meat, fish or poultry; (ii) a bag used by a customer solely to package bulk items such as fruits, vegetables, grains or candy; (iii) a bag used solely to contain food sliced or prepared to order; (iv) a bag used solely to contain a newspaper for delivery to a subscriber of such newspaper; (v) a bag sold in bulk to a consumer at the point of sale; (vi) a trash bag; (vii) a bag used for food storage; (viii) a garment bag; (ix) a bag prepackaged for sale to a customer; (x) a plastic carryout bag provided by a restaurant, tavern or similar food service establishment, as defined in section 14-1.20 of title 10 of the New York codes, rules and regulations, to carry out or deliver food; or (xi) a bag provided by a pharmacy to carry prescription drugs.*

*Paper carryout bag.* The term “paper carryout bag” means a paper bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry tangible personal property, regardless of whether such person required to collect tax sells any tangible personal property or service to the customer, and regardless of whether any tangible personal property or service sold is exempt from tax under article 28 of the tax law.

*Person required to collect tax.* The term “person required to collect tax” means any vendor of tangible personal property subject to the tax imposed by subdivision (a) of section 1105 of the tax law.

§ 16-491 *Paper carryout bag reduction fee.* a. On and after March 1, 2020, there shall be a paper carryout bag reduction fee of five cents imposed on each paper carryout bag provided by any person required to collect tax to a customer.

b. Any sales slip, invoice, receipt or other statement of price furnished by a person required to collect tax to a customer shall separately state and make payable the paper carryout bag reduction fee and shall state the number of paper carryout bags provided to the customer.

c. Pursuant to paragraph (c) of subdivision 1 of section 27-2805 of the environmental conservation law, the transfer of a paper carryout bag to a customer by a person required to collect tax shall not constitute a retail sale and the fee imposed on paper carryout bags pursuant to this section shall not constitute a receipt for the sale of tangible personal property.

d. Pursuant to subdivision 4 of section 27-2805 of the environmental conservation law, the paper carryout bag reduction fee shall be reported and paid by a person required to collect tax to the New York state commissioner of taxation and finance, accompanied by a return in the form and containing the information prescribed by such commissioner, on a quarterly basis on or before the twentieth day of the month following each quarterly period ending on the last day of February, May, August and November, respectively.

§ 16-492 *Exemptions.* a. Pursuant to subdivision 3 of section 27-2805 of the environmental conservation law, the paper carryout bag reduction fee imposed pursuant to section 16-491 shall not apply to any customer using the supplemental nutritional assistance program, special supplemental nutrition program for women, infants and children, or any successor programs used as full or partial payment for the items purchased.

b. Pursuant to subparagraph (1) of paragraph (b) of subdivision 6 of section 27-2805 of the environmental conservation law, the exemptions provided for in section 1116 of the tax law, other than the exemptions in paragraphs (1), (2) and (3) of subdivision (a) of such section, shall not apply to the paper carryout bag reduction fee imposed pursuant to section 16-491.

§ 2. Within five days of the enactment of this local law, the commissioner of sanitation shall mail a certified copy of this local law by registered or certified mail to the New York state commissioner of taxation and finance and file a certified copy of this local law with the New York state tax commission, the city clerk, the secretary of state and the New York state comptroller pursuant to subdivisions (d) and (e) of section 1210 of the tax law.

§ 3. This local law takes effect on March 1, 2020, except that the commissioner of sanitation and the commissioner of finance may take such measures as are necessary for its implementation prior to such effective date.

ANTONIO REYNOSO, *Chairperson*; MARGARET S. CHIN, COSTA G. CONSTANTINIDES, RAFAEL L. ESPINAL, Jr.; Committee on Sanitation and Solid Waste Management, APRIL 17, 2019.

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



**GENERAL ORDER CALENDAR**

Report for Int. No. 720

**Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law to amend the New York city building code, in relation to clarifying the requirements for site safety training providers.**

The Committee on Housing and Buildings, to which the annexed preconsidered proposed local law was referred on March 7, 2018 (Minutes, page 1092), and which same item has been laid over by the Council since the March 7, 2018 Stated Meeting (Minutes, page 924), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 720 printed in the Minutes of March 7, 2018, page 1092)**

*Accordingly, this Committee recommends its adoption.*

ROBERT E. CORNEGY, Jr., Chairperson; FERNANDO CABRERA, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, March 6, 2018.

Recommitted to the Committee on Housing and Buildings.

**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>
Alyssa Rogowski	303 E 81st Street #2FW New York, New York 10028	5
April Wright	1806 First Avenue #21J New York, New York 10128	5
Dominique Francis	405 E 92nd St #18B New York, New York 10128	5
Madeleine Deluery	309 East 93rd Street #4W New York, New York 10128	5
Michael Velazquez	500 E 77th St #3420 New York, New York 10162	5
Tito Yan	15 North Street #3C Bronx, New York 10468	14
Lorel Gore	117-66 142nd Street Queens, New York 11436	28
YanFang Chen	74-18 85th Drive Queens, New York 11421	30
Jeannie Brenes	201 Scholes Street #3B Brooklyn, New York 11206	34
Wesleyan Tanco	598 Marcy Ave #3L Brooklyn, New York 11206	36
Helen Centeno-Ortiz	1746 Union Street #1A Brooklyn, New York 11213	41
Amanda Estevez	6820 Owls Head Ct #1A Brooklyn, New York 11220	43
Ivette Garcia	7924 16th Ave Brooklyn, New York 11214	43

Briana Nasti	28 Mason Blvd Staten Island, New York 10309	51
Michael Strasburg	4 Yucca Drive Staten Island, New York 10312	51
Michelle Miura	14 Pine Terrace Staten Island, New York 10312	51

*Approved Reapplicants*

<i>Name</i>	<i>Address</i>	<i>District #</i>
Thomas K. Duane	345 8th Avenue #19A New York, New York 10001	3
Reinaldo Pabon	1763 2nd Avenue #34H New York, New York 10128	5
Gwendolyn. Moore	1900 Lexington Avenue #10J New York, New York 10035	9
Charlene Checo	636 West 172nd Street #53 New York, New York 10032	10
Maribel Rivera	75 West Mosholu Parkway North #6K Bronx, New York 10467	11
Ruth Rojas-Duarte	827 Fox Street #2A Bronx, New York 10459	17
Lisa M. Rivers	99-10 60th Avenue #2J Corona, New York 11368	21
Timur Benjamin	118-60 Metropolitan Avenue #3L Kew Gardens, New York 11415	29
Sherina Seale	853 Empire Blvd #B9 Brooklyn, New York 11213	41
Corine Phillips	5415 Fillmore Avenue Brooklyn, New York 11234	46
Octavia Charles	5420 Avenue M Brooklyn, New York 11234	46
Jaqueline Ham	2007 Surf Avenue #7A Brooklyn, New York 11224	47

Brad B. Holland	1401 Elm Avenue #B6 Brooklyn, New York 11230	48
Eugene Kazakevich	1235 Forest Hill Road #2G Staten Island, New York 10314	50
James P. Molinaro	85 Lyman Avenue Staten Island, New York 10305	50
Joseph Benvenuto	516 Lincoln Avenue Staten Island, New York 10306	50

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

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

- (1) **Int 276-A -** Roofs of certain buildings be partially covered in green roof or solar photovoltaic electricity generating systems.
- (2) **Int 1031-A -** Posting information regarding green roofs on the website.
- (3) **Int 1032-A -** Roofs of certain buildings be covered in green roofs or solar photovoltaic electricity generating systems.
- (4) **Int 1251-A -** Building energy efficiency grade.
- (5) **Int 1252-A -** Establishing a sustainable energy loan program.
- (6) **Int 1253-C -** Commitment to achieve certain reductions in greenhouse gas emissions by 2050
- (7) **Int 1317-A -** Large wind turbines.
- (8) **Int 1318-A -** Assessment of the replacement of gas-fired power plants and to amend Local Law number 248 for the year 2017.
- (9) **Int 1527 -** Paper carryout bag reduction fee, and to repeal chapter 4-F of title 16 of such code, relating to carryout bag reduction.
- (10) **Res 846 -** New designation and changes in the designation of certain organizations to receive funding in the Expense Budget  
**(Transparency Resolution).**
- (11) **L.U. 369 & Res 852 -** App. C 180171 ZMK (McDonald Avenue Catering) Brooklyn, Council District 39, Community District 12.

- (12) **L.U. 373 & Res 853 - App. C 170438 ZMX (Blondell Commons)** Bronx, Council District 13, Community District 11.
- (13) **L.U. 374 & Res 854 - App. N 170439 ZRX (Blondell Commons)** Bronx, Council District 13, Community District 11.
- (14) **L.U. 375 & Res 855 - App. C 170353 MMX (Blondell Commons)** Bronx, Council District 13, Community District 11.
- (15) **L.U. 382 & Res 856 - App. C 190102 ZMX (2069 Bruckner Blvd.)** Bronx, Council District 18, Community District 9.
- (16) **L.U. 383 & Res 857 - App. N 190103 ZRX (2069 Bruckner Blvd.)** Bronx, Council District 18, Community District 9.
- (17) **L.U. 384 & Res 858 - App. 20195471 HAX (Bruckner Apartments)** Bronx, Council District 18, Community District 9.
- (18) **L.U. 385 & Res 859 - App. 20195472 HAX (2069 Bruckner Blvd.)** Bronx, Council District 18, Community District 9.
- (19) **L.U. 395 & Res 851 - Prospect Park South Portfolio** Brooklyn, Community Districts No. 14 and 17, Council District No. 40.
- (20) **L.U. 396 & Res 860 - App. 20195227 SCK (250-266 46th Street - 322 Seat Primary School Facility)** Brooklyn, Council District 38, Community School District No. 15.
- (21) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Diaz, Dromm, Espinal, Eugene, Gibson, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – 47.

**The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int. No. 276-A, 1032-A, and 1253-C:**

**Affirmative** – Adams, Ampy-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Diaz, Dromm, Espinal, Eugene, Gibson, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

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

The following was the vote recorded for **Preconsidered Int. No. 1527:**

**Affirmative** – Adams, Ampy-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Dromm, Espinal, Eugene, Gibson, Kallos, King, Koo, Koslowitz, Lander, Levin, Levine, Menchaca, Miller, Moya, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **38**.

**Negative** – Borelli, Diaz, Grodenchik, Holden, Lancman, Maisel, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) – **9**.

*The following Introductions were sent to the Mayor for his consideration and approval:*

*Int. Nos. 276-A, 1031-A, 1032-A, 1251-A, 1252-A, 1253-C, 1317-A, 1318-A, and Preconsidered Int. No. 1527.*

**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. 66

**Report of the Committee on Environmental Protection in favor of approving a Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that would increase the real property tax abatement for the installation of a green roof to \$15 per square foot.**

The Committee on Environmental Protection, to which the annexed resolution was referred on January 31, 2019 (Minutes, page 330), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 276-A printed in the Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 66:)**

Res. No. 66

**Resolution calling upon the State Legislature to pass, and the Governor to sign, legislation that would increase the real property tax abatement for the installation of a green roof to \$15 per square foot**

By Council Members Levin, The Speaker (Council Member Johnson), Brannan, Yeger, Cohen, Gibson, Rivera, King, Rosenthal and Kallos.

**Whereas**, New York State law provides a one-time real property tax abatement for the installation of green roofs within New York City; and

**Whereas**, Section 499-bbb of the State Real Property Tax Law provides a real property tax abatement to the owners of class one, two, or four properties who install or have installed green roofs on such properties; and

**Whereas**, To be eligible for the tax abatement, the green roof must cover at least 50 percent of the eligible rooftop space and can include a weatherproof and waterproof roofing membrane layer; a root barrier layer; an insulation layer; a drainage layer that is designed so the drains can be inspected and cleaned; a growth medium with a depth of at least two inches; an independent water holding layer, for growth mediums less than three inches, that is designed to prevent the rapid drying of the growth medium; or certain vegetation layers; and

**Whereas**, The law currently provides for a tax abatement at varying levels depending on the year that the tax abatement is claimed; and

**Whereas**, According to the United States Environmental Protection Agency, the cost of installing a green roof could be \$25 per square foot; and

**Whereas**, However, the existing tax abatement is far less than this cost; and

**Whereas**, For tax abatements claimed between July 1, 2009 and June 30, 2014, the amount of the tax abatement is \$4.50 per square foot of green roof, but not more than the lesser of \$100,000 or the amount of taxes owed that year for the eligible building; and



**Whereas,** For tax abatements claimed between July 1, 2014 and June 30, 2019, the amount of the tax abatement is \$5.23 per square foot of green roof, but not more than the lesser of \$200,000 or the amount of taxes owed that year for the eligible building; and

**Whereas,** While the existing tax abatement is helpful, because of the disparity between the cost to install a green roof and the amount of the tax abatement, it does not provide a meaningful incentive for people to build green roofs; and

**Whereas,** An increased tax abatement amount would provide a greater incentive for property owners to build green roofs and contribute to the greening of the City; and

**Whereas,** The City also recognizes the benefits of green roof installation and encourages their use; and

**Whereas,** For example, the City's Department of Environmental Protection offers a Green Infrastructure Grant Program which funds the design and construction of certain green infrastructure projects, including green roofs, on private property in certain areas of the City; and

**Whereas,** In 2014, the grant program awarded more than \$3,000,000 to fund six projects, five of which included a green roof component; and

**Whereas,** The State and the City both understand the importance of promoting green infrastructure and, therefore, the tax abatement to incentivize green roof installation should be deepened to reflect the actual cost of installing a green roof; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the State Legislature to pass, and the Governor to sign, legislation that would increase the real property tax abatement for the installation of a green roof to \$15 per square foot.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr., KALMAN YEGER; Committee on Environmental Protection, April 18, 2019.

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing no objections, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote

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

Report for voice-vote item Res. No. 845

**Report of the Committee on Environmental Protection in favor of approving a Resolution calling upon the New York State Department of Environmental Conservation to deny the Water Quality Certification permit for the construction of the Northeast Supply Enhancement pipeline through New York Harbor.**

The Committee on Environmental Protection, to which the annexed preconsidered resolution was referred on April 18, 2019, respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 276-A printed in the Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 845:)**

Preconsidered Res. No. 845

**Resolution calling upon the New York State Department of Environmental Conservation to deny the Water Quality Certification permit for the construction of the Northeast Supply Enhancement pipeline through New York Harbor.**

By Council Members Constantinides, the Speaker (Council Member Johnson), Richards, Kallos, Espinal, Menchaca, King, Ayala, Rivera and Rosenthal.

**Whereas**, The Northeast Supply Enhancement pipeline proposed by Williams Companies Inc. (Williams) would carry natural gas extracted from the ground via the process of hydraulic fracturing to customers in lower New York by connecting to an existing pipeline across New York Harbor; and

**Whereas**, Natural gas can be comprised of anywhere from 70 to 90% methane which is a more potent greenhouse gas than carbon dioxide, as it traps heat in the earth's atmosphere by 30 to 80 times in magnitude; and

**Whereas**, A recent NASA study into atmospheric methane levels has identified oil and gas exploration as a major contributor to the sharp rise in methane concentrations beginning in 2006; and

**Whereas**, Further, multiple studies by various researchers have found methane leakage from hydraulic fracturing operations at rates much higher than the levels that industry reports suggest; and

**Whereas**, The State of New York has committed to a 50% reduction in greenhouse gas emissions by 2030, and New York City has committed to an 80% reduction in greenhouse gas emissions by 2050; and

**Whereas**, The State of New York has also committed to 9,000 megawatts of offshore wind energy by 2035, and 6,000 megawatts of solar energy by 2025, which will reduce the need for new fossil fuel infrastructure; and

**Whereas**, The City and State's emissions reduction goals cannot be reached without a shift away from fossil fuels and an increased reliance on renewable energy generation; and

**Whereas**, The United States (U.S.) Energy Information Administration's forecast for natural gas use is flat due to a downward trend in demand, efficiency gains in new equipment, and an increased load capture by the renewable energy sector; and

**Whereas**, Williams' projection of a 10% increase in demand is contradicted by analyses by the New York Independent System Operator, the Long Island Power Authority, and the U.S. Energy Information Administration; and

**Whereas**, The construction of the Northeast Supply Enhancement pipeline will require trenching through under water sediment heavily contaminated with toxins such as polychlorinated biphenyls, arsenic, and lead; and

**Whereas**, The act of trenching would uncover these toxic sediments, releasing them back into the environment and back into the food chain; and

**Whereas**, Many of these toxins are known to bio-accumulate in marine life, posing a serious threat to the marine ecosystem, including many important or endangered species of fish, marine mammals, sea turtles, and invertebrates; and

**Whereas**, The bioaccumulation of polychlorinated biphenyls, arsenic, and lead, in sea-life poses a threat to the Mid Atlantic fishing industry, as well as to the health of anyone who consumes the products of said industry; and

**Whereas**, A study published by the Journal of Science in 2018 found that the domestic oil and natural gas industry leaked an estimated 13 million metric tons of methane a year from various points along a respective supply pipeline, 2.3% of the total annual extracted supply; and

**Whereas**, According to another study from the Yale School of Forestry and Environmental Studies' Journal of Industrial Ecology, published in 2016, an increase to 4% leakage would negate any emission reduction gains made by switching from coal to natural gas; and

**Whereas**, Williams Companies has been reported to have at least 64 environmental violations since the year 2000; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Department of Environmental Conservation to deny the Water Quality Certification permit for the construction of the Northeast Supply Enhancement pipeline through New York Harbor.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DONOVAN J. RICHARDS, RAFAEL L. ESPINAL, Jr.; Committee on Environmental Protection, April 18, 2019.

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

The following 2 Council Members formally noted their intent to vote negative on this item:  
Council Members Borelli and Matteo.

The following Council Member formally noted his intention to abstain from voting on this item:  
Council Member Yeger.

Adopted by the Council by voice-vote.

**INTRODUCTION AND READING OF BILLS**

Int. No. 1513

By Council Members Ayala, Kallos and Rosenthal.

**A Local Law to amend the administrative code of the city of New York, in relation to mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals***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 9-158 to read as follows:

§ 9-158 *Mental health treatment. The department shall ensure that any housing unit where transgender, gender non-conforming, non-binary, and intersex individuals reside has available the same mental health treatment available to incarcerated individuals outside such unit.*

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

Referred to the Committee on Criminal Justice.

Int. No. 1514

By Council Members Ayala, Rosenthal and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring access to substance abuse treatment for transgender, gender non-conforming, non-binary, and intersex individuals***Be it enacted by the Council as follows:*

Section 1. Section 9-107 of the administrative code of the city of New York, as added by local law 47 for the year of 1969, is amended to read as follows:

a. The commissioner of correction shall establish a program for the treatment of [heroin addicts] *substance abuse* through the use of [methadone hydrochloride therapy] *medicated assisted treatment, including the administration of methadone, buprenorphine, and naltrexone.* The program shall be available on a voluntary basis only to such [inmates] *incarcerated individuals* as apply, subject to a medical evaluation, before acceptance, of their need for such treatment.

b. *The commissioner shall ensure that any housing unit where transgender, intersex, non-binary, and gender non-conforming individuals are housed has available the same substance abuse treatment available to individuals outside such unit.*

[b] c. The commissioner of correction shall provide for the continuance of such treatment by establishing parole procedures and after-care evaluation and implementation after the incarceration has terminated, during the period of parole.

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

Referred to the Committee on Criminal Justice.

## Int. No. 1515

By Council Members Barron, Adams, Brannan and Cumbo.

**A Local Law in relation to requiring a task force to review and consider impacts and benefits from the film and television production industry**

*Be it enacted by the Council as follows:*

Section 1. Film and television production industry impact task force. a. The department of small business services, in collaboration with the mayor's office of media and entertainment, or any other entity designated by the mayor to issue film and television production permits pursuant to section 1301 of the New York city charter, shall establish a task force to conduct a study and submit a report with recommendations on how to reduce negative impact on general public and local businesses and maximize the benefits from the city's film and television industry.

b. Such task force shall consist of seven members:

(1) The commissioner of small business services, or the designee thereof;

(2) The commissioner of the mayor's office of media and entertainment, or the designee thereof;

(3) Two members appointed by the mayor, provided that at least one such member shall be an owner, shareholder, or the designee of such owner or shareholder, of a business involved in the sale of goods or services directly to the public that is accessible directly from the street located in a neighborhood where a high volume of film permits were issued within the last year, and at least one such member shall have a background in or be affiliated with an organization in the film and television production industry;

(4) Two members appointed by the speaker of the council, provided that at least one such member shall be an owner, shareholder, or the designee of such owner or shareholder, of a business involved in the sale of goods and/or services directly to the public that is accessible directly from the street located in the neighborhood with a high volume of film permits issued, and at least one such member shall have a background in or be affiliated with an organization engaged in the film and television production industry; and

(5) One member appointed by the public advocate.

c. The members of such task force shall be appointed within ninety days after the effective date of this local law.

d. At the first meeting of such task force, the task force shall select a chairperson from among its members by a majority vote of the task force.

e. Each member of such task force shall serve for a term of twelve months, to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

f. The task force shall consult with small business owners, members of business improvement districts, representatives from the various chambers of commerce operations within the city, small business advocates, community boards, and the police department to determine the best way to maximize the benefits and reduce the negative impact on small businesses and New York City residents during film and television production. All members of the task force shall serve without compensation and shall meet, at a minimum, on a quarterly basis and shall hold at least two meetings to solicit comments from the public prior to the submission of the final report.

g. The task force shall also create and conduct a survey for outreach to the general public and local businesses impacted by film and television production. The finding of the survey shall be included in the final report. The report shall be submitted to the mayor and the speaker of the city council no later than 18 months after the effective date of this law.

h. Such report shall include a plan to improve the economic impact on residents and local businesses from film and television production.

i. In developing such plan as required by this local law, the task force shall also review and consider the following:

1. Complaints related to film and television production submitted to 311 by members of the general public for the last 3 years.

2. The result of the survey on the economic impact on local businesses of film production industry as required by subdivision f.

3. Issues related to parking, safety, sanitation, noise, building access, communication with the public, and adequate notice provided by film production industry to local businesses and residents of potential loss of parking or access to streets.

j. In developing such plan as required by this local law, the task force shall include the following:

1. Measures to improve parking conditions for residents of neighborhoods where filming or television production is taking place;

2. Suggestions on how the City can encourage film and television companies to create both temporary and permanent job opportunities in local communities;

3. Methods to improve communication between film or television permit holders and local communities; and

4. Any other issues brought to the attention of the task force through consultation with small business owners and the general public

§ 2. This local law takes effect in 90 days.

Referred to the Committee on Technology.

Int. No. 1516

By Council Member Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on fire escapes avoided due to safety issues**

*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 15-140 to read as follows:

*§ 15-140 Report on fire escape safety. No later than August 1, 2019, and within 30 days of the beginning of each quarter thereafter, the department shall submit to the speaker of the council and post on the department's website a report on fire escape safety. Such report shall include, but need not be limited to, the following information for the previous quarter:*

*a. The number of fire escapes avoided by the department due to a safety concern when responding to a fire or other emergency, disaggregated by borough;*

*b. For each such time such fire escape was deemed unsafe to use, the location of such fire escape;*

*c. For each such time such fire escape was deemed unsafe to use, the material used to construct such fire escape;*

*d. For each such time such fire escape was deemed unsafe to use, the reasons for determining that such fire escape was unsafe to use; and*

*e. For each such time such fire escape was deemed unsafe to use, the means of egress used instead.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

## Int. No. 1517

By Council Member Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to report on the income distribution of areas covered by private ambulance and emergency medical services**

*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 15-140 to read as follows:

*§ 15-140 Report on ambulance coverage area and income distribution. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Emergency medical services. The term “emergency medical services” means the services provided by the bureau of emergency medical services within the department.*

*Private ambulance. The term “private ambulance” means any ambulance that the department does not operate.*

*b. No later than June 1, 2019, and every June 1 thereafter, the department shall complete a study of coverage areas by emergency medical services and private ambulances and shall file with the mayor and the speaker of the council, and post on the department’s website, a report disclosing the following:*

- 1. The coverage areas of emergency medical services;*
- 2. The coverage areas of private ambulances;*
- 3. The areas that private ambulances ceased to cover;*
- 4. The areas that private ambulances began to cover; and*
- 5. The median income of each private ambulance and emergency medical services coverage area.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

## Int. No. 1518

By Council Member Borelli.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to transferring the functions, powers and duties of the commissioner of investigation to the public advocate**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions i, j and k of section 24 of the New York city charter, as added by a vote of the electors on November 7, 1989, are amended to read as follows:

*i. The public advocate shall serve as the commissioner of investigation pursuant to chapter 34. In the role of commissioner of investigation, the public advocate is authorized to make such rules as are necessary to carry out the powers and duties of the department of investigation. Except for those matters which involve conduct which may constitute [a violation of criminal law or] a conflict of interest, the public advocate may, on the request of a resident, taxpayer, community board, council member or borough president, or on his or her own motion, inquire into any alleged failure of a city officer or agency to comply with any provision of the charter. If as a result of such inquiry, the public advocate concludes that there is any substantial failure to comply with any provision of the charter, he or she shall submit a preliminary report documenting the conclusions of the inquiry to the officer or officers and the head of each agency involved. Within a reasonable*

time after submitting such preliminary report, the public advocate shall issue a final report to the council, mayor, and agency documenting the conclusions of the inquiry.

j. The public advocate shall have timely access to those records and documents of city agencies which the public advocate deems necessary to complete the investigations, inquiries and reviews required by this section. If a city agency does not comply with the public advocate's request for such records and documents, the public advocate may request an appropriate committee of the council to require the production of such records and documents pursuant to section twenty-nine of the charter. The provisions of this subdivision shall not apply to those records and documents of city agencies for which a claim of privilege may properly be raised [or which are prepared or maintained by the department of investigation for use in any investigation authorized by chapter thirty-four of the charter].

k. If the public advocate receives a complaint alleging conduct which may constitute a violation of criminal law or a conflict of interest, he or she shall promptly [refer] *address* the complaint regarding criminal conduct [to] *through* the department of investigation or, as applicable, *refer such complaint* to the appropriate prosecuting attorney or other law enforcement agency and shall refer the complaint regarding conflict of interest to the conflicts of interest board. If during the conduct of any investigation, inquiry, or review authorized by this section, the public advocate discovers that the matter involves conduct which may constitute a violation of criminal law or a conflict of interest, he or she [shall take no further action but] shall promptly [refer] *address* the matter regarding criminal conduct [to] *through* the department of investigation or, as applicable, *refer such matter* to the appropriate prosecuting attorney or other law enforcement agency and shall promptly refer the matter regarding conflict of interest to the conflicts of interest board. Unless otherwise provided by law, all complaints received and any investigative file prepared or maintained by the public advocate regarding matters covered by this subdivision, shall be confidential.

l. Before making public any portion of any draft, preliminary or final report relating to the operations or activities of a city officer or agency, the public advocate shall send a copy of the draft report to any such officer, and to the head of any agency, discussed in such report and provide the officer and agency, in writing, with a reasonable deadline for their review and response. The public advocate shall include in any report, or portion thereof, which is made public a copy of all such officer and agency responses. *This subdivision shall not apply to any report prepared by the department of investigation or the public advocate in the role of commissioner of investigation pursuant to chapter 34.*

§ 2. Section 31 of the New York city charter, as amended by local law number 96 for the year 2016, is amended to read as follows:

§ 31. Power of advice and consent. Appointment by the mayor of [the commissioner of investigation and of] the members of the art commission, board of health (other than the chair), board of standards and appeals, city planning commission (other than the chair), civil service commission, landmarks preservation commission, tax commission, taxi and limousine commission and the public members of the environmental control board shall be made with the advice and consent of the council after a public hearing. Within 30 days after the first stated meeting of the council after receipt of a nomination, the council shall hold a hearing and act upon such nomination and in the event it does not act within such period, the nomination shall be deemed to be confirmed.

§ 3. Section 801 of the New York city charter, as amended by local law number 59 for the year 1996, is amended to read as follows:

§ 801. Department; commissioner. There shall be a department of investigation the head of which shall be the commissioner of investigation. [The commissioner shall be a member of the bar of the state of New York in good standing and shall have had at least five years of law enforcement experience. The mayor may remove the commissioner upon filing in the office of the commissioner of citywide administrative services and serving upon the commissioner of investigation the reasons therefor and allowing such officer an opportunity of making a public explanation.] *The public advocate shall serve as the commissioner of investigation.*

§ 4. Subdivision a of section 803 of the New York city charter, as amended by a vote of the electors on November 4, 1975, is amended to read as follows:

a. The commissioner shall make any investigation directed by [the mayor or] the council *and, pursuant to section 335, any determination of whether an entity or any individual affiliated with an entity has been subject to an investigation by the department.*



§ 5. Paragraph 3 of subdivision c of section 803 of the New York city charter, as added by local law number 70 for the year 2013, is amended to read as follows:

3. The [Mayor] *commissioner*, in consultation with the [department and the new york city police department] *police commissioner*, shall have the discretion to determine how sensitive information provided to the department in connection with any investigation, review, study, or audit undertaken pursuant to this section shall be treated. The [Mayor] *commissioner* shall provide the Council with any guidelines, procedures, protocols or similar measures related to the treatment of sensitive information that he or she puts in place. Sensitive information shall mean information concerning (a) ongoing civil or criminal investigations or proceedings; (b) undercover operations; (c) the identity of confidential sources, including protected witnesses; (d) intelligence or counterintelligence matters; or (e) other matters the disclosure of which would constitute a serious threat to national security or to the safety of the people of the city of New York.

§ 6. Section 1109 of the New York city charter, as amended by local law number 68 for the year 1993, is amended to read as follows:

§ 1109. Summary inquiry. A summary inquiry into any alleged violation or neglect of duty in relation to the property, government or affairs of the city may be conducted under an order to be made by any justice of the supreme court in the first, second or eleventh judicial district on application of the mayor, the comptroller, the public advocate, any five council members[, the commissioner of investigation] or any five citizens who are taxpayers, supported by affidavit to the effect that one or more officers, employees or other persons therein named have knowledge or information concerning such alleged violation or neglect of duty. Such inquiry shall be conducted before and shall be controlled by the justice making the order or any other justice of the supreme court in the same district. Such justice may require any officer or employee or any other person to attend and be examined in relation to the subject of the inquiry. Any answers given by a witness in such inquiry shall not be used against such witness in any criminal proceeding, except that for all false answers on material points such witness shall be subject to prosecution for perjury. The examination shall be reduced to writing and shall be filed in the office of the clerk of such county within the first, second or eleventh judicial district as the justice may direct, and shall be a public record.

§ 7. Subdivision a of section 2100 of the New York city charter, as amended by local law number 34 for the year 2002, is amended to read as follows:

a. There shall be a business integrity commission, which shall consist of a full-time chairperson appointed by the mayor, *of the public advocate* and of the commissioners of the department of small business services, the department of consumer affairs, [the department of investigation,] the police department and the department of sanitation, or their designees.

§ 8. Subparagraph (b) of paragraph 5 of subdivision a of section 2604 of the New York city charter, as amended by local law number 59 for the year 1996, is amended to read as follows:

(b) a public servant who is a deputy mayor, the director of the office of management and budget, commissioner of citywide administrative services, corporation counsel, commissioner of finance[, commissioner of investigation] or chair of the city planning commission, or who serves in the executive branch of city government and is charged with substantial policy discretion involving city-wide policy as determined by the board, shall be the executive branch of the city government,

§ 9. Paragraph (1) of subdivision a of section 7-805 of the administrative code of the city of New York, as added by local law number 53 for the year 2005, is amended to read as follows:

(1) Any officer or employee of the city of New York who believes that he or she has been the subject of an adverse personnel action, as such term is defined in [paragraph one of] subdivision a of section 12-113 of the administrative code of the city of New York; or

§ 10. Section 12-113 of the administrative code of the city of New York, as amended by local law number 33 for the year 2012, is amended to read as follows:

§ 12-113 Protection of sources of information. a. Definitions. For purposes of this section, *the following terms have the following meanings:*

[1. “[Adverse personnel action]”. [shall include] *The term “adverse personnel action” means dismissal, demotion, suspension, disciplinary action, negative performance evaluation, any action resulting in loss of staff, office space or equipment or other benefit, failure to appoint, failure to promote, or any transfer or assignment or failure to transfer or assign against the wishes of the affected officer or employee.*

[2. “[Remedial action”]. *The term “remedial action” means an appropriate action to restore the officer or employee to his or her former status, which may include one or more of the following:*

[(i)] 1. reinstatement of the officer or employee to a position the same as or comparable to the position the officer or employee held or would have held if not for the adverse personnel action, or, as appropriate, to an equivalent position;

[(ii)] 2. reinstatement of full seniority rights;

[(iii)] 3. payment of lost compensation; and

[(iv)] 4. other measures necessary to address the effects of the adverse personnel action.

[3. “Commissioner” shall mean the commissioner of investigation.]

[4. “[Child”]. [shall mean] *The term “child” means any person under the age of nineteen, or any person ages nineteen through twenty-one if such person receives instruction pursuant to an individualized education plan.*

[5. “[Educational welfare”]. [shall mean] *The term “educational welfare” means any aspect of a child's education or educational environment that significantly impacts upon such child's ability to receive appropriate instruction, as mandated by any relevant law, rule, regulation or sound educational practice.*

[6. “[Superior officer”]. [shall mean] *The term “superior officer” means an agency head, deputy agency head or other person designated by the head of the agency to receive a report pursuant to this section, who is employed in the agency in which the conduct described in such report occurred.*

[7. “[Contract”]. [shall mean] *The term “contract” means any written agreement, purchase order or instrument having a value in excess of one hundred thousand dollars pursuant to which a contracting agency is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing, and shall include a subcontract between a covered contractor and a covered subcontractor. Such term shall not include contracts or subcontracts resulting from emergency procurements or that are government-to-government procurements.*

[8. “[Contracting agency”]. [shall mean] *The term “contracting agency” means a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.*

[9. “[Covered contractor”]. [shall mean] *The term “covered contractor” means a person or business entity who is a party or a proposed party to a contract with a contracting agency valued in excess of one hundred thousand dollars, and “covered subcontractor” shall mean a person or entity who is a party or a proposed party to a contract with a covered contractor valued in excess of one hundred thousand dollars.*

[10. “[Officers or employees of an agency of the city”]. [shall be] *The term “officers or employees of an agency of the city” is deemed to include officers or employees of local development corporations or other not-for-profit corporations that are parties to contracts with contracting agencies and the governing boards of which include city officials acting in their official capacity or appointees of city officials. Such officers and employees shall not be deemed to be officers or employees of a covered contractor or covered subcontractor.*

b. 1. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the [commissioner] *public advocate*, or (ii) to a council member[, the public advocate] or the comptroller, who shall refer such report to the [commissioner] *public advocate*. For purposes of this subdivision, an agency of the city shall be deemed to include, but not be limited to, an agency the head or members of which are appointed by one or more city officers, and the offices of elected city officers.

2. No officer or employee of a covered contractor or covered subcontractor shall take an adverse personnel action with respect to another officer or employee of such contractor or subcontractor in retaliation for such officer or employee making a report of information concerning conduct which such officer or employee knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by any officer or employee of such contractor or subcontractor, which concerns a contract with a contracting agency, (i) to the [commissioner] *public advocate*, (ii) to a council member[, the public advocate] or the comptroller, who shall refer such report to the [commissioner] *public advocate*, or (iii) to the

city chief procurement officer, agency chief contracting officer, or agency head or commissioner of the contracting agency, who shall refer such report to the [commissioner] *public advocate*.

3. Every contract or subcontract in excess of one hundred thousand dollars shall contain a provision detailing the provisions of paragraph two of this subdivision and of paragraph two of subdivision e of this section.

4. Upon request, the [commissioner,] council member, public advocate or comptroller receiving the report of alleged adverse personnel action shall make reasonable efforts to protect the anonymity and confidentiality of the officer or employee making such report.

5. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to present a substantial and specific risk of harm to the health, safety or educational welfare of a child by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, (i) to the [commissioner] *public advocate*, (ii) to a council member, [the public advocate,] the comptroller or the mayor, or (iii) to any superior officer.

c. An officer or employee (i) of an agency of the city, or (ii) of a public agency or public entity subject to the jurisdiction of the [commissioner] *public advocate* pursuant to chapter [thirty-four] 34 of the charter who believes that another officer or employee has taken an adverse personnel action in violation of subdivision b of this section may report such action to the [commissioner] *public advocate*.

d. 1. Upon receipt of a report made pursuant to subdivision c of this section, the [commissioner] *public advocate* shall conduct an inquiry to determine whether retaliatory adverse personnel action has been taken.

2. Within fifteen days after receipt of an allegation pursuant to subdivision c of this section of a prohibited adverse personnel action, the [commissioner] *public advocate* shall provide written notice to the officer or employee making the allegation that the allegation has been received by the [commissioner] *public advocate*. Such notice shall include the name of the person in the department of investigation who shall serve as a contact with the officer or employee making the allegation.

3. Upon the completion of an investigation initiated under subdivision c of this section, the [commissioner] *public advocate* shall provide a written statement of the final determination to the officer or employee who complained of the retaliatory adverse personnel action. The statement shall include the [commissioner's] public advocate's recommendations, if any, for remedial action, or shall state the [commissioner] *public advocate* has determined to dismiss the complaint and terminate the investigation.

e. 1. Upon a determination that a retaliatory adverse personnel action has been taken with respect to an officer or employee of an agency of the city in violation of paragraph one or five of subdivision b of this section, the [commissioner] *public advocate* shall without undue delay report his or her findings and, if appropriate, recommendations to the head of the appropriate agency or entity, who (i) shall determine whether to take remedial action and (ii) shall report such determination to the [commissioner] *public advocate* in writing. Upon a determination that the agency or entity head has failed to take appropriate remedial action, the [commissioner] *public advocate* shall consult with the agency or entity head and afford the agency or entity head reasonable opportunity to take such action. If such action is not taken, the [commissioner] *public advocate* shall report his or her findings and the response of the agency or entity head (i) if the complainant was employed by an agency the head or members of which are appointed by the mayor, to the mayor, (ii) if the complainant was employed by a non-mayoral agency of the city, to the city officer or officers who appointed the agency head, or (iii) if the complainant was employed by a public agency or other public entity not covered by the preceding categories but subject to the jurisdiction of the [commissioner] *public advocate* pursuant to chapter [thirty-four] 34 of the charter, to the officer or officers who appointed the head of the public agency or public entity, who shall take such action as is deemed appropriate.

2. Any officer or employee of a covered contractor or covered subcontractor who believes that he or she has been the subject of an adverse personnel action in violation of paragraph two of subdivision b shall be entitled to bring a cause of action against such covered contractor or covered subcontractor to recover all relief necessary to make him or her whole. Such relief may include but shall not be limited to: (i) an injunction to restrain continued retaliation, (ii) reinstatement to the position such employee would have had but for the retaliation or to an equivalent position, (iii) reinstatement of full fringe benefits and seniority rights, (iv) payment of two times back pay, plus interest, and (v) compensation for any special damages sustained as a

result of the retaliation, including litigation costs and reasonable attorneys' fees. An officer or employee described in this paragraph may bring an action in any court of competent jurisdiction for such relief. An officer or employee who brings a cause of action pursuant to this paragraph shall notify the agency chief contracting officer or agency head or commissioner of the contracting agency of such action; provided, however, that failure to provide such notice shall not be a jurisdictional defect, and shall not be a defense to an action brought pursuant to this paragraph. This paragraph shall not be deemed to create a right of action against the city, any public agency or other public entity, or local development corporations or not-for-profit corporations the governing boards of which include city officials acting in their official capacity or appointees of city officials, nor shall any such public agency, entity or corporation be made a party to an action brought pursuant to this subdivision.

f. Nothing in this section shall be construed to limit the rights of any officer or employee with regard to any administrative procedure or judicial review, nor shall anything in this section be construed to diminish or impair the rights of a public employee or employer under any law, rule, regulation or collective bargaining agreement or to prohibit any personnel action which otherwise would have been taken regardless of any report of information made pursuant to this section.

g. Violation of this section may constitute cause for administrative penalties.

h. The [commissioner] *public advocate* shall conduct ongoing public education efforts as necessary to inform employees and officers of covered agencies and contractors of their rights and responsibilities under this section.

i. Not later than October thirty-first of each year, the [commissioner] *public advocate* shall prepare and forward to the mayor and the council a report on the complaints governed by this section during the preceding fiscal year. The report shall include, but not be limited to, the number of complaints received pursuant to this section, and the disposition of such complaints.

§ 11. Section 16-502 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-502 New York city trade waste commission. There is hereby created a New York city trade waste commission. Such commission shall consist of the [commissioner of investigation] *public advocate*, the commissioner of business services, the commissioner of consumer affairs, the commissioner of sanitation, and one member who shall be appointed by the mayor and shall serve as chair with compensation therefor; provided that if the chair holds other city office or employment, no additional compensation shall be received. The chair shall have charge of the organization of the commission and have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of this chapter.

§ 12. Any rule promulgated by the commissioner of investigation and in force on the effective date of this local law shall continue in force as a rule of the department of investigation within the office of the public advocate, except insofar as it may be duly amended or repealed after such date.

§ 13. All records, property and equipment relating to the functions, powers and duties of the commissioner of investigation shall be transferred and delivered to the public advocate within 90 days of the effective date of this local law.

§ 14. No civil or criminal action or proceeding pending when this local law takes effect shall be affected or abated by the adoption of this local law. All such actions and proceedings may be continued notwithstanding that functions, powers and duties of the commissioner of investigation have been transferred to the public advocate by this local law.

§ 15. No right or remedy accruing to the city of New York shall be lost or impaired by reason of the adoption of this local law.

§ 16. This local law takes effect immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and is approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations.

Int. No. 1519

By Council Members Borelli, Grodenchik, Ulrich and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to identifying and removing boats from New York city's littoral waters**

*Be it enacted by the Council as follows:*

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

*CHAPTER 12  
ABANDONED BOAT REMOVAL*

*§ 22-1201 Definitions.*

*§ 22-1202 Abandoned Boat Log.*

*§ 22-1203 Abandoned Boat Removal Protocol.*

*§ 22-1201 Definitions. As used in this chapter, the following terms have the following meanings:*

*Abandoned. The term "abandoned" means permanent relinquishment of possession or control.*

*Department. The term "department" means the department of small business services.*

*Littoral waters. The term "littoral waters" means any waters within or bounding a city to a distance of fifteen hundred feet from the shore. § 22-1202 Abandoned Boat Log. The department, in consultation with any other relevant agency, including, but not limited to, the department of parks and recreation and the department of finance, shall create and maintain a log of abandoned boats and their locations in New York city's littoral waters. The department shall make the log publicly available online, and shall update the log on a monthly basis.*

*§ 22-1203 Abandoned Boat Removal Protocol. The department of finance shall develop a protocol for the removal of abandoned boats in New York city's littoral waters. Such protocol shall require the office of the city sheriff:*

*1. to establish a means of identifying abandoned boats in New York city's littoral waters, including but not limited to direct inspection by city employees and receipt of reports from the public; and*

*2. to establish a system whereby personnel of the office of the city sheriff shall be deployed to assess and remove abandoned boats from New York city's littoral waters.*

*§ 2. This local law takes effect 180 days after enactment, except that the department of small business services and department of finance may take such measures as are necessary for its implementation, including the creation of a log of abandoned boat locations, prior to its effective date.*

Referred to the Committee on Resiliency and Waterfronts.

Res. No. 844

**Resolution recognizing the 75<sup>th</sup> anniversary of D-Day.**

By Council Members Cabrera, Vallone, Holden and Eugene.

**Whereas**, On June 6, 1944, more than 156,000 American, British, and Canadian soldiers landed on five beaches in Normandy, code-named Utah, Omaha, Gold, Juno, and Sword; and

**Whereas**, A report from the United States Army noted that more than 5,000 ships and 13,000 aircraft supported the invasion; and

**Whereas**, According to a White House factsheet published on the 70<sup>th</sup> anniversary of D-Day, air cover was a significant component of the offensive, as more than 2,200 allied bombers attacked enemy targets both along the coast and inland; and

**Whereas**, The Allies had been planning this invasion, code-named Operation Overlord, since the summer of 1943; and

**Whereas**, To assist the Normandy landing, the U.S. and Great Britain cooperated on Operation Bodyguard, in which they fed false information to double agents, fabricated radio chatter, and used dummy tanks to mislead Germany about the likely location of the attack; and

**Whereas**, The US National D-Day Memorial Foundation has found that at least 4,400 Allied personnel were killed that day; and

**Whereas**, Despite these casualties, the invasion was a major success because it enabled the Allies to establish five beachheads in Normandy; and

**Whereas**, D-Day marked the beginning of the final phase of World War II, in which the Allies drove the Nazis out of Western Europe before accepting their surrender on May 8<sup>th</sup>, 1945; and

**Whereas**, D-Day memorials exist in both the U.S. and the U.K., and more than 9,300 American soldiers are buried at a military cemetery in Normandy; and

**Whereas**, New York has a proud military tradition; and

**Whereas**, It is not only the home of the United States Military Academy at West Point, but also the location of the battle of Saratoga, which was a major turning point in the Revolutionary War; and

**Whereas**, New York has produced a long line of distinguished military officers, from Alexander Hamilton to Rufus King and Colin Powell, and more than 900,000 New Yorkers served in the Second World War; and

**Whereas**, On June 6, 1944, Americans of all races and creeds, hailing from all fifty states, made heroic sacrifices in order to preserve America's highest ideals and rid the world of tyranny; and

**Whereas**, The planning and execution of the Normandy landing deserves the highest civic reverence and recognition, so that each successive generation of Americans remembers that freedom is never more than one generation away from extinction; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes the 75<sup>th</sup> anniversary of D-Day.

Referred to the Committee on Veterans.

Preconsidered Res. No. 845

**Resolution calling upon the New York State Department of Environmental Conservation to deny the Water Quality Certification permit for the construction of the Northeast Supply Enhancement pipeline through New York Harbor.**

By Council Members Constantinides, the Speaker (Council Member Johnson), Richards, Kallos, Espinal, Menchaca, King, Ayala, Rivera and Rosenthal.

**Whereas**, The Northeast Supply Enhancement pipeline proposed by Williams Companies Inc. (Williams) would carry natural gas extracted from the ground via the process of hydraulic fracturing to customers in lower New York by connecting to an existing pipeline across New York Harbor; and

**Whereas**, Natural gas can be comprised of anywhere from 70 to 90% methane which is a more potent greenhouse gas than carbon dioxide, as it traps heat in the earth's atmosphere by 30 to 80 times in magnitude; and

**Whereas**, A recent NASA study into atmospheric methane levels has identified oil and gas exploration as a major contributor to the sharp rise in methane concentrations beginning in 2006; and

**Whereas**, Further, multiple studies by various researchers have found methane leakage from hydraulic fracturing operations at rates much higher than the levels that industry reports suggest; and

**Whereas,** The State of New York has committed to a 50% reduction in greenhouse gas emissions by 2030, and New York City has committed to an 80% reduction in greenhouse gas emissions by 2050; and

**Whereas,** The State of New York has also committed to 9,000 megawatts of offshore wind energy by 2035, and 6,000 megawatts of solar energy by 2025, which will reduce the need for new fossil fuel infrastructure; and

**Whereas,** The City and State's emissions reduction goals cannot be reached without a shift away from fossil fuels and an increased reliance on renewable energy generation; and

**Whereas,** The United States (U.S.) Energy Information Administration's forecast for natural gas use is flat due to a downward trend in demand, efficiency gains in new equipment, and an increased load capture by the renewable energy sector; and

**Whereas,** Williams' projection of a 10% increase in demand is contradicted by analyses by the New York Independent System Operator, the Long Island Power Authority, and the U.S. Energy Information Administration; and

**Whereas,** The construction of the Northeast Supply Enhancement pipeline will require trenching through under water sediment heavily contaminated with toxins such as polychlorinated biphenyls, arsenic, and lead; and

**Whereas,** The act of trenching would uncover these toxic sediments, releasing them back into the environment and back into the food chain; and

**Whereas,** Many of these toxins are known to bio-accumulate in marine life, posing a serious threat to the marine ecosystem, including many important or endangered species of fish, marine mammals, sea turtles, and invertebrates; and

**Whereas,** The bioaccumulation of polychlorinated biphenyls, arsenic, and lead, in sea-life poses a threat to the Mid Atlantic fishing industry, as well as to the health of anyone who consumes the products of said industry; and

**Whereas,** A study published by the Journal of Science in 2018 found that the domestic oil and natural gas industry leaked an estimated 13 million metric tons of methane a year from various points along a respective supply pipeline, 2.3% of the total annual extracted supply; and

**Whereas,** According to another study from the Yale School of Forestry and Environmental Studies' Journal of Industrial Ecology, published in 2016, an increase to 4% leakage would negate any emission reduction gains made by switching from coal to natural gas; and

**Whereas,** Williams Companies has been reported to have at least 64 environmental violations since the year 2000; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Department of Environmental Conservation to deny the Water Quality Certification permit for the construction of the Northeast Supply Enhancement pipeline through New York Harbor.

Adopted by the Council by voice-vote (preconsidered by to the Committee on Environmental Protection).

Int. No. 1520

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to report on the parking violations bureau**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-216 to read as follows:

*§ 19-216 Parking violations bureau reporting. a. Definitions. For purposes of this section, the term "violation code" means the numerical reference assigned by the department to identify which local law, rule or regulation concerning the parking, stopping, or standing of motor vehicles has been violated.*

*b. On or before September 30 of each year, the department shall submit to the speaker of the council and post on its website a report on the parking violations bureau. Such report shall include, but need not be limited to, the following information with respect to the previous fiscal year:*

- 1. the number of parking violations issued, broken down by violation code;*
- 2. the percentage of parking violations paid within 30 days, paid after more than 30 days but within 60 days, paid after more than 60 days but within 90 days, and unpaid within 90 days;*
- 3. the amount of revenue the department collected on parking violations, broken down by violation code, and by base fine, penalty and interest;*
- 4. the number of hearings held for the adjudication of one or more parking violations, broken down by hearing type;*
- 5. the average number of days a person who has pled not guilty to a parking violation and has requested an in-person hearing waited for the hearing;*
- 6. the average number of days a person who has had a hearing waited for a decision, broken down by hearing type;*
- 7. the number of parking violations dismissed as a result of a hearing, broken down by hearing type and by violation code;*
- 8. the number of parking violation hearing results appealed, broken down by violation code and by hearing type;*
- 9. the number of parking violations dismissed upon appeal, broken down by violation code and by hearing type;*
- 10. for any program of the department that provides for the payment of a reduced fine for parking violations in exchange for a waiver of a right to a hearing:*
  - (a) the number of participants in each such program;*
  - (b) the number of parking violations issued to participants in each such program, broken down by violation code; and*
  - (c) the amount of revenue the department collected on parking violations in each such program, broken down by violation code.*

§2. This local law takes effect immediately.

Referred to the Committee on Finance.

Preconsidered Res. No. 846

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

By Council Member Dromm.

**Whereas**, On June 14, 2018 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”); and

**Whereas**, On June 6, 2017 the City Council adopted the expense budget for fiscal year 2018 with various programs and initiatives (the “Fiscal 2018 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2019 and Fiscal 2018 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, and aging discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2019 and Fiscal 2018 Expense Budgets by approving new Description/Scope of Services for certain



organizations receiving local and youth discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Anti-Poverty Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving aging discretionary funding in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain a organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for a certain organization receiving funding pursuant to a certain initiative in accordance with the Fiscal 2018 Expense Budget, as set forth in Chart 22.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res. No. 846 printed in these Minutes).

Int. No. 1521

By Council Member Gibson.

**A Local Law to amend the administrative code of the city of New York, in relation to in relation to reporting on student clubs and organizations**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new chapter 27 to title 21-A to read as follows:

*Chapter 27*  
*Reporting on Student Clubs and Organizations*

§ 21-998 *Reporting on school clubs and organizations.* a. No later than June 1, 2020, and annually thereafter, the department shall submit to the council and post on its website a report for the current academic year regarding the status of student clubs and organizations at each school. The report shall contain the following information for each school:

1. Whether such school has any student clubs and organizations as outlined in chancellor's regulation A-601;
2. For each student club and organization identified in paragraph 1 of this subdivision, the type of licensed department pedagogical employee serving as faculty advisor; and
3. For each student club and organization identified in paragraph 1 of this subdivision, whether such student club or organization has authorization to conduct activities off school property.

b. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would conflict with the interests of law enforcement or the safety of students.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 1522

By Council Members Gibson and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the civilian complaint review board to report information regarding complaints that officers failed to properly identify themselves or failed to obtain knowing and voluntary consent prior to conducting a search**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new title 14-a to read as follows:

*TITLE 14-A  
CIVILIAN COMPLAINT REVIEW BOARD  
CHAPTER 1  
REPORTING*

*§ 14-5000. Definitions. As used in this title, the following terms have the following meanings:*

*Board. The term “board” means the civilian complaint review board as defined in chapter 18-A of the city charter.*

*Law enforcement activity. The term “law enforcement activity” has the same meaning as in section 14-174.*

*Officer. The term “officer” has the same meaning as in section 14-174.*

*Semi-annual report. The term “semi-annual report” means the report required by paragraph 6 of subdivision (c) of section 440 of the charter.*

*§ 14-5001. Required information on officer identification and consent searches. The semi-annual report shall include, but need not be limited to, the following information:*

*a. The number of complaints alleging a violation of section 14-174, in total and:*

*1. Disaggregated by the number of such complaints that were decided on the merits, the number of such complaints that were substantiated, the number of such complaints that were exonerated, the number of such complaints that were unfounded, and the number of such complaints for which body camera footage recorded the interaction; and*

*2. Disaggregated by the violation type and further disaggregated by the number of such complaints that were decided on the merits, the number of such complaints that were substantiated, the number of such complaints that were exonerated, the number of such complaints that were unfounded, the number of complaints that were unsubstantiated, the number of complaints for which the officer could not be identified, and the number of such complaints for which body camera footage recorded the interaction.*

*For the purposes of this subdivision, the violation type shall include: an officer’s failure to identify himself or herself to the person who is a subject of law enforcement activity; a failure to provide an explanation for the law enforcement activity; a failure to provide a business card or an alternative to a pre-printed business card pursuant to paragraphs (4) and (5) of subdivision 14-174 (b) to the subject of a law enforcement activity or in the case of a minor, to the parent, legal guardian, or responsible adult who is present with the minor subject.*

*b. The number of complaints alleging a violation of 14-173, in total and disaggregated by:*

*1. The number of such complaints that were decided on the merits, the number of such complaints that were substantiated, the number of such complaints that were exonerated, the number of such complaints that were unfounded, and the number of such complaints for which body camera footage recorded the request for consent and civilian response; and*

*2. The type of violation, and further disaggregated by the number of such complaints that were decided on the merits, the number of such complaints that were substantiated, the number of such complaints that were exonerated, the number of such complaints that were unfounded, the number of complaints that were unsubstantiated, the number of complaints for which the officer could not be identified, and the number of such*

*complaints for which body camera footage recorded the request for consent and civilian response. For the purposes of this subdivision, the violation type shall include but not be limited to: a failure of the officer to articulate that the person who is the subject of the search is being asked to voluntarily, knowingly and intelligently consent to such search; a failure of the officer to explain that a search will not be conducted if the person refuses to consent, a failure of the officer to use appropriate language services in order to obtain knowing, voluntary and intelligent consent; the use of threats or promises in order to obtain consent to search; conducting a search without obtaining consent; conducting a search after consent was refused.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1523

By Council Members Gjonaj and Kallos.

**A Local Law to amend the New York city charter, in relation to studying and reporting on transportation impacts of decisions of the city planning commission in connection with certain land use actions**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of the New York city charter is amended by adding a new section 207 to read as follows

*§ 207 Review of actual transportation impacts. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Block. The term “block” has the meaning given to that term in section 12-10 of the zoning resolution.*

*CEQR technical manual. The term “CEQR technical manual” means the city environmental quality review technical manual issued in 2014 by the mayor’s office of environmental coordination, together with any updates, supplements and revisions thereto.*

*Covered land use action. The term “covered land use action” means an application that:*

*(1) the city planning commission has approved or approved with modifications for a matter described in paragraph one, three, four, five, six, eight, ten, or eleven of subdivision a of section 197-c or a change in the text of the zoning resolution pursuant to section two hundred or two hundred one;*

*(2) the commission decision has been approved or approved with modifications by the council pursuant to section one hundred ninety-seven-d and is not subject to further action pursuant to subdivision e or f of such section; and*

*(3) involves at least four adjacent blocks of real property.*

*EIS. The term “EIS” means a final environmental impact statement prepared pursuant to chapter 5 of title 62 of the rules of the city of New York in connection with an application subject to review of the city planning commission pursuant to section 197-c.*

*Lead agency. The term “lead agency” has the meaning given to that term in section 5-02 of title 62 of the rules and regulations of the city of New York.*

*Study area. The term “study area” means the geographic area or areas analyzed for potential transportation impacts as part of an EIS prepared in connection with a covered land use action.*

*Vehicle miles traveled. The term “vehicle miles traveled” means the total annual miles of vehicular travel generated by a covered land use action.*

*b. In connection with each covered land use action certified by the city planning commission on or after January 1, 2015, the department or, if the city planning commission is not the lead agency, the lead agency, in coordination with the department of transportation, shall conduct studies of transportation impacts in the relevant study area for the following periods:*

1. from the date of final approval of such covered land use action to a date four years after such final approval; and

2. from the date of final approval of such covered land use action to a date 10 years after such final approval.

c. Each study conducted pursuant to subdivision b of this section shall:

1. Using the methodology for analyzing existing transportation conditions, as prescribed in the CEQR technical manual, compare such transportation conditions existing at the time of such study to the projected transportation impacts or lack of impacts identified in the EIS prepared in connection with such covered land use action;

2. Analyze whether any mitigation provided for in the EIS offset any potential transportation impact identified in such EIS and provide the date of implementation of each such mitigation measure.

d. For each study conducted pursuant to this section, the department or, if the city planning commission is not the lead agency, the lead agency shall report its findings to the mayor, the speaker of the council, the affected borough president, the affected community board, and the affected council member. Such findings shall discuss the reasons for any similarities and disparities between the existing transportation conditions and the projected transportation impacts described in the EIS prepared in connection with the covered land use action. If such findings reveal a disparity in any metric of more than five percent between the potential for such impacts identified in the EIS and the existing transportation condition analyzed pursuant to subdivision c of this section, or if the study reveals any impacts not discussed in an EIS prepared in connection with the application, such report shall make recommendations for amending the CEQR technical manual to more accurately predict the transportation impacts of future land use actions. Recommendations shall include discussion of whether a vehicle miles traveled model could more accurately and usefully capture transportation impacts of future land use actions. The department or the lead agency shall issue each report prepared pursuant to this subdivision no later than six months after the end of the applicable study period described in subdivision b of this section.

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

Referred to the Committee on Land Use.

Int. No. 1524

By Council Members Kallos, Rivera, Rosenthal, Powers, Cabrera, Brannan, Cumbo, Richards and Reynoso.

**A Local Law to amend the administrative code of the city of New York, in relation to the use of pesticides by City agencies**

*Be it enacted by the Council as follows:*

Section 1. Section 17-1201 of chapter 12 of title 17 of the administrative code of the city of New York is amended to read as follows:

§17-1201 Application. This chapter shall apply to all pest control activities on property owned or leased by the city, whether such activities are performed by city employees, contractors, subcontractors, *or any person authorized to perform such activities.*

§ 2. Section 17-1202 of chapter 12 of title 17 of the administrative code of the city of New York is amended to read as follows:

§17-1202 Definitions. For the purposes of this chapter only, the following terms shall have the following meanings:

(1) “Anti-microbial pesticide” shall mean] *Anti-microbial pesticide. The term “anti-microbial pesticide” means:*

[i]I. Disinfectants intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects;

[ii]2. Sanitizers intended to reduce the number of living bacteria or viable virus particles on inanimate surfaces, in water, or in air;

[iii]3. Bacteriostats intended to inhibit the growth of bacteria in the presence of moisture;

[iv]4. Sterilizers intended to destroy viruses and all living bacteria, fungi and their spores, on inanimate surfaces;

[v]5. Fungicides and fungistats intended to inhibit the growth of, or destroy, fungi (including yeasts), pathogenic to humans or other animals on inanimate surfaces; and

[vi]6. Commodity preservatives and protectants intended to inhibit the growth of, or destroy bacteria in or on raw materials (such as adhesives and plastics) used in manufacturing, or manufactured products (such as fuel, textiles, lubricants, and paints), but not those utilized in the pulp and paper process or cooling towers.

(2) “Biological pesticide” shall mean] *Biological pesticide. The term “biological pesticide” means a pesticide which is a naturally occurring substance derived from such natural materials as animals, plants, bacteria, and certain minerals, that controls pests and microorganisms that control pests and is not any pesticidal substance produced by a plant that has been modified genetically for the purposes of producing such pesticidal substance.*

(3) “City agency” shall mean] *City agency. The term “city agency” means a city, county, borough, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.*

(4) “Contractor” shall mean] *Contractor. The term “contractor” means any person or entity that enters into a contract with a city agency, or any person or entity that enters into an agreement with such person or entity to perform work or provide labor or services related to such contract.*

*Non-synthetic substance. The term “non-synthetic substance” means a substance that is derived from mineral, plant or animal matter and is not formulated or manufactured by a chemical process.*

(5) “Pest” shall mean] *Pest. The term “pest” means:*

[i]1. Any insect, rodent, fungus, or weed; or

[ii]2. Any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism (except viruses, bacteria or other microorganisms on or in living man or other living animals) which the commissioner of environmental conservation declares to be a pest.

(6) “Pesticide” shall mean] *Pesticide. The term “pesticide” means:*

[i]1. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; or

[ii]2. Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

*Synthetic substance. The term “synthetic substance” means any substance other than those naturally occurring in a plant, animal or mineral that is formulated or manufactured by a chemical process.*

§ 3. Section 17-1203 of chapter 12 of title 17 of the administrative code of the city of New York is amended to read as follows:

§17-1203 Reduction of pesticide use. a. Effective six months after the enactment of the local law that added this section, no city agency or contractor shall apply to any property owned or leased by the city any pesticide classified as Toxicity Category I by the United States environmental protection agency as of April 1, 2005, provided that for any pesticide classified as Toxicity Category I by the United States environmental protection agency after April 1, 2005, no such agency or contractor shall apply such pesticide after six months of its having been so classified, except as provided for in sections 17-1205 or 17-1206 of this chapter.

b. Effective twelve months after the enactment of the local law that added this section, no city agency or contractor shall apply to any property owned or leased by the city any pesticide classified as a human carcinogen, likely to be carcinogenic to humans, a known/likely carcinogen, a probable human carcinogen, or a possible human carcinogen by the office of pesticide programs of the United States environmental protection agency as of April 1, 2005, except as provided for in sections 17-1205 or 17-1206 of this chapter.

c. Effective eighteen months after enactment of the local law that added this section, no city agency or contractor shall apply to any property owned or leased by the city any pesticide classified by the California office of environmental health hazard assessment as a developmental toxin as of April 1, 2005, except as provided for in sections 17-1205 or 17-1206 of this chapter.

*d. Effective six months after the enactment of the local law that amended this section, no city agency, contractor or any person acting under the direction of such city agency or contractor shall apply to any property owned or leased by the city any pesticide other than a biological pesticide, nor shall any city agency, contractor or any person acting under the direction of such city agency or contractor apply any pesticide to any portion of any property owned or leased by the city that is within 75 feet of any natural body of water or wetland, except as provided for in sections 17-1205 and 17-1206 of this chapter.*

[d.] *e.* On February 1, 2007, and every February 1 thereafter, the department shall submit to the City Council a report listing changes made to [the] any list of pesticides classified as a human carcinogen, likely to be carcinogenic to humans, a known/likely carcinogen, a probable human carcinogen, or a possible human carcinogen by the office of pesticide programs of the United States environmental protection agency, *the international agency for research on cancer of the world health organization* and the list of pesticides classified as developmental toxins by the California office of environmental health hazard assessment after April 1, 2005. Such reports shall also include, for each pesticide added to or removed from such classifications, whether and to what extent such pesticide is used by city agencies or contractors in the city of New York.

§ 4. Section 17-1205 of chapter 12 of title 17 of the administrative code of the city of New York is amended to read as follows:

§17-1205 Exemptions. a. The restrictions established pursuant to section 17-1203 of this chapter shall not apply to the following:

[1] 1. Pesticides otherwise lawfully used for the purpose of maintaining a safe drinking water supply at drinking water treatment plants, wastewater treatment plants, reservoirs, and related collection, distribution and treatment facilities;

[2] 2. Anti-microbial pesticides;

[3] 3. Pesticides applied to professional sports playing fields, golf courses or used to maintain water quality in swimming pools;

[4] 4. Pesticides used for the purpose of maintaining heating, ventilation and air conditioning systems, cooling towers and other industrial cooling and heating systems;

[5] 5. Pesticides used for the purpose of rodent control in containerized baits or placed directly into rodent burrows or placed in areas inaccessible to children or pets;

[6] 6. Pesticides or classes of pesticides classified by the United States environmental protection agency as not requiring regulation under the federal insecticide, fungicide and rodenticide act, and therefore exempt from such regulation when intended for use, and used only in the manner specified; *and*

[7] biological pesticides; and

[8] 7. Boric acid and disodium tetrahydrate, silica gels, diatomaceous earth, and nonvolatile insect bait in tamper resistant containers.

*8. Synthetic substances listed as allowed on the United States department of agriculture national list of allowed and prohibited substances;*

*9. Non-synthetic substances, unless listed as prohibited on the United States department of agriculture national list of allowed and prohibited substances and;*

*10. Minimum risk pesticides exempted from registration requirements pursuant to the federal insecticide, fungicide, and rodenticide act.*

§ 5. Section 17-1206 of chapter 12 of title 17 of the administrative code of the city of New York is amended to read as follows:

§ 17-1206. Waiver. Any city agency, including the department, is authorized to apply to the commissioner for a waiver of the restrictions established pursuant to section 17-1203 of this chapter. Such application shall be in a form and manner prescribed by the commissioner and shall contain such information as the commissioner deems reasonable and necessary to determine whether such waiver should be granted. In determining whether to grant or deny a request for a waiver, the commissioner shall consider whether the application of 17-1203 would be, in the absence of the waiver, unreasonable with respect to (i) the magnitude of the infestation, (ii) the threat to public health, (iii) the availability of effective alternatives and (iv) the likelihood of exposure of humans to the pesticide. Such waiver may be issued with respect to one or multiple applications and may be granted for a term deemed appropriate by the commissioner, provided, however, that such term shall not exceed [one year] *14 days*. Within thirty days of granting a waiver, the department shall provide the pest management committee with a copy of such waiver.

§ 6. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 1525

By Council Members Koo and Cabrera.

**A Local Law to amend the administrative code of the city of New York, in relation to conducting 311 customer satisfaction surveys in designated citywide languages**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-304 to read as follows:

§ 23-304 *Customer satisfaction survey. a. Definitions. As used in this section, the following terms have the following meanings:*

*Customer satisfaction survey. The term “customer satisfaction survey” means a survey used to evaluate the experiences of individuals who contact the 311 customer service center and to determine the overall level of satisfaction with 311 service.*

*Designated citywide languages. The term “designated citywide languages” has the same meaning as used in section 23-1101.*

*b. The 311 customer service center shall annually conduct at least five customer satisfaction surveys.*

*c. Every customer satisfaction survey administered by the 311 customer service center or by an entity contracting with the city to conduct such customer satisfaction survey shall be made available in all designated citywide languages.*

*d. No later than July 1 of each year, the commissioner of information technology and telecommunications shall issue a report to the speaker of the council and the mayor including the results of each survey required by subdivision b of this section, disaggregated by the language in which such survey was conducted.*

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

Referred to the Committee on Technology.

Int. No. 1526

By Council Members Koo, Espinal and Cornegy

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of buildings to post on its website a list of licensed sign hangers, master sign hangers and special sign hangers**

*Be it enacted by the Council as follows:*

Section 1. Article 415 of chapter 4 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-415.7 to read as follows:

§ 28-415.7 *Listing sign hangers on department website. a. The department shall post on its website a list of licensed sign hangers, master sign hangers and special sign hangers by June 1 of each year.*

*b. Such list shall contain the following information about the licensed individual:*

*1. Full name;*

*2. Business name and address;*

*3. License type;*



4. License number;
  5. License expiration date; and
  6. License status.
- § 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Preconsidered Int. No. 1527

By Council Member Lander, the Speaker (Council Member Johnson), and Council Members Chin, Treyger, Reynoso, Constantinides, Kallos, Ayala, Rivera, Rosenthal and Levin

**A Local Law to amend the administrative code of the city of New York, in relation to a paper carryout bag reduction fee, and to repeal chapter 4-F of title 16 of such code, relating to carryout bag reduction**

*Be it enacted by the Council as follows:*

Section 1. Chapter 4-F of title 16 of the administrative code of the city of New York is REPEALED and a new chapter 4-F is added to read as follows:

*CHAPTER 4-F: PAPER CARRYOUT BAG REDUCTION FEE*

*§ 16-490 Definitions*

*§ 16-491 Paper carryout bag reduction fee*

*§ 16-492 Exemptions*

*§ 16-490 Definitions. As used in this chapter:*

*Exempt bag.* The term “exempt bag” means: (i) a bag used solely to contain or wrap uncooked meat, fish or poultry; (ii) a bag used by a customer solely to package bulk items such as fruits, vegetables, grains or candy; (iii) a bag used solely to contain food sliced or prepared to order; (iv) a bag used solely to contain a newspaper for delivery to a subscriber of such newspaper; (v) a bag sold in bulk to a consumer at the point of sale; (vi) a trash bag; (vii) a bag used for food storage; (viii) a garment bag; (ix) a bag prepackaged for sale to a customer; (x) a plastic carryout bag provided by a restaurant, tavern or similar food service establishment, as defined in section 14-1.20 of title 10 of the New York codes, rules and regulations, to carry out or deliver food; or (xi) a bag provided by a pharmacy to carry prescription drugs.

*Paper carryout bag.* The term “paper carryout bag” means a paper bag, other than an exempt bag, that is provided to a customer by a person required to collect tax to be used by the customer to carry tangible personal property, regardless of whether such person required to collect tax sells any tangible personal property or service to the customer, and regardless of whether any tangible personal property or service sold is exempt from tax under article 28 of the tax law.

*Person required to collect tax.* The term “person required to collect tax” means any vendor of tangible personal property subject to the tax imposed by subdivision (a) of section 1105 of the tax law.

*§ 16-491 Paper carryout bag reduction fee.* a. On and after March 1, 2020, there shall be a paper carryout bag reduction fee of five cents imposed on each paper carryout bag provided by any person required to collect tax to a customer.

b. Any sales slip, invoice, receipt or other statement of price furnished by a person required to collect tax to a customer shall separately state and make payable the paper carryout bag reduction fee and shall state the number of paper carryout bags provided to the customer.

c. Pursuant to paragraph (c) of subdivision 1 of section 27-2805 of the environmental conservation law, the transfer of a paper carryout bag to a customer by a person required to collect tax shall not constitute a retail sale and the fee imposed on paper carryout bags pursuant to this section shall not constitute a receipt for the sale of tangible personal property.

*d. Pursuant to subdivision 4 of section 27-2805 of the environmental conservation law, the paper carryout bag reduction fee shall be reported and paid by a person required to collect tax to the New York state commissioner of taxation and finance, accompanied by a return in the form and containing the information prescribed by such commissioner, on a quarterly basis on or before the twentieth day of the month following each quarterly period ending on the last day of February, May, August and November, respectively.*

*§ 16-492 Exemptions. a. Pursuant to subdivision 3 of section 27-2805 of the environmental conservation law, the paper carryout bag reduction fee imposed pursuant to section 16-491 shall not apply to any customer using the supplemental nutritional assistance program, special supplemental nutrition program for women, infants and children, or any successor programs used as full or partial payment for the items purchased.*

*b. Pursuant to subparagraph (1) of paragraph (b) of subdivision 6 of section 27-2805 of the environmental conservation law, the exemptions provided for in section 1116 of the tax law, other than the exemptions in paragraphs (1), (2) and (3) of subdivision (a) of such section, shall not apply to the paper carryout bag reduction fee imposed pursuant to section 16-491.*

§ 2. Within five days of the enactment of this local law, the commissioner of sanitation shall mail a certified copy of this local law by registered or certified mail to the New York state commissioner of taxation and finance and file a certified copy of this local law with the New York state tax commission, the city clerk, the secretary of state and the New York state comptroller pursuant to subdivisions (d) and (e) of section 1210 of the tax law.

§ 3. This local law takes effect on March 1, 2020, except that the commissioner of sanitation and the commissioner of finance may take such measures as are necessary for its implementation prior to such effective date.

Adopted by the Council (preconsidered and approved by the Committee on Sanitation and Solid Waste Management).

Int. No. 1528

By Council Members Levin, Menchaca, Chin, Ayala, Rosenthal, Lander and Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to enhancing the pre-arraignment physical and behavioral health screenings of arrestees held at the central booking facility of a criminal court in the city of New York**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 14-163 of the administrative code of the city of New York, as added by local law number 124 for the year 2016, is amended to read as follows:

§ 14-163 Arrestee health information.

a. Definitions. [When used in] *For the purposes of* this section, the following terms [shall] have the following meanings:

Arrestee. The term “arrestee” means any person under custodial arrest by the department other than a person whose arrest results in the issuance of a summons or desk appearance ticket.

Electronic health screening tool. The term “electronic health screening tool” means a web-based tool used by a health care provider to identify the physical and behavioral health needs of arrestees at a central booking facility.

Health care provider. The term “health care provider” means any person licensed or certified under federal or New York state law to provide medical services, including [but not limited to] doctors, nurses, *nurse practitioners and patient care associates* [and emergency personnel].

*Nurse practitioner. The term “nurse practitioner” means an individual, certified under section 6910 of article 139 of the education law, who is licensed to diagnose and treat common medical conditions; trained to make informed judgments about whether to transfer arrestees to a hospital for further evaluation or medical*

*care prior to arraignment; and able to prescribe medications for medical conditions common among those arrestees in central booking.*

*Patient care associate. The term “patient care associate” means an individual who works under the direct supervision of a nurse practitioner and is trained and certified to assess vital signs, collect health history information and assist in delivering medical care to arrestees.*

b. [Medical treatment report] *Arrestee electronic health screening tool.* Whenever an arrestee is [treated by a health care provider while] in the custody of the department, [the department] *a health care provider shall [create a report] use an electronic health screening tool to assess the physical and behavioral health of such arrestee.* [Such report shall include a brief description of the arrestee’s medical condition, to the extent known by the department, the arrestee’s name and other identifying information regarding that arrestee, including but not limited to the arrestee’s New York state identification number and date of birth, when available, and identity of the health care provider. Such report shall be transmitted to the department of health and mental hygiene or its designee whenever an arrestee is taken into the custody of the department of correction.] *Any physical and behavioral health information regarding such arrestee obtained with such screening tool may, with such arrestee’s consent, be electronically shared with such arrestee’s defense counsel or the department of correction, in the event such arrestee is taken into the department’s custody.*

§ 2. Sections 17-1801 to 17-1804 of the administrative code of the city of New York, as added by local law number 124 for the year 2016, is amended to read as follows:

17-1801 Definitions. For the purposes of this chapter, the following terms have the following meanings:

*Arrestee.* The term “arrestee” has the same meaning as set forth in subdivision a of section 14-163 of the code.

*Diversion.* The term “diversion” means treatment resources and services in the community, which include, but are not limited to (i) court-based alternatives to jail and detention, including the citywide supervised release program; (ii) alternatives to incarceration, including mental health and drug treatment courts; (iii) counseling; (iv) psychiatric services; and (v) substance use disorder treatment.

*Diversion liaison.* The term “diversion liaison” means a licensed social worker whose duties include, but are not limited to (i) identifying arrestees with behavioral health needs and, with such arrestee’s consent, sharing such health information with such arrestee’s defense counsel; and (ii) contacting community health and social service providers, with such arrestee’s consent, to inform them of such arrestee’s arrest and the need for post-release referrals.

*E-Clinical Works.* The term “e-Clinical Works” means the city jail electronic health record system, which includes information on prior diagnoses, prescriptions, radiology images and allergies for arrestees who have been through the city jail system in the past five years.

*Electronic health screening tool.* The term “electronic health screening tool” has the same meaning as set forth in subdivision a of section 14-163.

*Health care provider.* The term “health care provider” [means any person licensed or certified under federal or New York state law to provide medical services, including but not limited to doctors, nurses and emergency personnel] *has the same meaning as set forth in subdivision a of section 14-163.*

*Health evaluation.* The term “health evaluation” means any evaluation of an inmate’s [health and mental] *physical and behavioral health upon their admission to the custody of the department of correction pursuant to minimum standards of inmate care established by the board of correction.*

*Inmate.* The term “inmate” means any person in the custody of the New York city department of correction.

*Nurse practitioner.* The term “nurse practitioner” has the same meaning as set forth in subdivision a of section 14-163.

*Patient care associate.* The term “patient care associate” has the same meaning as set forth in subdivision a of section 14-163.

*Psychiatric Services and Clinical Knowledge Enhancement System.* The term “Psychiatric Services and Clinical Knowledge Enhancement System” means the New York state office of mental health database, which provides historical and current information on diagnoses and service use among Medicaid beneficiaries.

*Screened.* The term “screened” means evaluated by a health care provider.

§ 17-1802 Arrestee *enhanced* health screening. a. Every arrestee held at the central booking area of a local criminal court prior to their arraignment at such court, *with such arrestee’s consent,* shall be screened by a

health care provider with an electronic health screening tool for [medical or mental health] physical or behavioral health conditions that may require immediate attention. [The department or its designee shall oversee such screening.]

b. The department shall implement enhanced health screenings at central booking facilities citywide, at a rate of one central booking facility per borough per year, until each facility utilizes such screenings. Such screenings shall occur 24 hours a day, seven days a week and include, but not be limited to, the following:

1. Staffing, which shall consist of at least one nurse practitioner, one patient care associate and one diversion liaison to perform duties including, but not limited to, (i) with the arrestee consent, screening such arrestee for acute and chronic physical and behavioral health conditions; (ii) treating minor injuries by, including but not limited to, providing basic medications for common medical conditions, including pain relievers, insulin, blood pressure medication and other commonly prescribed medications; (iii) diagnosing and treating such conditions on-site, if possible, or referring such arrestees to a hospital for further evaluation or care prior to arraignment; (iii) preparing a clinical summary of screened arrestees who are identified as having behavioral health needs and consent to meet with a diversion liaison; (iv) triaging such arrestees' medical services, with such arrestee consent, with community and correctional providers; (v) identifying arrestees who may be candidates for diversion; and (vi) liaising with such arrestee respective defense counsel, with such arrestee consent, to facilitate pre- and post-arraignment diversion;

2. Two levels of screening for physical or behavioral health conditions in arrestees consisting of the following:

(i) A level-one screening consisting of a preliminary health screening conducted by a patient care associate to ascertain the acute physical and behavioral health needs of such arrestee and identify arrestees requiring a level-two screening; and

(ii) A level-two screening conducted by a nurse practitioner to more thoroughly assess the physical or behavioral health conditions of such arrestee identified in the level-one screening;

3. A diversion liaison who performs such duties, including but not limited to, interviewing a consenting arrestee whose record indicates a behavioral health issue, summarizing such interviews and liaising with such arrestee's defense counsel regarding such arrestee to facilitate pre- and post- arraignment diversion;

4. Health care providers and diversion liaisons who have access to the arrestee's electronic health records in e-Clinical Works and, with such arrestee's consent, the Psychiatric Services and Clinical Knowledge Enhancement System, to help such health care providers and diversion liaisons make informed treatment choices, triage medical services with community and correctional providers and liaise with such arrestee's defense counsel; and

5. A health care provider entering a triage flag in e-Clinical Works to expedite medical intake for any jail-bound arrestee who requires follow-up physical or behavioral health assessments after (i) disclosing an underlying chronic illness or adverse health event to a health care provider or (ii) exhibiting symptoms of an underlying chronic illness or warning signs of an adverse health event, as detected by a health care provider.

§ 17-1803 Inmate health information from screening. The department or its designee shall establish procedures and promulgate rules as may be necessary to [make available reports received from] ensure the physical and behavioral health information of an inmate in the custody of the New York city police department is, pursuant to section 14-163, shared with [to] any health care provider in a department of correction facility conducting a health evaluation, [at such time as] before a health evaluation is conducted.

§ 17-1804 Inmate health information exchange. The department or its designee shall establish procedures and may promulgate rules as may be necessary to share [obtain] the physical and behavioral health information of such inmate, [pre-arraignment screening record created] pursuant to section 17-1802, and any electronic or paper medical records created and maintained by any hospital in connection with treatment provided to an arrestee who subsequently enters the custody of the department of correction, at the request of any health care provider conducting a health evaluation of such inmate.

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

Referred to the Committee on Health.

Int. No. 1529

By Council Members Levine, Gibson, Rosenthal, Cohen, Adams, Chin, Cornegy and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of the civil justice coordinator to collaborate with community groups in engaging and educating tenants of their rights in housing court**

*Be it enacted by the Council as follows:*

Section 1. Chapter 13 of title 26 the administrative code of the city of New York is amended by adding a new section 26-1306 to read as follows:

*§ 26-1306 Community Engagement. The coordinator shall work with community organizations to engage and educate tenants of their rights in housing court, including but not limited to hosting know your rights trainings and other workshops for tenants, distributing written information to tenants, assisting tenants to form and maintain tenant associations, referring tenants to designated community groups, and any other activity to engage, educate or inform tenants about their rights in housing court. For such efforts, the coordinator shall prioritize rent-stabilized tenants, senior citizens, and tenants most at risk of entry into the shelter system. Such efforts must include utilizing designated community groups. Engagement and education shall be provided in designated citywide languages.*

*For the purposes of this section, the term “designated community group” means a not-for-profit community organization that has the capacity to conduct tenant outreach, engagement, education, and information provision.*

§ 2. Section 26-1304 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. No later than January 30 of 2020, and every January 30 thereafter, the coordinator shall submit to the council and post online a report on community engagement and education pursuant to section 26-1306 for the previous calendar year. The report shall include figures from community organizations, including but not limited to the number of buildings in which outreach was conducted, the number of workshops offered, the number of attendees at those workshops, the number of people referred to nonprofits, the number of focus groups created, the number of know your rights trainings offered, the number of community forums conducted, and the number of new tenant associations formed.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 847

**Resolution calling upon the United States Congress to amend the National Emergencies Act of 1976 to properly regulate the scope of presidential power during a national emergency and to curtail executive overreach.**

By Council Members Miller, Ayala, Rivera, King, Barron, Kallos and Rosenthal.

**Whereas**, The federal National Emergencies Act (NEA), adopted by Congress in 1976, authorizes the President to declare national emergencies and establishes procedural requirements for the President’s exercise of such emergency powers; and

**Whereas**, On February 15, 2019, President Donald J. Trump declared a national emergency pursuant to the NEA concerning the southern border of the United States and the alleged national security and humanitarian crisis caused by a supposed influx of migrants; and

**Whereas**, On February 26, 2019, the House of Representatives passed a resolution of disapproval overturning the emergency declaration on the grounds that it violated Congress’ constitutional power to allocate federal funds; and

**Whereas**, on March 14, 2019, the Senate, despite having a Republican majority aligned with President Trump, joined the House in passing the resolution of disapproval; and

**Whereas**, Despite the President's proclamations, the national emergency declaration is not supported by credible evidence, where the United States Customs and Border Protection data shows apprehensions at the southwest border are near historic lows; and

**Whereas**, Federal government data also indicates that a vast majority of drugs smuggled into the country enter the United States through, not between, ports of entry; and

**Whereas**, According to a 2017 State Department Counterterrorism Bureau report, there is no credible evidence that terrorists are using the southern border as a means of entering the country; and

**Whereas**, The national emergency was declared after the Trump administration failed to secure funding for a proposed border wall through the traditional legislative process; and

**Whereas**, President Trump's national emergency declaration therefore demonstrates the legitimate concern of executive overreach permitted under the existing NEA statutory scheme; and

**Whereas**, In conjunction with the emergency declaration, the Trump Administration released a statement announcing that the President was taking executive actions to divert up to \$8.1 billion dollars to build a border wall, including reallocating up to \$3.6 billion from United States Department of Defense military construction projects; and

**Whereas**, On February 18, 2019, sixteen states, including New York, concerned about the proposed diversion of federal funds and the lawfulness of the emergency declaration, filed a lawsuit against the Trump administration challenging the national emergency declaration as violating the separation of powers principles enshrined in the United States Constitution; and

**Whereas**, According to a guide prepared by the Brennan Center for Justice, the declaration of a national emergency provides the President access to 123 statutory provisions governing a vast array of subject areas including military, land use, public health, trade, agriculture, transportation, communications, and criminal law; and

**Whereas**, The powers afforded under these statutory provisions significantly expand the powers of the executive and generally permit the President to act in ways that would be illegal in non-emergency contexts; and

**Whereas**, The expansive powers afforded under the NEA are vulnerable to exploitation, as evidenced by the unsubstantiated claims asserted in defense of the emergency declaration; and

**Whereas**, The NEA in its present form remains vulnerable to such abuse as it does not require that the powers invoked by the executive relate to the emergency declared, nor does it even define the term "emergency"; and

**Whereas**, In order to protect against further misuse and maintain the constitutional balance of powers between the Legislative and Executive branches of government; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to amend the National Emergencies Act of 1976 to properly regulate the scope of presidential power during a national emergency and to curtail executive overreach.

Referred to the Committee on State and Federal Legislation.

Res. No. 848

**Resolution calling upon Congress to pass and the President to sign the Fair Compensation for Low-Wage Contractor Employees Act of 2019 (S. 162/H.R. 678), which would require the federal government to provide back pay to low-wage contractor employees who were affected by the lapse in appropriations during the 2018-2019 federal government shutdown.**

By Council Members Miller, Kallos and Rosenthal.

**Whereas**, From December 22, 2018 to January 25, 2019, the United States government shut down due to a lapse in appropriations by Congress, causing a halt in payments to federal government employees and contractors; and

**Whereas**, According to the Congressional Research Service, the recent government shutdown was the longest appropriations gap in United States history; and

**Whereas**, Approximately 800,000 federal employees were furloughed or forced to work without pay for 34 full days; and

**Whereas**, On January 16, 2019, President Trump signed the Government Employee Fair Treatment Act, which required the federal government to compensate federal employees who were furloughed or required to work during the government shutdown on the earliest possible date after appropriations were restored; and,

**Whereas**, According to New York University professor of public service, Dr. Paul C. Light, approximately 500,000 federal government contractors work for agencies that were affected by the government shutdown; and

**Whereas**, Federal government contractors are not paid directly by the government and do not receive pay when their direct employers are unable to invoice the government for services; and

**Whereas**, According to the New York City Mayor's Office, there are 18,000 federal employees that work at agencies affected by the shutdown in New York City and an unknown number of low-wage federal contractors;

**Whereas**, According to 32BJ-SEIU, the property service union representing 163,000 service workers on the East Coast including in New York City, the Hudson Valley, Connecticut, and New Jersey, nearly 2,000 of its subcontracted union cleaners and security officers had their paychecks disrupted during the shutdown; and

**Whereas**, According to economic research published in the *New York Times*, nearly two-thirds of federal workers affected by the 2013 federal government shutdown likely did not have sufficient savings to cover two weeks of expenses; and

**Whereas**, The loss of wages and lack of a guaranteed ability to recover them presents a great hardship for low-wage contracted workers, many of whom already struggle to feed their families, pay their bills, or afford medicine; and

**Whereas**, The Fair Compensation for Low-Wage Contractor Employees Act would compensate federal contractors for the costs of providing back pay to or restoring paid leave taken by low-wage service employees and require that they compensate those employees as soon as practicable; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon Congress to pass and the President to sign the Fair Compensation for Low-Wage Contractor Employees Act of 2019 (S. 162/H.R. 678), which would require the federal government to provide back pay to low-wage contractor employees who were affected by the lapse in appropriations during the 2018-2019 federal government shutdown.

Referred to the Committee on Civil Service and Labor.

Int. No. 1530

By Council Members Moya, Kallos and Rosenthal

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on housing decisions made for transgender, gender nonconforming, and intersex individuals**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of Section 9-157 of the administrative code of the city of New York is amended by adding a new paragraph 6 to read as follows:

*6. Starting on January 1, 2020, the department shall issue an incident-level report to the council and to the board of correction on housing requests made related to gender-identity on a biannual basis. Such an*

*incident-level report shall include (a) whether the request was to be placed in specialized housing, to be housed in accordance with gender-identity, or another request; (b) the outcome of the request; (c) whether the request was appealed; and (d) the outcome of the appeal. Starting on July 1, 2020, the department shall issue a report on its website of such information in the aggregate.*

§ 2. This local law takes effect on the same date that a local law for the year 2019 amending the administrative code of the city of New York, relating to housing decisions made for transgender, gender non-conforming, and intersex individuals, takes effect.

Referred to the Committee on Criminal Justice.

Int. No. 1531

By Council Members Moya, Kallos and Rosenthal.

**A Local Law to amend the New York city charter, in relation to studying and reporting on the education capacity and overcrowding impacts of decisions of the city planning commission in connection with certain land use actions**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of the New York city charter is amended by adding a new section 207 to read as follows

§ 207 *Review of actual educational impacts.* a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

*Block.* The term “block” has the meaning given to that term in section 12-10 of the zoning resolution.

*Capacity.* The term “capacity” has the same meaning as such term is used in chapter 6 of the CEQR technical manual in relation to public schools.

*CEQR technical manual.* The term “CEQR technical manual” means the city environmental quality review technical manual issued in 2014 by the mayor’s office of environmental coordination, together with any updates, supplements and revisions thereto.

*Covered land use action.* The term “covered land use action” means an application that:

(1) the city planning commission has approved or approved with modifications for a matter described in paragraph one, three, four, five, six, eight, ten, or eleven of subdivision a of section 197-c or a change in the text of the zoning resolution pursuant to section two hundred or two hundred one;

(2) the commission decision has been approved or approved with modifications by the council pursuant to section one hundred ninety-seven-d and is not subject to further action pursuant to subdivision e or f of such section; and

(3) involves at least four adjacent blocks of real property.

*EIS.* The term “EIS” means a final environmental impact statement prepared pursuant to chapter 5 of title 62 of the rules of the city of New York in connection with an application subject to review of the city planning commission pursuant to section 197-c.

*Lead agency.* The term “lead agency” has the meaning given to that term in section 5-02 of title 62 of the rules and regulations of the city of New York.

*Study area.* The term “study area” means the geographic area or areas analyzed for potential public school capacity and overcrowding impacts as part of an EIS prepared in connection with a covered land use action.

*Utilization rate.* The term “utilization rate” has the same meaning as such term is used in chapter 6 of the CEQR technical manual in relation to public schools.

b. In connection with each covered land use action certified by the city planning commission on or after January 1, 2015, the department or, if the city planning commission is not the lead agency, the lead agency, in coordination with the department of education and the New York city school construction authority, shall



conduct studies of public elementary, intermediate, and high school capacity and overcrowding in the relevant study area. Such studies shall analyze such impacts for the following periods:

1. from the date of final approval of such covered land use action to a date four years after such final approval; and

2. from the date of final approval of such covered land use action to a date 10 years after such final approval.

c. Each study conducted pursuant to subdivision b of this section shall:

1. Compare the number of dwelling units generated by the covered land use action since final approval of such action to the number of dwelling units projected to be generated, as analyzed in the EIS for such action;

2. Compare the number of elementary, middle school, and high school students generated by the covered land use action to the number of such students projected to be generated in the EIS for such action;

3. Provide an analysis of the following information for each public school, subdistrict and district in the study area:

(a) current enrollment compared to the enrollment at the time of the covered land use action and the enrollment projected by the EIS prepared in connection with such action;

(b) current capacity compared to capacity at the time of final approval of the covered land use action and the capacity projected by the EIS prepared in connection with such action; and

(c) current utilization rate compared to the utilization rate at the time of final approval of the covered land use action and the utilization rate projected by the EIS prepared in connection with such action.

d. For each study conducted pursuant to this section, the department or, if the city planning commission is not the lead agency, the lead agency, shall report its findings to the mayor, the speaker of the council, the affected borough president, the affected community board, and the affected council member. Such findings shall discuss the reasons for any similarities and disparities between the actual utilization rates and the projected utilization rates described in the EIS prepared in connection with such covered land use action. If such findings reveal a disparity in any metric of more than five percent between the potential for such impacts identified in the EIS and the actual effects analyzed pursuant to subdivision c of this section, or if the study conducted pursuant to subdivision b reveals any impacts not discussed in an EIS prepared in connection with the application, such report shall make recommendations for amending the CEQR technical manual to more accurately capture and mitigate the potential elementary, intermediate, and high school capacity and overcrowding impacts of future land use actions. The department or the lead agency shall issue each report prepared pursuant to this subdivision no later than six months after the end of the applicable study period described in subdivision b of this section.

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

Referred to the Committee on Land Use.

Int. No. 1532

By Council Members Powers, Kallos, Rosenthal and Levine.

**A Local Law to amend the administrative code of the city of New York, in relation to housing decisions made for transgender, gender nonconforming, and intersex individuals**

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 9-157 to read as follows:

§ 9-157 *Housing requests related to gender identity.* a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

*Gender-identity.* The term “gender-identity” refers to a person’s sense of identifying with a certain gender.

*Intersex.* The term “intersex” means a person who has sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

*Transgender. The term “transgender” means a person who has a gender identity that is different from the person’s assigned sex at birth.*

*b. Subject to section 115 of title 28 of the code of federal regulations, all incarcerated individuals shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other incarcerated individuals. The intake screening shall consider, at a minimum, the following criteria to assess incarcerated individuals for risk of sexual victimization:*

- 1. Whether the incarcerated individual has a mental, physical, or developmental disability;*
- 2. The age of the incarcerated individual;*
- 3. The physical build of the incarcerated individual;*
- 4. Whether the incarcerated individual has previously been incarcerated;*
- 5. Whether the incarcerated individual’s criminal history is exclusively nonviolent;*
- 6. Whether the incarcerated individual has prior convictions for sex offenses against an adult or child;*
- 7. Whether the incarcerated individual is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;*
- 8. Whether the incarcerated individual has previously experienced sexual victimization;*
- 9. The incarcerated individual’s own perception of vulnerability; and*
- 10. Whether the incarcerated individual is detained solely for civil immigration purposes.*

*c. Subject to section 115 of title 28 of the code of federal regulations, the department shall establish a process for transgender and intersex individuals to self-identify as such at intake, and use such self-identification to make housing and programming assignments on a case-by-case basis. In determining such housing and programming assignments, the department shall consider whether a placement would ensure the incarcerated individual’s health and safety, and whether the placement would present management or security problems. The department shall not prevent incarcerated individuals from identifying as transgender solely because of classification as a different gender while previously incarcerated or because of the absence of documents indicating medical transition.*

*d. Subject to section 115 of title 28 of the code of federal regulations, the department shall establish a process for allowing transgender and intersex individuals who have requested entrance into a type of housing facility due to such identification and have been denied such request to appeal such denial. The department shall maintain formal written procedures consistent with this policy and with the following provisions:*

*1. The department shall provide written notice to such individuals that such a determination may be appealed, and describe the appeals process in plain and simple language. The department shall ensure that such written notice is available in multiple languages.*

*2. The department shall create an appellate review board consisting of the chief of correction or their designee, the commissioner of correction or their designee, and the vice president of correctional health services or their designee to review the initial decision. The appellate review board shall not consist of the same decision-makers responsible for making initial housing determinations.*

*3. The appellate review board shall issue a determination within 48 hours of receipt of any appeal and shall consider the written opinion of the board of correction in making its determination.*

*4. Within 24 hours of making its determination, the appellate review board shall provide the incarcerated individual with a written copy of the determination specifying the facts and reasons underlying such determination. Where the appellate review board reaches a decision against the advice of the advisory committee, the appellate review board shall explain the discrepancy.*

*5. The department shall provide all written materials having to do with the appeals process in multiple languages, and shall ensure that incarcerated individuals are given any verbal assistance necessary to meaningfully understand such procedures.*

*§ 2. Section 626 of the New York city charter, as amended by local law number 102 for the year 1977, is amended by adding a new subsection h to read as follows:*

*h. The board shall issue opinions to the department regarding appeals of housing requests related to gender-identity.*

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

Referred to the Committee on Criminal Justice.

## Preconsidered Int. No. 1533

By The Public Advocate (Mr. Williams) and Council Members Menchaca and Ayala.

**A Local Law to amend the New York city building code, in relation to the definition of site safety training full compliance date and site safety training second compliance date**

*Be it enacted by the Council as follows:*

Section 1. The definitions of “SITE SAFETY TRAINING (SST) FULL COMPLIANCE DATE” and “SITE SAFETY TRAINING (SST) SECOND COMPLIANCE DATE” in section 3302.1 of the New York city building code, as added by local law number 196 for the year 2017, are amended to read as follows:

**SITE SAFETY TRAINING (SST) FULL COMPLIANCE DATE.** [Five months after the SST second compliance date, or, if the department publishes a finding that there is insufficient capacity to provide the training required by Section 3321 of the New York city building code to the workers who would need such training, a later date established by the department, provided that such date is not later than] September 1, 2020.

**SITE SAFETY TRAINING (SST) SECOND COMPLIANCE DATE.** December 1, [2018, or, if the department publishes a finding that there is insufficient capacity to provide the training required by Section 3321 of the New York city building code to the workers who would need such training, a later date established by the department, provided that such date is not later than June 1,] 2019.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings (preconsidered but laid over by the Committee on Housing and Buildings).

## Int. No. 1534

By Council Members Rodriguez and Rivera

**A Local Law to amend the administrative code of the city of New York, in relation to the installation of protected bicycle lanes**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-187.1 to read as follows:

§ 19-187.1 *Protected bicycle lanes.* a. *Definitions.* For purposes of this section, the term “protected bicycle lane” means a path intended for the use of bicycles that is separated from motorized traffic by a vertical delineation or physical barrier.

b. *The department shall install, on an annual basis, at least 100 miles of protected bicycle lanes.*

§ 2. This local law takes effect on January 1, 2020 and remains in effect until January 1, 2026, when it is deemed repealed.

Referred to the Committee on Transportation.

## Int. No. 1535

By Council Members Rosenthal and Kallos.

**A Local Law requiring the board of correction to convene a task force to address policies related to the treatment of transgender, gender non-conforming, and non-binary individuals in the department of correction**

*Be it enacted by the Council as follows:*

Section 1. a. The board of correction shall convene a task force to review the department of correction's policies related to the treatment and housing of transgender, gender non-conforming, and non-binary individuals in the department of correction's custody.

b. Such task force shall consist of, but not be limited to, a representative from the department of correction, a representative from correctional health services, a representative from the commission on human rights, and at least six representatives in the following categories: people formerly and currently incarcerated in the transgender housing unit, service providers that address transgender, gender non-conforming, and non-binary individuals in custody, and local and national experts in issues related to transgender policy.

c. Each member shall serve for a term of eight years to commence after the final member of the task force is appointed. Any vacancies in the membership of the task force shall be filled in the same manner as the original appointment. A person filling such vacancy shall serve the unexpired portion of the term of the succeeded member. All members shall be appointed to the task force within 60 days of the enactment of this local law.

d. No member shall be removed from the task force except for cause and upon notice and hearing by the appropriate appointing official.

e. Members of the task force shall serve without compensation and shall meet no less often than on a quarterly basis.

f. Within one year of the formation of the task force, such task force shall submit a report containing recommendations to improve policies related to the treatment and housing of transgender, gender non-conforming, and non-binary individuals in the department of correction's custody, and a summary of key findings to the mayor and the speaker of the council. The task force shall continue to submit yearly reports thereafter until its termination.

g. The task force shall terminate upon issuance of a final yearly report, to be submitted in the year 2027.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

## Int. No. 1536

By Council Members Rosenthal, Kallos, Treyger, Richards, Levin, Chin, Levine, Gibson, Cornegy, Barron, Lander, Ampry-Samuel, Adams, Rose and Cumbo.

**A Local Law to amend the administrative code of the city of New York, in relation to expanding the commission on gender equity's annual report to include reporting on title ix**

*Be it enacted by the Council as follows:*

Section 1. Section 20-b of Chapter 1 of the New York city charter is amended to read as follows:

§ 20-b. Commission on gender equity. a. There shall be a commission on gender equity to study the nature and extent of inequities facing women and girls in the city; to study their impact on the economic, civic, and social well-being of women and girls; to advise on ways to analyze the function and composition of city agencies through a gender -based lens and ways to develop equitable recruitment strategies; and to make

recommendations to the mayor and the council for the reduction of gender-based inequality. Such commission shall consist of 26 members appointed by the mayor; five members appointed by the speaker of the council; and the chair of the commission on human rights, who shall serve as an ex officio member. Members of the commission shall be representative of the New York city population and shall have experience in advocating for issues important to women and girls. The mayor shall designate one member to serve as chair of the commission, and may also designate a member to serve as co-chair. Members shall serve at the pleasure of the appointing authority. 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. The mayor shall appoint an executive director for the commission.

b. The commission 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 advisory duties and functions as may be necessary to achieve its purposes as described in subdivision a of this section.

c. The commission may request information from any city agency or office it deems necessary to enable the commission to properly carry out its functions. The commission may also request from any private organization providing services to women and girls in the city pursuant to a contract with a city agency or office, information necessary to enable the commission to properly carry out its functions.

d. No later than December 1, 2017 and annually by December 1 thereafter, the commission shall submit to the mayor and the speaker of the council *and post online* 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. *The report shall also include information on the city's compliance with section 1681 of title 20 of the United States code, or title ix of the education amendments of 1972 that prohibit discrimination on the basis of sex in education programs and activities, including but not limited to the number of complaints regarding title ix violations received, disaggregated by agency, the number of complaints that were substantiated and unsubstantiated, categories of complaints, where applicable, any barriers to compliance, including but not limited to vacancies in title ix coordinator positions, a summary of key findings, and recommendations for next steps.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Women and Gender Equity.

Res. No. 849

**Resolution calling upon the New York City Department of Education to offer lactose-free milk as a milk alternative to students upon request by a parent or guardian.**

By Council Members Salamanca and Kallos

**Whereas**, According to the United States (U.S) National Library of Medicine, lactose intolerance is the inability to digest lactose, a sugar in dairy products including milk; and

**Whereas**, The U.S. National Library of Medicine also reports that lactose products may cause individuals who are lactose intolerant to experience abdominal pain, nausea, bloating, and diarrhea within 30 minutes to 2 hours after consumption; and

**Whereas**, While there is limited New York City specific data on the number of lactose intolerant individuals, about 65 percent of the human population has a decreased ability to digest lactose following infancy, according to the U.S. National Library of Medicine; and

**Whereas**, The Nemours Foundation reports that individuals of African, Asian, Hispanic, and Native American backgrounds are more likely to develop lactose intolerance at a young age; and

**Whereas**, During school year 2017-18, Asian, Black and Hispanic students represented about 16 percent, 26 percent and 41 percent respectively, of the New York City Department of Education's (DOE) student population; and

**Whereas**, Despite the prevalence of lactose intolerance and its impact on lactose intolerant individuals, New York City's Department of Education (DOE) do not require schools to provide lactose-free milk to students who are lactose intolerant; and

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to offer lactose-free milk as a milk alternative to students upon request by a parent or guardian.

Referred to the Committee on Education.

Res. No. 850

**Resolution calling upon the New York State Legislature to pass and the Governor to sign S.1092B/A.6325A, in relation to including in the definition of professional misconduct performing a pelvic examination without consent on an anesthetized or unconscious person.**

By Council Members Treyger and Rosenthal.

**Whereas**, According to multiple studies and reports, the practice of medical students performing pelvic examinations on anesthetized or unconscious persons without receiving explicit informed consent is widespread throughout the United States; and

**Whereas**, The practice involves medical students, under supervision by training physicians, performing pelvic examinations on anesthetized gynecological surgery patients in the operating room, where the examination is not within the scope of the patient's care and is solely for teaching purposes; and

**Whereas**, While teaching hospitals provide consent forms indicating that medical students may be involved with a patient's care, such forms do not necessarily contain explicit disclosure of pelvic examinations performed by medical students during procedures where a patient will be temporarily incapacitated; and

**Whereas**, A 2005 study found that a large majority of medical students had performed pelvic examinations on gynecological surgery patients who were under anesthesia, and that in nearly three-quarters of those cases the patients had not specifically consented to such examinations; and

**Whereas**, The American College of Obstetricians and Gynecologists, the American Medical Association and the Association of American Medical Colleges have all condemned the practice and issued recommendations calling for specific informed consent for pelvic examinations performed by medical students on anesthetized patients; and

**Whereas**, In addition to ethical and professional concerns, it is also widely argued that the educational value of pelvic examinations under anesthesia is limited; and

**Whereas**, Many teaching hospitals now employ "professional patients" – experienced volunteers who are paid to undergo examinations and provide guidance and feedback to medical students – to help teach medical students how to perform pelvic examinations, a teaching process that many believe is more valuable than examinations performed on patients under anesthesia; and

**Whereas**, Although it is likely that the prevalence of unauthorized pelvic examinations by medical students has declined in recent years, the extent to which the practice still persists is unclear and it remains legal in the vast majority of states; and

**Whereas**, Only five states – California, Illinois, Virginia, Oregon and Hawaii – have enacted legislation prohibiting the performance of nonconsensual pelvic examinations on anesthetized or unconscious persons; and

**Whereas**, S.1092B, introduced by New York State Senator Roxanne J. Persaud, and companion bill A.6325A, introduced by New York State Assembly Member Michaelle C. Solages, would prohibit performing or supervising a pelvic examination on an anesthetized or unconscious patient without first obtaining the

patient's informed consent to the pelvic examination, unless the examination is within the scope of the patient's surgical procedure or diagnostic examination for which informed consent has been obtained or, in the case of an unconscious patient, the examination is required for diagnostic purposes and is medically necessary; and

**Whereas**, Specifically, the legislation would amend the Education Law by adding the above language to the definition of professional misconduct, which would make the performance or supervision of a pelvic examination on an anesthetized or unconscious patient without first obtaining informed consent to the pelvic examination subject to penalties including suspension or revocation of a license to practice medicine; and

**Whereas**, Legislation prohibiting nonconsensual pelvic examinations on anesthetized or unconscious patients is vital to safeguarding the autonomy and bodily rights of persons in New York City and throughout New York State; 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 S.1092B/A.6325A, in relation to including in the definition of professional misconduct performing a pelvic examination without consent on an anesthetized or unconscious person.

Referred to the Committee on Hospitals.

Int. No. 1537

By Council Members Van Bramer and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of non-Energy Star labeled products**

*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 36 to read as follows:

**SUBCHAPTER 36  
SALE OF NON-ENERGY STAR LABELED PRODUCTS PROHIBITED**

*§ 20-563 Sale of non-Energy Star labeled products prohibited. a. Definitions. As used in this subchapter, the term "Energy Star labeled" means a designation indicating that a product meets the energy efficiency standards set forth by the United States environmental protection agency or the United States department of energy for compliance with the Energy Star program.*

*b. Prohibited sales. It shall be unlawful for any person to sell or offer for sale any product belonging to a product category for which exist Energy Star standards unless such product is Energy Star labeled.*

*c. Penalties. A person violating this section is liable for a civil penalty of not more than \$250 for the first violation and a civil penalty of not more than \$500 for each subsequent violation. Each sale shall constitute a separate violation under this section.*

*d. Rulemaking. The department may promulgate such rules as it deems necessary to implement and enforce this subchapter.*

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of consumer affairs may take all actions necessary to implement this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Consumer Affairs and Business Licensing.

## Int. No. 1538

By Council Member Van Bramer.

**A Local Law to amend the New York city charter, in relation to requiring the department of cultural affairs to report on admissions policies for senior citizens and people with disabilities and develop a plan to improve access**

*Be it enacted by the Council as follows:*

Section 1. Chapter 67 of the New York city charter is amended by adding a new section 2508 to read as follows:

§ 2508. *Requirement to report on admissions policies. a. For the purposes of this section, the following terms have the following meanings:*

*Admission rate. The term “admission rate” means the number of individuals given entrance or attendance to a cultural institution per year.*

*Disability. The term “disability” means any physical, medical, mental or psychological impairment, or a history or record of such impairment.*

*Senior Citizen. The term “senior citizen” means any person 55 years of age or older.*

*b. No later than August 1, 2019, and on or before August 1 annually thereafter, the department shall prepare and file with the mayor and the council, and post on its website, a report on the:*

*1. Admissions policies of cultural institutions and organizations that receive funding from the department in relation to senior citizens and people with disabilities;*

*2. Admission rates of senior citizens and people with disabilities to cultural institutions and organizations that receive funding from the department; and*

*3. Challenges faced by senior citizens and people with disabilities seeking admission to cultural institutions and organizations that receive funding from the department.*

*c. The report referenced in subdivision b of this section shall delineate the types of disabilities to which the admissions rates and policies apply.*

*d. After completing the study, the department shall develop and submit to the mayor and the council recommendations of how the cultural institutions may improve access for senior citizens and people with disabilities and a plan to implement the department’s recommendations.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

## Int. No. 1539

By Council Member Van Bramer

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of city planning to issue recommendations of which census tracts should be designated as opportunity zones**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-116 to read as follows:

§ 25-116 *Opportunity zone recommendations. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Department. The term “department” means the department of city planning.*



*b. No later than January 1, 2023, and every five years thereafter, the department shall complete a study of census tracts designated as Opportunity Zones pursuant to section 13823 of the tax cuts and jobs act of 2017, as enacted by public law 115-97, and census tracts eligible to be considered for Opportunity Zone designation, and shall file with the mayor, the speaker of the council, the regional economic development council and the governor and post on the department's website a report disclosing its recommendations for changes to census tracts that are designated as Opportunity Zones. The department may revise its recommendations within six months of filing such report.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Land Use.

Int. No. 1540

By Council Members Van Bramer, Gjonaj and Rosenthal

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to stock opioid antagonists in library buildings and train library staff**

*Be it enacted by the Council as follows:*

Section 1. The administrative code of the city of New York is amended by adding a new chapter 19 to title 17 to read as follows:

Chapter 19. Opioid Overdose Prevention

§ 17-1900 a. Definitions. For purposes of this section, the following terms have the following meanings:

Opioid antagonist. The term "opioid antagonist" means naloxone or other medication approved by the federal food and drug administration and the New York state department of health that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the human body.

b. The department shall stock opioid antagonists in all library buildings pursuant to section 922 of the state education law.

c. The department shall offer overdose prevention and reversal training to all library staff pursuant to section 922 of the state education law. Such training shall include:

1. How to recognize an opioid overdose; and
2. How to properly administer common opioid antagonists to reverse an opioid overdose.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Preconsidered L.U. No. 395

By Council Member Dromm:

**Prospect Park South Portfolio, Block 5085, Lot 75, Block 5099, Lots 34 and 35, Block 5101, Lot 44, Block 5123, Lots 16, 19, and 22, Block 5162, Lot 20; Brooklyn, Community Districts No. 14 and 17, Council District No. 40.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

## Preconsidered L.U. No. 396

By Council Member Salamanca:

**Application No. 20195227 SCK (250-266 46<sup>th</sup> Street - 322 Seat Primary School Facility) submitted by the New York City School Construction Authority pursuant to Section 1732 of the Public Authorities Law for approval of a site selection for a new, approximately 322-Seat Primary School Facility to be located on the mid-block corner of 46<sup>th</sup> Street and 2<sup>nd</sup> and 3<sup>rd</sup> Avenues (Block 754, Lot 27, 29, 30, 32 and 34), Borough of Brooklyn, Council District 38, Community School District No. 15.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting & Maritime Uses).

## Preconsidered L.U. No. 397

By Council Member Salamanca:

**Application No. N 190230 ZRY (Residential Tower Mechanical Voids) submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of Article II, Chapter 3 and related provisions of the Zoning Resolution of the City of New York, modifying residential tower regulations to require certain mechanical spaces to be calculated as residential floor area, Citywide.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning).

## L.U. No. 398

By Council Member Salamanca:

**Application No. 20195473 HAM (East Harlem El Barrio Community Land Trust) submitted by the New York City Department of Housing Preservation and Development requesting the approval of an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law and approval of an exemption from real property taxation pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at 53 East 110<sup>th</sup> Street (Block 1616, Lot 123), 304 East 126<sup>th</sup> Street (Block 1802, Lot 47) and 201 East 120<sup>th</sup> Street (Block 1785, Lot 1), Borough of Manhattan, Council District 8, Community District 11, and 204 West 121st Street (Block 1926, Lot 35), Borough of Manhattan, Council District 9, Community District 10.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

## L.U. No. 399

By Council Member Salamanca:

**Application No. 20195470 HAM (Lenox Avenue Cluster) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 694 of the General Municipal Law for the approval of an Urban Development Action Area Project and pursuant to Section 577 of Article XI of the Private Housing Finance Law for the approval of an exemption from real property taxation for property located at 135 West 132<sup>nd</sup> Street, and 406, 422, 424, 426, 428, 432 Lenox Avenue, Borough of Manhattan, Council District 9, Community District 10.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 400

By Council Member Salamanca:

**Application No. 20195535 HAM (MNN1802 CLOTH Amsterdam Avenue – 2185 Amsterdam Avenue) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an urban development area project and pursuant to Article XI of the Private Housing Finance Law for the approval of an exemption from real property taxes for property located at 2185 Amsterdam Avenue, Borough of Manhattan, Council District 10, Community District 12.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 401

By Council Member Salamanca:

**Application No. 20195534 HAM (MNN1802 CLOTH Amsterdam Avenue – 2110 Amsterdam Avenue) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an urban development area project and pursuant to Article XI of the Private Housing Finance Law for the approval of an exemption from real property taxes for property located at 2110 Amsterdam Avenue, Borough of Manhattan, Council District 7, Community District 12.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 402

By Council Member Salamanca:

**Application No. 20195536 HAM (MNN1802 CLOTH Amsterdam Avenue – 2488-90 Adam Clayton Powell Jr. Blvd.) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for the approval of an urban development area project and pursuant to Article XI of the Private Housing Finance Law for the approval of an exemption from real property taxes for property located at 2488-90 Adam Clayton Powell Jr. Blvd. and 2794 Frederick Douglas Blvd., Borough of Manhattan, Council District 9, Community District 10.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 403

By Council Member Salamanca:

**Application No. N 180529 ZRQ (47-15 34<sup>th</sup> Ave Rezoning) submitted by Ashley Young LLC and John Young Associates LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 26, Community District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 404

By Council Member Salamanca:

**Application No. C 180530 ZMQ (47-15 34<sup>th</sup> Ave Rezoning) submitted by Ashley Young LLC and John Young Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b changing from C8-1, and R5 Districts to R7X and R6B Districts and establishing within the proposed R7X District a C2-4 District and establishing within the existing and proposed R6B District a C2-4 District, for property located at Block 723, Lots 1 and 8 and Block 722, Lots 1, 3, 4, p/o Lot 5, and 70, Borough of Queens, Council District 26, Community District 1.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**Monday, April 29, 2019**

Committee on Cultural Affairs, Libraries & International Intergroup Relations

James Van Bramer, Chairperson

**Oversight** - The Cultural After School Adventures (CASA) Initiative: Bringing Arts & Culture To New York City Public School and Enriching The Lives Of Students.

Council Chambers - City Hall.....10:00 a.m.

Committee on Environmental Protection

Costa Constantinides, Chairperson

**Int 272** - By Council Members Richards, Brannan and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to reducing methane emissions.

**Int 1055** - By Council Members Constantinides, Richards, Holden and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to the examination, survey and mapping of all methane leaks in New York City.

**Int 1399** - By Council Members Constantinides, Rosenthal and Levine - **A Local Law** to amend the New York city charter and the administrative code, in relation to creation of a department of sustainability and climate change and repealing section 20 of chapter 1 of the New York city charter.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....10:00 a.m.

Committee on General Welfare jointly with the Committee on Housing and Buildings

Stephen Levin, Chairperson  
Robert Cornegy, Jr., Chairperson

**Oversight** - Three-Quarter Housing

**Proposed Int 153-A** - By Council Members Levin and Brannan - **A Local Law** to amend the administrative code of the city of New York in relation to a three-quarter housing task force.

Committee Room – City Hall.....10:00 a.m.

Committee on Small Business

Mark Gjonaj, Chairperson

**Int 390** - By Council Members Ulrich and Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a small business disaster recovery and resiliency advisory board.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....10:00 a.m.

Committee on Finance jointly with the Committee on Transportation

Daniel Dromm, Chairperson  
Ydanis Rodriguez, Chairperson

**Oversight** – The Department of Finance’s Parking Violations Bureau.

**Int 122** - By Council Members Lander, Yeger and Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to the removal of motor vehicles to satisfy parking violations.

**Int 661** - By Council Member Rodriguez - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of finance to report on motor vehicles removed to satisfy an outstanding judgment for parking violations.

**Int 1066** - By Council Members Lancman, Ampry-Samuel, Cornegy, Rosenthal, Yeger, Koo, Maisel, Rose, Vallone, Barron, Holden, King, Grodenchik, Adams, Richards and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to granting hearing examiners discretion to reduce or waive additional penalties for parking violations.

**Int 1141** - By Council Members Constantinides, Rodriguez, Reynoso, Levin, Deutsch, Levine, Rosenthal, Grodenchik, Maisel, Rose, Barron, Holden, King, Adams, Moya, Kallos, Chin, Treyger, Cohen, Brannan,

Ayala, Cornegy, Cumbo and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to the dismissal of notices of violation and reduction of fines.

**Int 1520** - By Council Member Dromm – **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of finance to report on the parking violations bureau.

Council Chambers – City Hall.....1:00 p.m.

Committee on Public Safety

Donovan Richards, Jr., Chairperson

**Oversight** - Implementation of the Right to Know Act.

**Int 1522** - By Council Member Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the civilian complaint review board to report information regarding complaints that officers failed to properly identify themselves or failed to obtain knowing and voluntary consent prior to conducting a search.

**Preconsidered Int \_\_\_\_** - By Council Member Reynoso - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the New York police department to report on instances in which an individual denied an officer consent to a search.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....1:00 p.m.

**Tuesday, April 30, 2019**

Committee on Criminal Justice

Keith Powers, Chairperson

**Oversight** - The experience of transgender and gender non-conforming individuals in New York City jails.

**Int 1513** - By Council Member Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to mental health treatment for transgender, gender nonconforming, non-binary, and intersex individuals.

**Int 1514** - By Council Members Ayala and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring access to substance abuse treatment for transgender, gender non-conforming, non-binary, and intersex individuals.

**Res 143** - By Council Member Dromm - **Resolution** calling on the New York State Legislature to pass and the Governor to sign the Humane Alternatives to Long-Term Solitary Confinement Act.

**Res 829** - By Council Member Powers - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, S.1343/A.5493, which would reform revocation presumptive release, parole, conditional release, and post-release supervision.

Committee Room – City Hall.....10:00 a.m.

Committee on Governmental Operations

Fernando Cabrera, Chairperson

**Oversight** - Early Voting Implementation and Poll Site Interpretation in NYC.

**Int 1282** - By Council Members Treyger, Lander, Brannan, the Public Advocate (Mr. Williams), Eugene, Rodriguez and Ayala - **A Local Law** to amend the New York city charter, in relation to the voter assistance advisory committee providing poll site interpreters in all designated citywide languages.

Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....10:00 a.m.

Committee on Sanitation and Solid Waste Management

Antonio Reynoso, Chairperson

**Oversight** - Implementation of Local Law 145 of 2013.

Committee Room – 250 Broadway, 14<sup>th</sup> Floor.....10:00 a.m.

**★ Note Topic Addition**

Committee on Women and Gender Equity jointly with the  
Committee on Education and the

Helen Rosenthal, Chairperson  
Mark Treyger, Chairperson

Committee on Higher Education

Inez Barron, Chairperson

**Oversight** - Title IX - Gender Discrimination.

**Int 1536** - By Council Member Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to expanding the commission on gender equity’s annual report to include reporting on title ix

**Res 797** - By Council Members Adams, Treyger, Rosenthal and Chin - **Resolution** calling upon the New York City Department of Education to maintain at least seven Title IX Coordinator positions, with at least one coordinator at each borough field support center.

**★Res 811** - By Council Members Miller, Treyger, Dromm, Rosenthal, Chin and Lander - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign legislation to require inclusion of Employee Protection Provisions (EPPs) in all current and future school bus contracts in New York City.

Committee Room – City Hall.....1:00 p.m.

**Monday, May 1, 2019**

Committee on Justice System

Rory Lancman, Chairperson

**Oversight** - Preparing for the Implementation of Bail, Speedy Trial, and Discovery Reform.

Committee Room – City Hall.....1:00 p.m.

**Tuesday, May 2, 2019**

Subcommittee on Zoning & Franchises

Francisco Moya, Chairperson

**See Land Use Calendar**

Committee Room – City Hall.....9:30 a.m.

Subcommittee on Landmarks, Public Siting & Maritime Uses

Adrienne Adams, Chairperson

**See Land Use Calendar**

Committee Room – City Hall ..... 1:00 p.m.

**NEW YORK CITY COUNCIL  
FISCAL YEAR 2020  
EXECUTIVE BUDGET HEARINGS**

Please be advised of the following scheduled Council Agency Hearings relative to the *Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XLIII & CD-XLIV Programs for the Fiscal Year 2020* to be held in the Council Chambers, City Hall as follows:

**Monday, May 6, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 1:00	Office of Management & Budget	Finance jointly with Subcommittee on Capital Budget
1:00 – 2:00	Design & Construction	Finance jointly with Subcommittee on Capital Budget

**Tuesday, May 7, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:00	Economic Development Corporation	Economic Development
11:00 – 12:00	Aging	Aging
1:00 – 3:00	NYCHA	Public Housing

**Cancelled**

Subcommittee on Planning, Dispositions & Concessions ..... Ben Kallos, Chairperson  
**See Land Use Calendar**  
 Committee Room – 250 Broadway, 16<sup>th</sup> Floor.....1:00 p.m.

**Tuesday, May 7, 2019**

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

**Oversight** - Are City Environmental Quality Review (CEQR) procedures useful for accurately predicting and mitigating impacts of City Planning Commission decisions?

**Int 252** - By Council Member Reynoso - **A Local Law** to amend the New York city charter, in relation to tracking mitigation strategies in final environmental impact statements as part of the uniform land use review process

**Int 1487** - By Council Members Moya, Gjonaj, Chin, Salamanca, Kallos, Reynoso, Powers, Adams, Rosenthal, Ayala, Cumbo, Rose and Cornegy - **A Local Law** to amend the New York city charter, in relation to studying the incidence of secondary displacement resulting from neighborhood rezonings.

**Int 1523** - By Council Member Gjonaj - **A Local Law** to amend the New York city charter, in relation to studying and reporting on transportation impacts of decisions of the city planning commission in connection with certain land use actions.



**Int 1531** - By Council Member Moya - **A Local Law** to amend the New York city charter, in relation to studying and reporting on the education capacity and overcrowding impacts of decisions of the city planning commission in connection with certain land use actions.

**All items reported out of the Subcommittees**

**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

Committee Room – City Hall .....11:00 a.m.

**Wednesday, May 8, 2019**

***Stated Council Meeting***.....***Ceremonial Tributes – 1:00 p.m.***  
.....***Agenda – 1:30 p.m.***

**NEW YORK CITY COUNCIL  
FISCAL YEAR 2020  
EXECUTIVE BUDGET HEARINGS**

Please be advised of the following scheduled Council Agency Hearings relative to the *Proposed Executive Expense, Revenue, Capital & Contract Budgets & CD-XLIII & CD-XLIV Programs for the Fiscal Year 2020* to be held in the Council Chambers, City Hall as follows:

**Monday, May 6, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 1:00	Office of Management & Budget	Finance jointly with Subcommittee on Capital Budget
1:00 – 2:00	Design & Construction	Finance jointly with Subcommittee on Capital Budget

**Tuesday, May 7, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:00	Economic Development Corporation	Economic Development
11:00 – 12:00	Aging	Aging
1:00 – 3:00	NYCHA	Public Housing

**Thursday, May 9, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:00	Fire / Emergency Medical Service	Fire and Emergency Management
11:00 – 12:00	Correction	Criminal Justice
12:00 – 1:00	Health + Hospitals	Hospitals
1:00 – 2:00	Environmental Protection	Environmental Protection

**Friday, May 10, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 12:00	MTA NYC Transit	Transportation
12:00 – 1:00	Taxi & Limousine Commission	Transportation
1:00 – 2:30	Transportation	Transportation

**Monday, May 13, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 12:00	Housing Preservation & Development	Housing & Buildings jointly with Subcommittee on Capital Budget
12:00 – 2:00	Buildings	Housing & Buildings
2:30 – 3:30	Immigrant Affairs	Immigration

**Tuesday, May 14, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
1:00 – 2:00	Parks and Recreation	Parks and Recreation jointly with Subcommittee on Capital Budget
2:00 – 3:00	Information and Technology and Telecommunication	Technology

**Wednesday, May 15, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 12:00	Police	Public Safety
12:00 – 1:00	Office of Civil Justice (Human Resources Administration)	Public Safety jointly with Justice System

**Thursday, May 16, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:00	Youth and Community Development	Youth Services
11:00 – 12:00	Small Business Services	Small Business
2:00 – 3:00	Health & Mental Hygiene	Health jointly with Mental Health, Disabilities and Addiction

**Friday, May 17, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:30	Citywide Administrative Services	Governmental Operations
11:30 – 12:15	Law Department	Governmental Operations
12:15 – 1:30	Board of Elections	Governmental Operations
1:30 – 2:15	Campaign Finance Board	Governmental Operations

**Monday, May 20, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 1:00	Education (Expense and Capital) School Construction Authority	Education

**Tuesday, May 21, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee and Subcommittee</b>
10:00 – 11:30	Libraries	Cultural Affairs, Libraries & International Intergroup Relations
11:30 – 12:30	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations
1:00 – 2:00	Sanitation	Sanitation & Solid Waste Management

**Wednesday, May 22, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 1:00	Human Resources Administration and Homeless Services	General Welfare
1:00 – 2:00	Administration for Children's Services	General Welfare & Women & Juvenile Justice

**Thursday, May 23, 2019**

<b>Time</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:00	Finance	Finance
11:00 – 11:30	Comptroller	Finance
11:30 – 12:00	Independent Budget Office	Finance
12:00 – 2:00	Office of Management & Budget	Finance jointly with Subcommittee on Capital Budget
2:00	Public	

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged the devastating fire that damaged Notre Dame Cathedral in Paris during Holy Week on April 15, 2019. He noted that this was a tragedy for Paris and a tragedy for the entire world. On behalf of the Council, the Speaker (Council Member Johnson) extended his deepest sympathies to the people of France.

During the Meeting, the Speaker (Council Member Johnson) wished everyone a Happy Easter and a Happy *Pesach*.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting of Wednesday, May 8, 2019.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 464-B, 709-A, 865-A, 871-A, 877-A, 881-A, 918-A, 920-A, 1063-A, and 1117-A, all adopted at the March 13, 2019 Stated Meeting, were returned unsigned by the Mayor on April 17, 2019. These items had become law on April 14, 2019 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 64 through 73 of 2019, respectively,*