

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Wednesday, September 12, 2018, 1:12 p.m.

The Majority Leader (Council Member Cumbo)

presided as the Acting President Pro Tempore

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Members Cabrera, King, Treyger, and Van Bramer.

The Public Advocate (Ms. James) was not present at this Meeting. 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 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 Rabbi Avrohom Hecht, spiritual leader of the Hatikva Russian Jewish Center, 71-25 Main Street Flushing, N.Y. 11367.

Before I begin my remarks
I would like to express our deepest gratitude
to Speaker Corey Johnson and the entire New York City Council
for enabling the JCC of Canarsie and Project League
to uplift thousands of precious individuals on a regular basis.

Let us pray.

Our Father in Heaven,
look upon all of us assembled today
with your love and admiration.
We are here to pay tribute to those
who toil in the vineyards of public service.
We pray that the Almighty showers his goodness
upon our New York City Council Members
who seek to govern justly, honestly, and lovingly,
providing direction and leadership for all New Yorkers
and people from all walks of life.
We pray for their ability to work together in true harmony.
Bestow upon them wisdom and fortitude to govern our people
with kindness, understanding and clarity.
Enable them to continue to serve as beacons of light
so that they can protect and uplift the neediest among us,
including the frail elderly, the poor, the hungry, and the immigrants.
Help all of us show the downtrodden that they are not alone.
Enable all of us to inspire others so that they feel they are not forgotten.
We must remember to work together to for the good of all New Yorkers,
extending acts of hope and harmony.
May we always be guided by a spirit of justice, kindness, and mutual respect.
May all of us be blessed with personal piece and fulfilment.
Amen.

Council Member Koslowitz 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 for the following:

The Speaker (Council Member Johnson) commemorated the seventeenth anniversary of the September 11th 2001 attacks. On the day of this anniversary, many gathered again to mourn and celebrate those who had died. Many shared the grief of the families, spouses, children, and parents who had said goodbye to their loved ones for the last time. He asked that we remember every individual, including first responders, who were lost on that fateful day. The Speaker (Council Member Johnson) noted he had the privilege of being at the reading-of-the-names ceremony at the World Trade Center site and at a ceremony in Council Member Rose's district in the evening.

The Speaker (Council Member Johnson) also asked everyone to remember two New Yorkers who had lost their lives recently: Carlos Gabrielli, 50, died in a construction accident on Staten Island on August 10, 2018; and

Harlem resident Jose Alvarado, 37, a pizza-delivery man working in the Bronx, was shot and killed on August 29, 2018 while returning to a Papa John's from a delivery.

A Moment of Silence was observed in the Chambers.

* * *

ADOPTION OF MINUTES

Council Member Gjonaj moved that the Minutes of the Stated Meeting of July 18, 2018 be adopted as printed.

LAND USE CALL-UPS

M-93

By the Chair of the Land Use Committee (Council Member Salamanca):

Pursuant to Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 170116 ZSM (27 East 4th Street) shall be subject to Council review. This application is related to application nos. N 170115 ZRM and C 170117 ZSM.

Coupled on Call-Up Vote.

M-94

By the Chair of the Land Use Committee (Council Member Salamanca):

Pursuant to Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure Application No. C 170117 ZSM (27 East 4th Street) shall be subject to Council review. This application is related to application nos. N 170115 ZRM and C 170116 ZSM.

Coupled on Call-Up Vote.

M-95

By the Chair of the Land Use Committee (Council Member Salamanca):

Pursuant to Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure application no. C 160161 PQX (LSSNY Early Life Child Center 2) shall be subject to Council review.

Coupled on Call-Up Vote.

M-96

By Council Member Gjonaj:

Pursuant to Rule 11.20(b) of the Council and §20-226 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café (HK Kitchen Corp.), located at 3599 East Tremont Avenue, Borough of Bronx, Community District 10, Council District 13, Application No. 20185544TCX shall be subject to review by the Council.

Coupled on Call-Up Vote.

M-97

By Council Member Rivera:

Pursuant to Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure Application Nos. C 180263 ZSM and C 180264 ZSM (110 East 16th Street) shall be subject to Council review.

Coupled on Call-Up Vote.

M-98

By Council Member Van Bramer:

Pursuant to Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure Application Nos. C 180386 PPQ and C 180384 ZSQ (26-32 Jackson Avenue) shall be subject to Council review.

Coupled on Call-Up Vote.

M-99

By Council Member Van Bramer:

Pursuant to Rule 11.20(b) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Uniform Land Use Review Procedure Application Nos. C 180385 PPQ, C 180382 ZSQ and C 180383 ZSQ (27-01 Jackson Avenue) shall be subject to Council review.

Coupled on Call-Up Vote.

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Ulrich, Vallone, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and the Speaker (Council Member Johnson) – **47**.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Criminal Justice

Report for Int. No. 447-A

Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on the rate of emergency lock-ins.

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 665), respectfully

REPORTS:

I. INTRODUCTION:

On September 6, 2018 the Committee on Criminal Justice, chaired by Council Member Keith Powers, will hold a vote on Proposed Int. No. 447-A. The Committee previously held a hearing on this bill on April 23, 2018, and received testimony from representatives of the Department of Correction (DOC), as well as unions, advocates and other interested members of the public.

II. BACKGROUND

The term “lockdown” or “emergency lock-in” is widely used to indicate any time when incarcerated individuals are not permitted to move within a DOC facility, typically due to a dangerous condition such as a physical altercation. There are three basic types of lockdowns: a department-wide lockdown; a facility lockdown; and a lockdown within a unit or other smaller component of a facility. During lockdowns, incarcerated individuals are not able to access important or even necessary services such as attorney or family visits, medical treatment, the law library, showers or recreation.

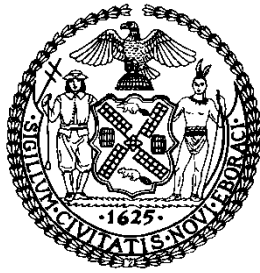
III. PROPOSED INT. NO. 447-A

In order to conduct thorough oversight of Department practices related to emergency lock-ins, the bill would require DOC to submit quarterly reports on emergency lock-ins within DOC facilities, including information on the number of such emergency lock-ins, the reason and duration of such emergency lock-ins, and the extent to which mandated services to incarcerated individuals were disrupted by emergency lock-ins. The bill would take effect immediately after it became law, except that certain provisions relating to reporting of emergency lock-ins, continuous lock-ins by facility, and continuous lock-ins exceeding 24 hours would take effect no later than sixty days following the end of the quarter beginning July 1, 2019.

IV. AMENDMENTS TO INT. NO. 447-A

Since introduction, the bill has been amended to reflect Department practices with regard to scheduled lock-ins for count and other Department business, and broadly capture the full impact of such emergency lock-ins. Specifically, additional reporting requirements were added to include information on the duration of emergency lock-ins and the extent to which the delivery of mandated services were disrupted by emergency lock-ins.

(The following is the text of the Fiscal Impact Statement for Int. No. 447-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 447-A
COMMITTEE: Criminal Justice**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on the rate of emergency lock-ins

SPONSORS: Council Member Dromm

SUMMARY OF LEGISLATION: Proposed Intro. 447-A would require the Department of Correction (DOC) to issue quarterly and yearly reports on the number of emergency lock-ins, the reasons they occur, their durations, and the mandated services that were disrupted by the lock-ins.

EFFECTIVE DATE: This local law would take effect immediately, except that certain portions of the reporting required would be due no later than 60 days following the end of the quarter beginning July 1, 2019.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation because existing resources would be used to implement the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Department of Correction

ESTIMATE PREPARED BY: Jin Lee, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 14, 2018 as Intro. No. 447 and referred to the Committee on Criminal Justice. A hearing was held by the Committee on Criminal Justice on April 23, 2018 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 447-A, will be voted on by the Committee on Criminal Justice at a hearing on September 6, 2018. Upon successful vote by the Committee, Proposed Intro. No. 447-A will be submitted to the full Council for a vote on September 12, 2018.

DATE PREPARED: September 5, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 447-A:)

Int. No. 447-A

By Council Members Dromm and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to report on the rate of emergency lock-ins

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 9-155 to read as follows:

§ 9-155 *Emergency lock-in report. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Continuous lock-in. The term “continuous lock-in” means any period of time in which incarcerated individuals are confined to their cells or beds due to the combination of an emergency lock-in and either a scheduled lock-in or a lock-in extension, or both.

Department-wide emergency lock-in. The term “department-wide emergency lock-in” means any period of time during which incarcerated individuals are confined to their cells or beds throughout all department facilities, but shall not include any scheduled period of lock-in.

Facility emergency lock-in. The term “facility emergency lock-in” means any period of time during which incarcerated individuals are confined to their cells or beds within all housing areas of an individual departmental facility, but shall not include any scheduled period of lock-in.

Housing area emergency lock-in. The term “housing area emergency lock-in” means any period of time during which incarcerated individuals within an individual housing area within a facility are confined to their cells or beds, but shall not include any scheduled period of lock-in.

Lock-in extension. The term “lock-in extension” means when a scheduled period of lock-in is extended.

Mandated services. The term “mandated services” means incarcerated individual services required to be provided pursuant to local law or rule, including but not limited to access to: law library, recreation, religious services, sick call, visits, and educational services.

Partial facility emergency lock-in. The term “partial facility emergency lock-in” means any period of time during which incarcerated individuals are confined to their cells or beds within a segment of an individual departmental facility, but shall not include any scheduled period of lock-in. Any emergency lock-in that includes periods of full facility emergency lock-in and partial facility emergency lock-in shall be considered a full facility emergency lock-in.

Scheduled period of lock-in. The term “scheduled period of lock-in” means (1) during the evening, for an incarcerated individual count or for sleeping time, a period not to exceed 8 hours within any 24-hour period, (2) during the day, for an incarcerated individual count or for required facility business that can only be carried out when incarcerated individuals are locked in, a period not to exceed 2 hours within any 24-hour period, and (3) for any other period of regularly scheduled lock-in permitted by applicable law or board of correction rules pertaining to specialized housing areas. Nothing in this section invalidates or affects existing or future laws or board of correction rules regarding the extension of a scheduled period of lock-in.

b. Sixty days after the end of the quarter beginning April 1, 2019, and no later than the sixtieth day after the end of each subsequent quarter, the department shall post on its website a report containing information pertaining to emergency lock-ins that occurred during the preceding quarter. All data shall be submitted in a machine readable format. Such report shall include:

1. the number of department-wide emergency lock-ins, in total and disaggregated by the reason for such emergency lock-in, as determined by the department;
2. the number of facility emergency lock-ins disaggregated by facility, in total and disaggregated by the reason for such emergency lock-in, as determined by the department;
3. the number of lock-in extensions disaggregated by facility and housing area, in total and disaggregated by housing area type and reason for lock-in extension;
4. the number of partial facility emergency lock-ins disaggregated by facility, in total and disaggregated by the reason for such emergency lock-in, as determined by the department;
5. the number of housing area emergency lock-ins disaggregated by facility and housing area, in total and disaggregated by the reason for such emergency lock-in, as determined by the department, and the housing area type;
6. the mean and median number of incarcerated individuals housed in areas affected by housing area emergency lock-ins disaggregated by facility, in total and disaggregated by the housing area type;
7. the mean and median duration of emergency lock-ins disaggregated by department-wide emergency lock-ins, in total and disaggregated by the reason for such emergency lock-in, as determined by the department; facility emergency lock-ins, in total and disaggregated by the reason for such emergency lock-in, as determined by the department; partial facility emergency lock-ins, in total and disaggregated by the reason for such emergency lock-in, as determined by the department; and housing area emergency lock-ins disaggregated by facility, in total and disaggregated by the reason for such emergency lock-in, as determined by the department, and housing area type;
8. the number of times mandated services are affected by an emergency lock-in or lock in extension, disaggregated by service type;
9. the mean and median duration of continuous lock-ins disaggregated by facility, in total and disaggregated by the reason for such emergency lock-in, as determined by the department, and the housing area type; and
10. the number of times that the duration of a continuous lock-in exceeds 24 hours, disaggregated by facility, in total and disaggregated by the reason for such emergency lock-in, as determined by the department, and the housing area type.

c. Sixty days after January 1, 2020, and no later than the sixtieth day after the end of each subsequent year, the department shall post on its website a report containing the information from paragraphs 1 through 10 of subdivision b of this section for the preceding year. All data shall be submitted in a machine readable format.

d. The information required by subdivisions b and c of this section shall be compared to the previous four reporting periods, and stored permanently, and accessible from the department's website.

§ 2. This local law takes effect immediately, except the reporting required pursuant to paragraphs 6 through 10 of subdivision b of section 9-155 of the administrative code of the city of New York shall be due no later than sixty days following the end of the quarter beginning July 1, 2019.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, CARLINA RIVERA; Committee on Criminal Justice, July 17, 2018.

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 Education

Report for Int. No. 449-A

Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post subdistrict maps online.

The Committee on Education, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 666), respectfully

REPORTS:

Introduction

On September 6, 2018, the Committee on Education, chaired by Council Member Mark Treyger, will consider Proposed Introduction Numbers 449-A (“Prop. Int. 449-A”) and 461-A (“Prop. Int. 461-A”), both sponsored by Council Member Daniel Dromm; Proposed Introduction Number 729-A (“Prop. Int. 729-A”), sponsored by Council Member Ben Kallos; Proposed Introduction Number 757-A (“Prop. Int. 757-A”), sponsored by Council Member Vanessa Gibson; and Resolution Number 289 (“Res. 289”), sponsored by Council Member Paul Vallone, which all relate to New York City’s process for planning for and siting schools. The Committee previously heard this legislation on April 18, 2018. Representatives from the Department of Education (“DOE”), the School Construction Authority (“SCA”), unions, parents, advocates, and other members of the public testified at that hearing.

Background

In March 2018, the City Council released its report, *Planning to Learn: The School Building Challenge*, which documented the challenges related to planning for and siting new schools, and included a set of recommendations to improve these processes.¹ Recommendations included increasing transparency regarding the planning process and improving collaboration between city agencies — and communication with the public — about potential school sites. The below legislation stems from those recommendations.

Bill Analysis

Prop. Int. 449-A - A Local Law to amend the administrative code of the city of New York, in relation to

¹ The report is available at <https://council.nyc.gov/land-use/plans/schools-working-group/>.

requiring the department of education to post subdistrict maps online

The proposed bill would require DOE to post online maps showing the geographic boundaries (subdistricts) used by DOE and the SCA to identify where new capital funding will be targeted for building new schools.

The proposed bill would take effect immediately.

Amendments to Prop. Int. 449-A

Prop. Int. 449-A has been amended since it was introduced as Introduction Number 449. The original version of the bill required DOE to consult with SCA on the posting of subdistrict maps on its website. This was modified to remove the requirement of consultation with SCA. Additionally, Prop. Int. 449-A requires DOE to also post associated identifiers of the subdistricts, and for all data to be posted in machine readable geographic format.

Prop. Int. 461-A - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to notify the department of education and the school construction authority when city-owned or leased property of an adequate size is determined to have no current use

The proposed bill would require the Department for Citywide Administrative Services (“DCAS”) to provide written notice to DOE and SCA within 30 days after City-owned or leased property of at least 20,000 square feet is determined by DCAS to have no current use.

The proposed bill would take effect immediately.

Amendments to Prop. Int. 461-A

Prop. Int. 461-A has been amended since it was introduced as Introduction Number 461. The original version of the bill required DCAS to notify DOE and SCA when a City-owned property with a *footprint* of 20,000 square feet has no current use. This was modified to require DCAS to notify DOE and SCA when a City-owned property with a *lot size* of at least 20,000 square feet has no current use.

Prop. Int. 729-A - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post information regarding the process used in determining identified seat need

The proposed bill would require DOE to post online the the process, data and criteria used by the DOE and SCA to calculate identified seat need in the five-year education facilities capital plan prepared by DOE.

The proposed bill would take effect immediately.

Amendments to Prop. Int. 729-A

Prop. Int. 729-A has been amended since it was introduced as Introduction Number 729. The original version of the bill required DOE, in consultation with SCA, to post relevant factors, formulas, algorithms, and qualitative factors used that result in identified seat need. This was modified to remove the requirement of consultation with SCA. Additionally, Prop. Int. 729-A includes: definitions for “identified seat need” and “subdistrict”; non-quantitative and quantitative criteria used to calculate identified seat need; the total identified seat need, disaggregated by grade level, and in some cases, community school district and subdistrict; the number of seats lost and gained, including through leases, disaggregated by grade level, and in some cases, community school district and subdistrict; the identified seat need and number of seats lost and gained, including through leases, for prekindergarten programs, and in some cases, disaggregated by community school district; all data to be provided in machine readable format; and, includes a provision stating that nothing in the bill will be construed

to affect the authority of SCA and DOE to determine the identified seat need.

Prop. Int. 757-A - A Local Law to amend the administrative code of the city of New York, in relation to the creation of a school siting task force

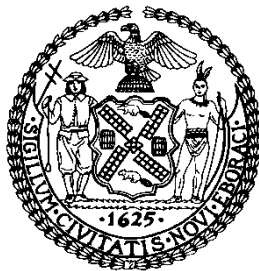
SCA, through its real estate division, is responsible for finding adequate sites for new school construction and buildings that may be leased for school use. The division employs several real estate firms to locate available land and buildings. The proposed bill would require the Mayor to create an interagency task force to identify potential City-owned properties for school siting and identify vacant lots that may be good candidates for school siting. The task force would submit a report annually to the Mayor, Council and SCA.

The proposed bill would take effect immediately.

Amendments to Prop. Int. 757-A

Prop. Int. 757-A has been amended since it was introduced as Introduction Number 757. The original version of the bill required DOE, DCAS, the Department of City Planning, the Economic Development Corporation (“EDC”), the Department of Housing and Preservation Development, SCA, and the Council to meet quarterly to review city real estate transactions to identify opportunities for potential school sites. This was modified to provide that SCA and EDC may participate in the task force at the invitation of the Mayor and the Speaker. Additionally, the bill was modified to require one member of the task force to be designated chairperson by the Mayor in consultation with the Speaker; to require the task force to consult with agencies with expertise in environmental issues, as well as members of the public, such as parents of students in City public schools; and require the task force to submit updates to the initial report on school siting, as necessary.

(The following is the text of the Fiscal Impact Statement for Int. No. 449-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO.: 449-A

COMMITTEE: Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post subdistrict maps online. **SPONSORS:** Council Members Dromm, Menchaca, and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. 449-A would require the Department of Education (DOE) to post subdistrict maps online in machine readable geographic format. Subdistricts are geographic boundaries used by the DOE and the School Construction Authority to identify school seat need and target capital funding for new schools.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures as DOE can use existing resources to implement the requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Kaitlyn O'Hagan, Financial Analyst

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 14, 2018 as Intro. No. 449 and was referred to the Committee on Education. The legislation was considered by the Committee on Education, the Committee on Land Use, and the Committee on Finance at a joint hearing on April 18, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 449-A, will be voted on by the Committee on Education on September 6, 2018. Upon successful vote by the Committee on Education, Proposed Intro. 449-A will be submitted to the full Council for a vote on September 12, 2018.

DATE PREPARED: September 5, 2018.

(For text of Int. Nos. 461-A, 729-A, and 757-A and their Fiscal Impact Statements, please see the Report of the Committee on Education for Int. Nos. 461-A, 729-A, and 757-A, respectively, printed in these Minutes; for text of Res. No. 289, please see the voice-vote Resolutions section printed in these Minutes; for text of Int. No. 449-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 449-A, 461-A, 729-A, 757-A, and Res. No. 289.

(The following is the text of Int. No. 449-A:)

Int. No. 449-A

By Council Members Dromm, Menchaca, Kallos, Lander, Gibson, Levin, Holden and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post subdistrict maps online

Be it enacted by the Council as follows:

Section 1. Title 21-a of the administrative code of the city of New York is amended by adding a new chapter

22 to read as follows:

*CHAPTER 22
POSTING OF SUBDISTRICT MAPS*

§ 21-989 Posting of subdistrict maps. a. Definitions. For the purposes of this section, the term “subdistrict” means all geographic boundaries used by the department and the New York city school construction authority to identify where new capital funding will be targeted for building new schools.

b. The department shall post conspicuously on its website a map indicating the boundaries and associated identifiers of all subdistricts in the city school district of the city of New York. Such map shall be posted in a machine readable geographic format.

§ 2. This local law takes effect immediately.

MARK TREYGER, *Chairperson*;; DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI, ERIC A. ULRICH; Committee on Education, September 6, 2018.

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. 461-A

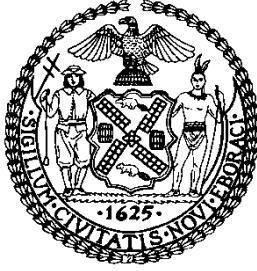
Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to notify the department of education and the school construction authority when city-owned or leased property of an adequate size is determined to have no current use.

The Committee on Education, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 675), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 449-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 461-A:



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

PROPOSED INTRO. NO.: 461-A
COMMITTEE: Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to notify the department of education and the school construction authority when city-owned or leased property of an adequate size is determined to have no current use.

SPONSORS: Council Members Dromm, Menchaca, and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. 461-A would require the Department of Citywide Administrative Services (DCAS) to provide written notice to the Department of Education and the School Construction Authority within 30 days after City-owned or leased property of at least 20,000 square feet is determined to have no current use.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures as DCAS can use existing resources to implement the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division; New York City Department of Citywide Administrative Services

ESTIMATE PREPARED BY: Kaitlyn O'Hagan, Financial Analyst

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 14, 2018 as Intro. 461 and was referred to the Committee on Governmental Operations. On March 12, 2018, the legislation was re-referred to the Committee on Education. The legislation was considered by the Committee on Education, the Committee on Land Use, and the Committee on Finance at a joint hearing on April 18, 2018, and the bill was laid over. The

legislation was subsequently amended, and the amended version, Proposed Intro. 461-A, will be voted on by the Committee on Education on September 6, 2018. Upon successful vote by the Committee, Proposed Intro. 461-A will be submitted to the full Council for a vote on September 12, 2018.

DATE PREPARED: September 5, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 461-A:)

Int. No. 461-A

By Council Members Dromm, Menchaca, Kallos, Lander, Gibson, Levin, Holden, Cumbo and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to notify the department of education and the school construction authority when city-owned or leased property of an adequate size is determined to have no current use

Be it enacted by the Council as follows:

Section 1. Title 4 of the administrative code of the city of New York is amended by adding a new section 4-213 to read as follows:

§ 4-213 Notice to department of education and school construction authority regarding city-owned or leased property. a. Definitions. For the purposes of this section, the term “department” means the department of citywide administrative services.

b. Within 30 days of a determination by the department that city-owned or leased property with a lot size of at least 20,000 square feet has no current use, the department shall provide written notice to the department of education and the New York city school construction authority, which notice shall include the information required by subdivision a of section 4-208, to the extent such information is available.

§ 2. This local law takes effect immediately.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI, ERIC A. ULRICH; Committee on Education, September 6, 2018.

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.729-A

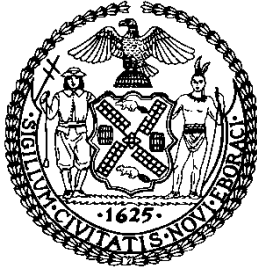
Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post information regarding the process used in determining identified seat need.

The Committee on Education, to which the annexed proposed amended local law was referred on March 22, 2018 (Minutes, page 1289), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 449-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 729-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO.: 729-A
COMMITTEE: Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post methodology and data for determining identified seat need. **SPONSORS:** Council Members Kallos and Menchaca

SUMMARY OF LEGISLATION: Proposed Intro. 729-A would require the Department of Education (DOE) to post online the process, data, and criteria used by the DOE and the School Construction Authority to calculate the number of seats needed to be built to meet future enrollment needs. This would include, but not be limited to, the following information, if utilized: non-quantitative criteria, enrollment projections, housing projections, and capacity formulas. The data provided would be posted online in machine-readable format, and disaggregated by borough, community school district, subdistrict, and grade level groups, if such disaggregation is utilized.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures as DOE can use existing resources to implement the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Kaitlyn O'Hagan, Financial Analyst

LEGISLATIVE HISTORY: This legislation was introduced to the Council on March 22, 2018 as Intro. 729 and was referred to the Committee on Education. The legislation was considered by the Committee on Education, the Committee on Land Use, and the Committee on Finance at a joint hearing on April 18, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 729-A, will be voted on by the Committee on September 6, 2018. Upon successful vote by the Committee, Proposed Intro. 729-A will be submitted to the full Council for a vote on September 12, 2018.

DATE PREPARED: September 5, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 729-A:)

Int. No. 729-A

By Council Members Kallos, Menchaca, Lander, Gibson, Levin, Holden, Cumbo and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to post information regarding the process used in determining identified seat need

Be it enacted by the Council as follows:

Section 1. Title 21-a of the administrative code of the city of New York is amended by adding a new chapter 21 to read as follows:

CHAPTER 21
POSTING OF INFORMATION REGARDING THE PROCESS USED
IN DETERMINING IDENTIFIED SEAT NEED

§ 21-988 Posting information regarding the process used in determining identified seat need. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Identified seat need. The term "identified seat need" means the number of seats required through the construction of new facilities to meet the enrollment needs in each community school district identified in the five-year educational facilities capital plan created by the department pursuant to section 2590-p of the education law.

Subdistrict. The term "subdistrict" means all geographic boundaries used by the department and the New York city school construction authority to identify where new capital funding will be targeted for building new schools as defined in section 21-989.

b. No later than December 1, 2019, and annually thereafter on or before December 1, the department shall, to the extent such information is accessible by the department, post conspicuously on its website a report, which shall include, but need not be limited to:

1. The process and inputs used to determine identified seat need, including but not limited to:

(a) any categories of non-quantitative criteria considered, which may include but need not be limited to, facility replacements, grade expansion and truncation, school rezonings, co-locating schools, and converting space in existing facilities; and

(b) the following information, reported at the community school district level, if utilized:

- (1) enrollment projections and related confidence intervals;*
- (2) information about projected new housing;*
- (3) any formula used for measuring capacity including class size goals;*
- (4) any relevant standards required for instructional space;*
- (5) any data used for determining a projected public school ratio; and*
- (6) any new capacity projects expected to be initiated during the plan period;*
- 2. The identified seat need;*
- 3. The number of seats lost, including through lost leases; and*
- 4. The number of seats gained, including through leases.*

c. The data provided in paragraph 2 of subdivision b of this section shall be listed for grade level kindergarten through 12 in total for the city school district and, if identified seat need is determined in such manner, shall also be listed by:

- 1. grade level nine through 12, disaggregated by borough;*
- 2. grade level kindergarten through eight, disaggregated by community school district and subdistrict;*
- 3. grade level six through eight, disaggregated by community school district and subdistrict; and*
- 4. grade level kindergarten through five, disaggregated by community school district and subdistrict.*

d. The data provided in paragraphs 3 and 4 of subdivision b of this section shall be listed for grade level kindergarten through 12 in total for the city school district, and shall also be listed by:

- 1. grade level nine through 12, disaggregated by borough;*
- 2. grade level kindergarten through eight, disaggregated by community school district and subdistrict;*
- 3. grade level six through eight, disaggregated by community school district and subdistrict; and*
- 4. grade level kindergarten through five, disaggregated by community school district and subdistrict.*

e. The data provided in paragraphs 2, 3 and 4 of subdivision b of this section shall be listed for prekindergarten programs in total for the city school district and, if available, by community school district.

f. All data provided pursuant to this section shall be provided in machine readable format.

g. Nothing in this section shall be construed to affect the authority or materially impede the ability of the department to determine the identified seat need or the methodology or information utilized in the determination of identified seat need.

§ 2. This local law takes effect immediately.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI, ERIC A. ULRICH; Committee on Education, September 6, 2018.

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.757-A

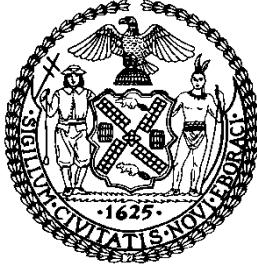
Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the creation of a school siting task force.

The Committee on Education, to which the annexed proposed amended local law was referred on April 11, 2018 (Minutes, page 1450), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 449-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 757-A:



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

PROPOSED INTRO. NO.: 757-A
COMMITTEE: Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the creation of a school siting task force.
SPONSORS: Council Members Gibson, Menchaca, Cumbo, Kallos and Holden

SUMMARY OF LEGISLATION: Proposed Intro. 757-A would require the creation of an interagency task force on school siting to identify potential properties for new school buildings, including city-owned property and vacant land. The task force would consist of representatives from the Department of Education, the Department of Citywide Administrative Services, the Department of City Planning, the Department for Housing Preservation and Development, and the New York City Council, and may also include representatives from the School Construction Authority and the New York City Economic Development Corporation at the invitation of the Mayor and the Speaker. The Mayor, in consultation with the Speaker, would choose one member as the Chairperson. The task force would consult with other agencies as appropriate, and may also consult with the public. The task force will submit a report on their review by July 31, 2019, and update the report as necessary.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that this legislation would have no impact on expenditures as the participating agencies can use existing resources to staff the task force.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Kaitlyn O'Hagan, Financial Analyst

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 11, 2018 as Intro. 757 and was referred to the Committee on Education. The legislation was considered by the Committee on Education, the Committee on Land Use, and the Committee on Finance at a joint hearing on April 18, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 757-A, will be voted on by the Committee on Education on September 6, 2018. Upon successful vote by the Committee on Education, Proposed Intro. 757-A will be submitted to the full Council for a vote on September 12, 2018.

DATE PREPARED: September 5, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 757-A:)

Int. No. 757-A

By Council Members Gibson, Menchaca, Cumbo, Kallos, Holden, Lander, Levin and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of a school siting task force

Be it enacted by the Council as follows:

Section 1. Title 4 of the administrative code of the city of New York is amended by adding a new section 4-212 to read as follows:

§ 4-212 *School siting task force.* a. *There shall be an interagency task force to review relevant city real estate transactions to identify opportunities for potential school sites. Such task force shall also review city-owned buildings, city-owned property and vacant land within the city to evaluate potential opportunities for new school construction or leasing for school use.*

b. *The task force shall consist of the members specified in this subdivision, or their designees:*

1. *The chancellor of the city school district of the city of New York;*
2. *The commissioner of citywide administrative services;*
3. *The director of city planning;*
4. *The commissioner of housing and preservation development;*
5. *The speaker of the council; and*

6. *The president and chief executive officer of the New York city school construction authority, and the president or chief executive officer of a local development corporation or other not-for-profit corporation, a majority of whose members are appointed by the mayor, that contracts with the city to provide or administer economic development benefits on behalf of the city, may participate in the task force as members at the invitation of the mayor and the speaker.*

c. *One member shall be designated as chairperson by the mayor after consultation with the speaker.*

d. *The task force shall consult with agencies or offices with jurisdiction over environmental and planning concerns as appropriate, and may consult with interested members of the public, including but not limited to parents of students currently enrolled in the city school district of the city of New York.*

e. *No later than July 31, 2019, the task force shall submit a report to the mayor, the speaker, the chancellor of the city school district of the city of New York and the president and chief executive officer of the New York city school construction authority on the results of its review pursuant to this section. Such report shall be*

updated thereafter as necessary, as determined by the task force.

§ 2. This local law takes effect immediately.

MARK TREYGER, *Chairperson*;, DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI, ERIC A. ULRICH; Committee on Education, September 6, 2018.

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

Report for Res. No. 286

Report of the Committee on Finance in favor of a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City, and any public authorities or public benefit corporations operating therein, broad authority to utilize the design-build delivery method for capital projects.

The Committee on Finance, to which the annexed resolution was referred on April 11, 2018 (Minutes, page 1491), respectfully

REPORTS:

INTRODUCTION

On September 12, 2018, the Committee on Finance, chaired by Council Member Daniel Dromm, will vote on Resolution 286, introduced by Council Members Torres and Diaz, titled *Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would authorize New York City, and any public authorities or public benefit corporations operating therein, to utilize the design-build delivery method for capital projects.* The first hearing on this resolution was on April 18, 2018, in a joint hearing with the Committee on Education.

RESOLUTION 286

Resolution would call upon the New York State Legislature to pass, and the Governor to sign, legislation that would authorize New York City, and any public authorities or public benefit corporations operating therein, to utilize the design-build delivery method for capital projects.

Design-build is a method of capital project delivery in which one entity works under a single contract to provide both design and construction services. The design-build method is an alternative to the design-bid-build method under which design and construction are bid out separately to different entities each with their own contracts, subcontractors, and scope of work. The primary benefits of the design-build method are that its use substantially lessens the likelihood of delays and cost-overruns which currently plague many of the City's capital projects. Because design-build requires only a single contract, it would relieve the City from having to complete two lengthy procurement processes, thereby saving significant time at the start of a project, and because design-build firms commit to a total cost in the contract, they assume the risks for any delays and increased costs that

arise during the project. Moreover, collaboration between the design and construction teams inherent in the design-build process leads to fewer change orders in the middle of the project, allows for construction to begin before the design is fully finalized, and encourages the design and construction teams to work together to find solutions to any issues that may arise during the course of the project.

However, New York City is generally barred from using the design-build method due to a variety of restrictions in State law, including, but not limited to, Wick's Law, contained in section 101 of the General Municipal Law, which requires the City to separately contract for various specified trades and section 103 of the General Municipal Law which requires that City contracts be awarded to the lowest responsible bidder. Yet, design-build is increasingly being used across the country with New York being only one of eight states where it remains a limited option.

The State's Fiscal 2019 Adopted Budget granted the City limited authority to use design-build contracts for three specific capital projects. The three projects are the rehabilitation of the Brooklyn-Queens Expressway (BQE) triple cantilever; the construction or reconstruction of residential properties owned by the New York City Housing Authority (NYCHA) to remediate certain conditions of habitability; and the construction or reconstruction by the Department of Design and Construction of facilities necessary for the timely closure of Rikers Island, but only if such work is approved by the New York State Commission of Correction. In addition to restricting the City's authority for design-build to only three projects, the State also imposed a condition that it could be used only if the City entered into the design-build contracts pursuant to a project labor agreement. However, in order for the City to have broad authority to utilize design-build on appropriate projects as needed, the State must act again to legislatively grant such permission.

Besides the limited grants of authority contained in the Fiscal 2019 budget, many other agencies would benefit from the use of design-build for certain projects, including, but not limited to, the School Construction Authority, the Department of Environmental Protection, the Health and Hospitals Corporation, and the New York Police Department. And, in 2016, after examining \$7.7 billion in planned bridge work, the Citizens Budget Commission concluded that the City would have saved as much as \$2 billion over ten years if the State had authorized the use of design-build delivery method for capital projects.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 286:)

Res. No. 286

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City, and any public authorities or public benefit corporations operating therein, broad authority to utilize the design-build delivery method for capital projects

By Council Members Torres, Diaz, Menchaca, Brannan, Gibson, Dromm, Holden and Powers.

Whereas, Design-build is a method of capital project delivery in which one entity works under a single contract provide both design and construction services; and

Whereas, The design-build method is an alternative to the design-bid-build method under which design and construction are bid out separately to different entities each with their own contracts, subcontractors, and scope of work; and

Whereas, New York City is generally barred from using the design-build method due to a variety of restrictions in State law, including, but not limited to, Wick's Law, contained in section 101 of the General Municipal Law, which requires the City to separately contract for various specified trades and section 103 of the General Municipal Law which requires that City contracts be awarded to the lowest responsible bidder; and

Whereas, The primary benefits of the design-build method are that its use substantially lessens the likelihood of delays and cost-overruns which currently plague many of the City's capital projects; and

Whereas, Because design-build requires only a single contract, it would relieve the City from having to complete two lengthy procurement processes, thereby saving significant time at the start of a project, and because

design-build firms commit to a total cost in the contract, they assume the risks for any delays and increased costs that arise during the project; and

Whereas, Moreover, collaboration between the design and construction teams inherent in the design-build process leads to fewer change orders in the middle of the project, allows for construction to begin before the design is fully finalized, and encourages the design and construction teams to work together to find solutions to any issues that may arise during the course of the project; and

Whereas, According to a June 19, 2017 New York Times Article, “*A Streamlined Way to Build Projects Runs Into New York Politics*,” design-build is increasingly being used across the country with New York being only one of eight states where it remains a limited option; and

Whereas, In order for the City to have the authority to utilize design-build on appropriate projects as needed, the State must legislatively grant such permission; and

Whereas, While such authorization has previously been included in several State Executive Budgets and pieces of State legislation in various forms, it has yet to be approved for the City in a broad fashion; and

Whereas, New York State Governor Andrew Cuomo is supportive of design-build and its benefits with his spokesperson quoted in the above-referenced news article as saying “Governor Cuomo is the single biggest proponent of expanding design-build in New York State because it has consistently saved time and taxpayer money on major infrastructure projects”; and

Whereas, The State Legislature has also recognized the benefits of the design-build method and, in fact, has granted the State the authority to use it on a variety of capital projects; and

Whereas, The State Infrastructure Investment Act, first passed in 2011, expressly granted design-build authority to the New York State Thruway Authority, the Department of Transportation, the Office of Parks, Recreation and Historic Preservation, the Department of Environmental Conservation, and the New York State Bridge Authority for certain types of capital projects; and

Whereas, The State has also passed the Transformational Economic Development Infrastructure and Revitalization Projects Act, enacted as part of the State’s Fiscal 2017 budget, which authorizes the State Urban Development Corporation and the New York Convention Center Development Corporation to use design-build for projects relating to the Jacob K. Javits Convention Center, the Empire Station Complex, the James A. Farley redevelopment, and the Pennsylvania Station New York redevelopment; and

Whereas, Two oft-cited examples of the State’s successful use of design-build are the replacements of the Tappan Zee and Kosciuszko Bridges both of which were completed on time and on budget at a significantly reduced price than had they been constructed using the traditional design-bid-build method; and

Whereas, In 2016, after examining \$7.7 billion in planned bridge work, the Citizens Budget Commission concluded that the City would have saved as much as \$2 billion over ten years if the State had authorized the use of design-build; and

Whereas, For the first time, the State’s Fiscal 2019 Adopted Budget granted the City limited authority to use design-build contracts for three specific capital projects; and

Whereas, The three projects are the rehabilitation of the Brooklyn-Queens Expressway (BQE) triple cantilever; the construction or reconstruction of residential properties owned by the New York City Housing Authority (NYCHA) to remediate certain conditions of habitability; and the construction or reconstruction or reconstruction by the Department of Design and Construction of facilities necessary for the timely closure of Rikers Island, but only if such work is approved by the New York State Commission of Correction; and

Whereas, On March 20, 2018, the Director of the Office of Management and Budget testified before the City Council that the use of a design-build would save approximately \$113.4 million and two years for the BQE project and at least six percent of the cost of NYCHA and Rikers-related projects; and

Whereas, In addition to restricting the City’s authority for design-build to only three projects, the State also imposed a condition that it could be used only if the City entered into the design-build contracts pursuant to a project labor agreement; and

Whereas, Besides the limited grants of authority contained in the Fiscal 2019 budget, many other agencies would benefit from the use of design-build for certain projects, including, but not limited to, the School Construction

Authority, the Department of Environmental Protection, the Health and Hospitals Corporation, and the New York Police Department; and

Whereas, The State's continued denial of broad design-build authority to the City is fiscally irresponsible and without reasonable basis; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that would give New York City, and any public authorities or public benefit corporations operating therein, broad authority to utilize the design-build delivery method for capital projects.

DANIEL DROMM, *Chairperson*; ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, September 12, 2018.

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. 196

Report of the Committee on Finance in favor of a Resolution approving 501 West 143rd Street, Block 2075, Lot 26; Manhattan, Community District No. 9, Council District No. 7.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on September 12, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

September 12, 2018

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

FROM: Rebecca Chasan, Counsel, Finance Division

RE: Finance Committee Agenda of September 12, 2018- Resolution approving a tax exemption for three Land Use items (Council Districts 7 and 40)

Item 1: 501 West 143rd Street

501 West 143rd Street consists of one building with 37 units of co-operative housing. 501 West 143 Street Housing Development Fund Corporation ("HDFC"), the owner and operator, acquired the property in 1990 and obtained a partial Article XI property tax exemption from the Board of Estimate that is scheduled to expire in 2029. Over time, due to a variety of factors, the building fell into disrepair and accumulated thousands of dollars in property tax debt and over one million dollars in water debt. However, the HDFC has now elected a new board

of directors, hired a new management company, and entered into a payment plan with the Department of Environmental Protection (“DEP”) to pay off its outstanding water debt. In December 2017, the board increased the rent and maintenance fees in order to help meet the financial obligations of the building and maintain solvency and, over the last year, the board has worked diligently to resolve the repair issues for current tenants and shareholders.

HPD is requesting that the existing Article XI property tax exemption be terminated and that the Council approve a new full, 40-year Article XI property tax exemption that will be retroactive to April 1, 2011. HPD and the HDFC will enter into a regulatory agreement ensuring that the units will be sold only to households earning up to 120% of the Area Median Income (“AMI”).

Summary:

- Borough-Manhattan
- Block 2075, Lot 26
- Council District-7
- Council Member-Levine
- Council Member approval-Yes
- Number of buildings-1
- Number of units-37
- Type of exemption-Article XI, Full, 40 years (beginning April 1, 2011)
- Population-affordable co-op housing
- Sponsor- 501 West 143 Street HDFC
- Purpose-preservation
- Cost to the City-\$4.2M
- Housing Code Violations-
 - Class A – 57
 - Class B – 264
 - Class C – 39
- Anticipated AMI targets-120% AMI

Item 2: Morningside Apartments

Morningside Apartments consists of one building with 49 units of rental housing. Currently, it is a privately-owned building with an existing Housing Assistance Payments (HAP) contract. Under the proposed project, Morningside HDFC will acquire the property and 107 West 109 Owner LLC will be the beneficial owner and will operate the property. The HDFC and the LLC will finance the acquisition and rehabilitation of the property with a loan from a private lending institution and investor equity. Eligible tenants will receive Section 8 rental assistance.

HPD is requesting that the Council approve a partial, 40-year Article XI property tax exemption. HPD, the HDFC, and the LLC will enter into a regulatory agreement ensuring that the units will be rented only to households earning up to 50% of AMI.

Summary:

- Borough-Manhattan
- Block 1864, Lot 23
- Council District-7
- Council Member-Levine
- Council Member approval-Yes

- Number of buildings-1
- Number of units-49
- Type of exemption-Article XI, partial, 40 years
- Population-affordable rental housing
- Sponsor-Camber Property Group, Morningside HDFC
- Purpose-preservation
- Cost to the City-\$1.5M
- Housing Code Violations-
 - Class A – 4
 - Class B – 6
- Anticipated AMI targets-50% AMI

Item 3: 9 Argyle Road

9 Argyle Road consists of one building with 12 units of co-operative housing, nine of which are currently vacant. The building is owned by the 9 Argyle Road HDFC which acquired the property from the City in 1985 and the board is made up of the remaining three shareholders. At the time of conveyance, the building entered the DAMP Sweat Equity Program and HPD issued a 30-year mortgage for rehabilitation work. In 1986, CitiBank issued a 20-year mortgage for additional rehabilitation work needed. The CitiBank mortgage was satisfied on September 18, 2006. The HPD mortgage matured in 2015, which as a part of this project will be extended to a new 30-year term. In connection with the rehabilitation work, the building obtained a J-51 property tax abatement which expired in 2005. Tax arrears began to accumulate on October 1, 2009 and resulted in the a large number of vacancies because loan providers were unwilling to provide home mortgages to potential shareholders.

Under the current project, the property will undergo a moderate rehabilitation and energy and water efficiency needs of the property. In addition, to address the financial health of the building, a monitor will be hired, a new property management company will be hired, and the proceeds from the sale of the vacant units will go towards establishing a reserve and paying down debt.

HPD is requesting that the Council approve a full, 40-year Article XI property tax exemption. HPD and the HDFC will enter into a regulatory agreement ensuring that the units will be rented only to households earning up to 120% of AMI.

Summary:

- Borough-Brooklyn
- Block 5074, Lot 60
- Council District-40
- Council Member-Eugene
- Council Member approval-Yes
- Number of buildings-1
- Number of units-12
- Type of exemption-Article XI, full, 40 years (beginning October 1, 2009)
- Population-affordable co-op housing
- Sponsor-9 Argyle Road HDFC
- Purpose-preservation
- Cost to the City-\$1.1M
- Housing Code Violations (all violations have been cured through the Alternative Enforcement Program, and HPD is in the process of removing them from the record)-
 - Class A – 29
 - Class B – 106
 - Class C – 8

- Anticipated AMI targets- 120% AMI

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

Res. No. 516

Resolution approving an exemption from real property taxes for property located at (Block 2075, Lot 26) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 196).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated August 21, 2018 that the Council take the following action regarding a housing project located at (Block 2075, Lot 26) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean April 1, 2011.
 - b. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2075, Lot 26 on the Tax Map of the City of New York.
 - c. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. “HDFC” shall mean 501 West 143 Street Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - e. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - g. “Owner” shall mean the HDFC.

- h. "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on March 8, 1990 (Cal No. 8).
 - 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 New Exemption on or after the date such Regulatory Agreement is executed.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the 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.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
 5. In consideration of the New Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DANIEL DROMM, *Chairperson*; ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, September 12, 2018.

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. 197

Report of the Committee on Finance in favor of a Resolution approving Morningside Apartments, Block 1864, Lot 23; Manhattan, Community District No. 7, Council District No. 7.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on September 12, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 196 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 517

Resolution approving an exemption from real property taxes for property located at (Block 1864, Lot 23) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 197).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated July 27, 2018 that the Council take the following action regarding a housing project located at (Block 1864, Lot 23) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

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

2. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean 107 West 109 Owner LLC or another entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States

- Housing Act of 1937, as amended) exceed the total contract rents which were authorized as of the Effective Date.
- c. "Contract Rent Differential Tax" shall mean the sum of (i) \$130,092, plus (ii) twenty-five percent (25%) of the Contract Rent Differential.
 - d. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - e. "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - f. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1864, Lot 23 on the Tax Map of the City of New York.
 - g. "Expiration Date" shall mean the earlier to occur of (i) a date which is 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.
 - h. "HDFC" shall mean Morningside Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - i. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - j. "Owner" shall mean, collectively, the HDFC and the Company.
 - k. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of either (a) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation, or (b) seventeen percent (17%) of the contract rents in the applicable tax year.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to 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 a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DANIEL DROMM, *Chairperson*; ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, September 12, 2018.

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. 198

Report of the Committee on Finance in favor of a Resolution approving 9 Argyle Road, Block 5074, Lot 60; Brooklyn, Community District No. 14, Council District No. 40.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on September 12, 2018 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 196 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 518

Resolution approving an exemption from real property taxes for property located at (Block 5074, Lot 60) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 198).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated August 28, 2018 that the Council take the following action regarding a housing project located at (Block 5074, Lot 60) 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:

3. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean October 1, 2009.
 - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - c. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 5074, Lot 60 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “HDFC” shall mean 9 Argyle Road Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. “Owner” shall mean the HDFC.
 - h. “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 on or after the date such Regulatory Agreement is executed.
4. 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.

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 Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, KEITH POWERS, STEVEN MATTEO; Committee on Finance, September 12, 2018.

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 Health

Report for Int. No. 954-A

Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, relation to amending sex designation on birth records and the issuance of birth records.

The Committee on Health, to which the annexed proposed amended local law was referred on June 7, 2018 (Minutes, page 2117), respectfully

REPORTS:

Introduction

Today, the Committee on Health, chaired by Council Member Mark Levine, will hold a hearing on Proposed Introduction No. 954-A, a local law to amend the administrative code of the city of New York in relation gender marker changes on birth records and the issuance of birth records. This bill was originally heard at a hearing of this Committee on June 13, 2018, at which the Committee received testimony from representatives from the Department of Health and Mental Hygiene (DOHMH), advocates, and other interested parties.

I. Background

Previous Legislation

Prior to 2015, the New York City Health Code allowed individuals to request a change to the gender designation on their birth certificate in only limited circumstances. DOHMH would only issue a new birth record correcting the gender of a person who had (1) obtained a court order changing their name and (2) undergone “convertive surgery.”¹ Between 1971 and 2006, DOHMH’s Office of Vital Statistics amended birth certificates for transgender individuals, but did so by deleting the stated gender designation from the birth certificate, not by changing the original gender listed in the record. In 2006, the Board of Health (BOH) altered the birth certificate form in order to permit individuals to have a different gender designation noted on the record. The 2006 rule change came in the wake of the BOH’s withdrawal of a more expansive proposal that would have amended the Health Code to remove the requirement that individuals have gender affirmation surgery in order to change gender on their birth certificates.² The BOH withdrew the proposed rule change, explaining that “the proposal would have broader societal ramifications than anticipated.”³

In 2015, the Council adopted local law 1 (LL1), which eliminated the “convertive surgery” and name change requirements and allowed individuals to change the sex designation on their birth certificate if their application was supported by a notarized affirmation or affidavit from a United States (U.S.) licensed health or mental health provider affirming the applicant’s gender. LL1 also required that an advisory board be convened to advise the Commissioner of Health on the effectiveness and implementation of the new requirements. At the same time, the BOH updated the Health Code to reflect these changes.

Outcomes of 2015 legislation

By eliminating the “convertive surgery” and name change requirements, more transgender individuals were able to change the sex designation on their birth certificate to reflect their gender identity. Between January 2015 and March 2017, 731 birth certificate gender marker change applications were approved, compared to approximately 20 per year prior to the change. The age of applicants ranged from 5 to 76 years old, and 41 individuals under the age of 18 were approved with parental consent.⁴ The average age of transgender applicants at the time of application approval was 33.8 years, and the most common age of applicants at the time of application approval was 24 years.⁵

Prior to the 2015 changes, DOHMH’s Bureau of Vital Statistics (BVS) convened a workgroup of Department personnel to develop policies and procedures to implement the law and educate the community about the changes. A small group of staff from the Corrections and Amendments Unit within BVS was selected to administer and oversee gender marker change corrections and received training from advocates on processing these applications. Due to these efforts, BVS was able to effectively prioritize these requests. As of January 31,

¹ *Notice of Public Hearing for Proposed Resolution to Amend Article 207, Section 207.05 of the New York City Health Code to Remove Convertive Surgery Requirement for Transgender Birth Certificate Applicants*, New York City Department of Health and Mental Hygiene (2014) available at <http://rules.cityofnewyork.us/tags/article-207>.

² *Board of Health Makes NYC Consistent with New York State and Most of the United States by Allowing Sex-Specific Transgender Birth Certificates*, New York City Board of Health (2006) available at <http://srtp.org/board-of-health-press-release-birth-certificate-policy-dec-2006/>.

³ *Id.*

⁴ *Health Department Releases New Data on Changes in Birth Certificate Gender Markers*, Department of Health and Mental Hygiene (2017) available at <http://www1.nyc.gov/site/doh/about/press/pr2017/pr006-17.page>.

⁵ New York City Gender Marker Change Advisory Board Report (2017) provided to the New York City Council

2017, the average turnaround time for approving gender marker change amendments was 4.67 days, compared to 21 to 57.7 days for amendments excluding gender marker changes.⁶

Individuals who changed the gender marker on their birth certificate after January 2015 were invited to complete the New York City Transgender Health Survey. As of March 2017, approximately 200 individuals had participated. Among other things, the survey asked participants to share whether changing the gender marker on their birth certificate had improved their quality of life. Overall, the results of the survey were extremely positive. Recurrent themes that emerged from the survey responses include the ability to get married and adopt, less stress when presenting matching documents, the ability to apply for other forms of identification, less worry about employment and other background checks, and feelings of safety, comfort, confidence, pride, and completeness.⁷

The advisory council also received constructive feedback from survey participants and the public. While the current law has helped hundreds of individuals update the gender on their birth certificates, many of the recommendations aim to allow those who are non-binary and those who have issues accessing health care professionals the ability to change their birth certificates to correctly reflect their gender. Currently, New York City does not allow an individual to select a non-binary gender marker on their birth certificate. Meanwhile, individuals may be unable to change their gender marker because they have issues obtaining an affidavit from a medical professional affirming their gender. Advocates have requested that individuals be provided with the option to self-attest in order to change their birth certificate, and that they be given the ability to choose a non-binary gender marker.⁸

Importance of Accurate Birth Records

Birth records are “living” documents that are required in many contexts throughout a person’s life to prove identity, age, citizenship, to perform various activities, and to access essential services.⁹ According to the 2015 U.S. Transgender Survey, only 11% of the nearly 28,000 respondents have their name and gender identity listed on all forms of identification, while 68% reported that none of their forms of identification had the name and gender they preferred.¹⁰ According to a New York Times article from 2016, there are roughly 25,000 transgender residents in the City.¹¹ Thousands of New Yorkers are living without identification that matches their gender identity.

Without a birth certificate that accurately reflects their gender identity, transgender people are routinely forced to disclose their transgender status, resulting in increased difficulty in accessing critical services and opportunities from employment, educational opportunities, financial services, medical and life insurance policies, marriage licenses, driver’s licenses, social security benefits and other government benefits.¹² Birth certificates in New York are required for a number of basic and important services including but not limited to obtaining professional certifications, obtaining drivers’ licenses and passports, demonstrating work eligibility, registering for school, obtaining access to public facilities, obtaining a gun permit, and obtaining access to public benefits.

Moreover, without correct identification, transgender people are subject to harassment, discrimination, and accusations of fraud. According to the National Transgender Discrimination Survey, 25% of people were verbally harassed, 16% were denied services or benefits, 9% were asked to leave a location or establishment, and 2% were assaulted or attacked as a result of showing an identification with a name or gender that did not

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Report and Recommendation of the Committee Regarding Revision of Policies with Respect to Change of Sex Designation on New York State and New York City Birth Certificates for Transgender Individuals*, New York County Lawyers’ Association (2012) available at http://www.nycla.org/siteFiles/Publications/Publications1522_0.pdf.

¹⁰ *The Report of the 2015 U.S. Transgender Survey*, The National Center for Transgender Equality (2016) available at <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>

¹¹ *For Transgender New Yorkers, a Center of Their Own in the Bronx*, The New York Times (2016) available at <https://www.nytimes.com/2016/03/21/nyregion/for-transgender-new-yorkers-a-center-of-their-own-in-the-bronx.html>.

¹² *Report on the Need to Modernize New York State Policy Regarding Proof Required to Change Gender Designation on a New York State Birth Certificate*, New York County Lawyers’ Association (2013) available at <http://www2.nycbar.org/pdf/report/uploads/20072438-ModernizingGenderDesignationProofforNYSBirthCertificates.pdf>.

match their gender presentation.¹³ As a result of discrimination in housing, employment, education, and access to health services, transgender people are disproportionately unemployed, HIV positive and homeless.¹⁴

It is estimated that 25-35% of the transgender population also identifies as non-binary. Non-binary gender identity is any gender identity that does not fall within the typical, binary gender system, e.g., either man or woman.¹⁵ While most people, including most transgender people, are either male or female, non-binary individuals do not identify with either identity. For example, some people have a gender that is different than either male or female genders, and some individuals are intersex, meaning they have anatomy or genes that don't fit typical definitions of male and female. While gender identity can be very personal and there are a variety of identities someone may have, non-binary is one of the most common terms.¹⁶

There is very limited research on individuals with non-binary gender identities, and therefore the total non-binary population has yet to be measured. It appears non-binary people may face both greater levels of minority stress and unique forms of minority stress in comparison to binary transgender peers, a factor which has been associated with higher levels of suicidality. Additionally, it appears that non-binary transgender people experience a greater risk of negative mental health outcomes than their binary transgender peers.¹⁷ Ultimately, barriers to accurate birth certificates, and the documents, services and benefits they can lead to, further marginalizes already vulnerable populations, including those who are transgender and non-binary.

Policies in Other Jurisdictions

While a few states in the U.S. do not permit changing the sex designation on birth records, the vast majority of states do permit such amendments. However, several states will only permit such changes when an individual has undergone gender affirmation surgery. In recent years, many states have loosened this requirement. Several states, including Connecticut, Delaware, and Hawaii, now require affidavits from certain medical professionals stating that an individual has undergone other sorts of treatment, such as hormone therapy, and no longer require a person to undergo gender affirmation surgery.¹⁸

Certain states are even more flexible. As of April 2018, Idaho will no longer require medical documentation to change one's gender on their birth certificate. Similarly, Montana will soon allow individuals to self-attest, by providing affidavits affirming that their gender needs to be updated on their birth record. This is already the practice in Oregon as of January 1, 2018, and Nevada has similar rules.¹⁹

California and Washington, which also do not require documentation from providers, have recently included a gender marker option for those who are non-binary. Individuals born in one of these two states can choose to designate their gender as not male or female, which is indicated by either a "non-binary" or "X" designation. Those who identify themselves as non-binary consider themselves neither male nor female, and members from this community have long sought legal documents that represent their identity.²⁰

II. Analysis of Proposed Int. No. 954-A

Proposed Int. No. 954-A would allow individuals to change the sex designation on their birth record to conform to their gender identity, without requiring the affirmation of a physician or health professional attesting that the changed sex designation more accurately reflects the applicant's gender identity. The bill would also

¹³ *The Report of the 2015 U.S. Transgender Survey*, The National Center for Transgender Equality (2016) available at <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>

¹⁴ *Injustice...*

¹⁵ *Non-Binary Gender Identities Fact Sheet*, The Society for the Psychological Study of Lesbian, Gay, Bisexual, and Transgender Issues (2015) available at <http://www.apadivisions.org/division-44/resources/advocacy/non-binary-facts.pdf>

¹⁶ *Understanding Non-Binary People: How to Be Respectful and Supportive*, The National Center for Transgender Equality (2016) available at <https://transequality.org/issues/resources/understanding-non-binary-people-how-to-be-respectful-and-supportive>

¹⁷ *Non-Binary Gender Identities Fact Sheet*, The Society for the Psychological Study of Lesbian, Gay, Bisexual, and Transgender Issues (2015) available at <http://www.apadivisions.org/division-44/resources/advocacy/non-binary-facts.pdf>

¹⁸ *ID Documents Center*, The National Center for Transgender Equality (2018) available at <https://transequality.org/documents>

¹⁹ *Id.*

²⁰ *Californians Will Soon Have Nonbinary as a Gender Option on Birth Certificates*, The New York Times (2017) available at <https://www.nytimes.com/2017/10/19/us/birth-certificate-nonbinary-gender-california.html>

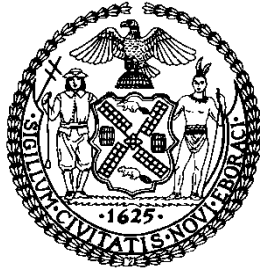
allow individuals who don't identify as exclusively male or female to change the sex designation on their birth certificate to "X".

Under this legislation, an application to change the sex designation on a birth certificate would be required to include a signed and notarized statement by the applicant, attesting that the request for a change of gender to female, male, or "X" is to conform the person's legal gender to the person's gender identity. Applicants under 18 years of age would be required to follow the process outlined in section 207.05 of the New York City Health Code, or successor provisions.²¹

Section 2 of this legislation would clarify which individuals would be legally eligible to request the birth record of a deceased individual. Specifically, the bill will allow certain family members of the deceased to have access to a certified copy of the deceased's birth record.

This legislation would take effect on January 1, 2019.

(The following is the text of the Fiscal Impact Statement for Int. No. 954-A:)



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

PROPOSED INTRO. NO: 954-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to amending sex designation on birth records and the issuance of birth records.

SPONSORS: The Speaker (Council Member Johnson) and Council Member and Koslowitz

SUMMARY OF LEGISLATION: Proposed Intro. 954-A would enable the Department of Health and Mental Hygiene (DOHMH) to issue new birth records using the designation "x" to indicate a sex that is not exclusively male or female in order to conform to the applicant's gender identity. The applicant must submit a signed and notarized statement requesting the sex designation change.

EFFECTIVE DATE: This local law would take effect on January 1, 2019 except that the Commissioner of DOHMH may take such measures as are necessary for the implementation of the law prior to such date, including the promulgation of rules.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

²¹ The Board of Health is expected to adopt amendments to the Health Code on September 12, 2018, which would allow minors to change the sex designation on their birth record by including with their application notarized statements, from the parents listed on their birth record or from their legal guardian(s), requesting that the sex designation on the birth record be changed to female, male or "X" to conform to the applicant's gender identity. These amendments would take effect on January 1st, 2019.

IMPACT ON REVENUES: It is anticipated that the proposed legislation would not affect revenues.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro. 945-A because DOHMH would utilize existing resources to issue the new birth records.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Health and Mental Hygiene

ESTIMATE PREPARED BY: Jeanette Merrill, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
Cirilhien R. Francisco, Unit Head, NYC Council Finance Division
Rebecca Chasan, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 7, 2018 as Intro. 954 and was referred to the Committee on Health. The Committee on Health held a hearing on June 13, 2018, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 954-A, will be considered by the Committee on Health on September 6, 2018. Upon successful vote by the Committee on Health, Proposed Intro. No. 954-A will be submitted to the full Council for a vote on September 12, 2018.

DATE PREPARED: September 5, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 954-A:)

Int. No. 954-A

By The Speaker (Council Member Johnson) and Council Members Koslowitz, Kallos, Rivera, Lander, Dromm, Rosenthal, Constantinides and Levin.

A Local Law to amend the administrative code of the city of New York, relation to amending sex designation on birth records and the issuance of birth records

Be it enacted by the Council as follows:

Section 1. Section 17-167.1 of the administrative code of the city of New York, as added by local law number 1 for the year 2015, is amended to read as follows:

§ 17-167.1 Sex designation on birth records. a. *For the purposes of this section, "x" means a designation used to indicate a sex that is not exclusively male or female.*

b. The department shall make a new birth record when an applicant submits an application and supporting documentation pursuant to this subdivision and subdivision [b] c of this section requesting the correction of sex designation to the applicant's birth record. Such application shall be made in a form or manner to be provided or approved by the department. If the department requests information, documentation or a copy of an acceptable current signed photographic identification, the department may not take into account the sex designation listed on such identification in reviewing such application.

[b] c. An application made pursuant to subdivision [a] b of this section shall be accompanied by [supporting documentation that is an affirmation from a physician licensed to practice medicine in the United States, or an affidavit from a professional licensed to practice in the United States who is a: doctoral level psychologist (Ph.D. or Psy.D.) in clinical or counseling psychology, clinical social worker, master social worker, physician assistant,

nurse practitioner, marriage and family therapist, mental health counselor or midwife. Such affirmation or affidavit shall include a declaration affirming or attesting under penalty of perjury that:

1. the professional is licensed and in good standing in the jurisdiction in the United States in which such professional is licensed; and

2. in keeping with contemporary expert standards regarding gender identity, the applicant's requested correction of sex designation of male or female more accurately reflects the applicant's sex or gender identity] *a signed and notarized statement from the applicant requesting that the sex designation be changed to female, male, or x in order to conform to the applicant's gender identity.*

d. In the event the applicant is less than 18 years old, an application made pursuant to subdivision b of this section requesting that the sex designation on the record be changed to female, male, or x to conform to the applicant's gender identity shall be made in a manner consistent with the requirements of section 207.05 of the New York city health code, or successor provision thereto.

§ 2. Paragraph 1 of subdivision a of section 17-169 of the administrative code of the city of New York is amended to read as follows:

1. A certified copy of the record of birth shall be issued only upon order of a court of competent jurisdiction or, *if the person for whom the record of birth relates is still living*, upon a specific request therefor by the person, if eighteen years of age or more, or by a parent or to the legal representative of the person to whom the record of birth relates or by an attorney of law authorized in writing by the person if of the age of eighteen years or over to whom the record of birth relates. *If the person for whom the record of birth relates is deceased, the department may allow family members of that person to have access to a certified copy of the record of birth.* The department may issue a certified copy of a birth record *of any person* for official use upon the request of a department, agency, or officer of any state government or subdivision thereof or the United States government.

§ 3. This local law takes effect January 1, 2019, except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; ALICKA AMPRY-SAMUEL; Committee on Health, June 7, 2018.

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).

Reports of the Committee on Land Use

Report for L.U. No. 152

Report of the Committee on Land Use in favor of approving Application No. 20185493 HIQ [DL 507, LP-2609] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Firehouse, Engine Companies 264 & 328/Ladder Company 134 located at 16-15 Central Avenue (Block 15559, p/o Lot 25) as an historic landmark, Borough of Queens, Community District 14, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on June 28, 2018 (Minutes, page 2620) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**QUEENS CB - 14****20185493 HIQ (N 180440 HIQ)**

Designation by the Landmarks Preservation Commission [DL-507/LP-2609] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Firehouse, Engine Companies 264 and 328/Ladder Company 134 located at 16-15 Central Avenue, Tax Map Block 15559, p/o Lot 25, as a historic landmark.

PUBLIC HEARING**DATE:** August 14, 2018**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** September 5, 2018

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

In Favor:

Adams, Barron, Koo, Miller.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 519

Resolution affirming the designation by the Landmarks Preservation Commission of the Engine Companies 264 and 328/Ladder Company 134, located at 16-15 Central Avenue (Tax Map Block 15559, p/o Lot 25), Borough of Queens, Designation List No. 507, LP-2609 (L.U. No. 152; 20185493 HIQ; N 180440 HIQ).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 7, 2018 a copy of its designation report dated May 29, 2018 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Engine Companies 264 and 328/Ladder Company 134, located at 16-15 Central Avenue, Community District 14, Borough of Queens, as an historic landmark and Tax Map Block 15559, p/o Lot 25, as the landmark site (the "Designation");

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

WHEREAS, the New York City Planning Commission submitted to the Council on July 27, 2018, its report on the Designation dated July 25, 2018 (the "City Planning Commission Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on August 14, 2018; and

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

RESOLVED:

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 153

Report of the Committee on Land Use in favor of approving Application No. 20185494 HIQ [DL 507, LP-2610] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation by the Landmarks Preservation Commission of the 53rd (now 101st) Precinct Police Station located at 16-12 Mott

Avenue (Block 15557, Lot 4) as an historic landmark, Borough of Queens, Community District 14, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on June 28, 2018 (Minutes, page 2620) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 14

20185494 HIQ (N 180449 HIQ)

Designation by the Landmarks Preservation Commission [DL-507/LP-2610] pursuant to Section 3020 of the New York City Charter of the landmark designation of the 53rd (now 101st) Precinct Police Station located at 16-12 Mott Avenue, Tax Map Block 15557, Lot 4, as a historic landmark.

PUBLIC HEARING

DATE: August 14, 2018

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 5, 2018

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

In Favor:

Adams, Barron, Koo, Miller.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 520

Resolution affirming the designation by the Landmarks Preservation Commission of the 53rd (now 101st) Precinct Police Station located at 16-12 Mott Avenue (Tax Map Block 15557, Lot 4), Borough of Queens, Designation List No. 507, LP-2610 (L.U. No. 153; 20185494 HIQ; N 180449 HIQ).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 7, 2018 a copy of its designation report dated May 29, 2018 (the "Designation Report"), including the designation pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the 53rd (now 101st) Precinct Police Station located at 16-12 Mott Avenue, Community District 14, Borough of Queens, as an historic landmark and Tax Map Block 15557, Lot 4, as the landmark site (the "Designation");

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

WHEREAS, the New York City Planning Commission submitted to the Council on July 30, 2018, its report on the Designation dated July 25, 2018 (the "City Planning Commission Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on August 14, 2018; and

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

RESOLVED:

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 176

Report of the Committee on Land Use in favor of approving Application No. C 180296 PCM (NYPD Bomb Squad Headquarters) submitted by the New York Police Department and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection

and acquisition of property located at 241 West 26th Street (Block 776, Lot 12) for use as the NYPD Bomb Squad Headquarters, Borough of Manhattan, Community District 5, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3278) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 5

C 180296 PCM

City Planning Commission decision approving an application submitted by the New York City Police Department and the New York City Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for a site selection and acquisition of property located at 241 West 26th Street (Block 776, Lot 12) for use as a new headquarters for the New York City Police Department's Counterterrorism Unit.

INTENT

To approve the site selection and acquisition, in order to facilitate the siting of a new headquarters for a specialized division of the NYPD's Counterterrorism Bureau, Manhattan, Community District 5.

PUBLIC HEARING

DATE: August 14, 2018

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 5, 2018

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

In Favor:

Adams, Barron, Koo, Miller.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 521

Resolution approving the decision of the City Planning Commission on ULURP No. C 180296 PCM (L.U. No. 176), a site selection and acquisition of property located at 241 West 26th Street (Block 776, Lot 12), Borough of Manhattan, for use as a headquarters for the New York City Police Department's Counterterrorism Unit.

By Council Members Salamanca and Adams.

WHEREAS, the City Planning Commission filed with the Council on August 7, 2018 its decision dated July 25, 2015 (the "Decision") on the application submitted pursuant to Section 197-c of the New York City Charter by the New York City Police Department and the New York City Department of Citywide Administrative Services for a site selection and acquisition of property located at 241 West 26th Street (Block 776, Lot 12), Community District 5, Borough of Manhattan (the "Site"), for use as a new headquarters for the New York City Police Department's Counterterrorism Unit (ULURP No. C 180296 PCM) (the "Application");

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on August 14, 2018;

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 (CEQR No. 18NYP001M) issued on March 23, 2018 (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 New York City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180296 PCM, incorporated by reference herein, the Council approves the Decision for the site selection and acquisition of the Site for use as a new headquarters for the New York City Police Department's Counterterrorism Unit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 177

Report of the Committee on Land Use in favor of approving Application No. 20185472 HAQ 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 for approval of a new real property tax exemption, for property subject to a final judgment of foreclosure in the Third Party Transfer Program, Queens, In Rem Action No. 56, located in the Borough of Queens, Community District 14, Council District 31.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3278) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 14

20185472 HAQ

Application 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 for approval of a new real property tax exemption, for property subject to a final judgment of foreclosure in the Third Party Transfer Program, Queens, In Rem Action No. 56, located in the Borough of Queens, Community District 14, Council District 31.

INTENT

To approve an Article XI tax exemption pursuant to Section 577 of the Private Housing Finance Law in order to facilitate the development and preservation of the Transfer Parcels (“Transfer Area”).

PUBLIC HEARING

DATE: August 14, 2018

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** September 5, 2018

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

In Favor:

Kallos, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 522

Resolution approving a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 3 Morse Court (Block 15563, Lot 101), Community District 14, Borough of Queens, (L.U. No. 177; 20185472 HAQ).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018, that the Council approve an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for property located at 3 Morse Court (Block 15563, Lot 101), Community District 14, Borough of Queens (the "Transfer Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on August 14, 2018; and

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

RESOLVED:

The Transfer Area shall be developed in accordance with the terms and conditions set forth in the Project Summary that HPD has submitted to the Council on June 5, 2018, a copy of which is attached hereto.

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

1. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").
2. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
3. The Article XI Exemption shall terminate if HPD determines at any time that (i) the Transfer Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Transfer Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Transfer Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.
4. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.

PROJECT SUMMARY

20185472 HAQ
Page 1 of 1
L.U. No. 177

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 56
3. **LOCATION:**
 - a. **BOROUGH:** Queens
 - b. **COMMUNITY DISTRICTS:** QN14
 - c. **COUNCIL DISTRICTS:** CD31
 - d. **TRANSFER AREA:** BLOCK LOT ADDRESS
15563 101 3 MORSE COURT
 - e. **EXISTING USE:** Vacant Lot
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
7. **APPROXIMATE NUMBER OF UNITS:** 4
8. **HOUSING TYPE:** Rental or Homeownership
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** Will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 178

Report of the Committee on Land Use in favor of approving Application No. 20185473 HAQ submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law requesting the approval of a new urban development area project and the exemption from real property taxes pursuant to Section 694 of the General Municipal Law and Section 577 of Article XI of the Private Housing Financing Law, for properties subject to a final judgment of foreclosure in the Third Party Transfer Program, Queens, In Rem Action No. 56, located in the Borough of Queens, Community Districts 2 and 14, Council Districts 26 and 31.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3278) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CBs - 2, 14

20185473 HAQ

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law requesting the approval of new urban development area projects and the exemption from real property taxes pursuant to Section 694 of the General Municipal Law and Section 577 of Article XI of the Private Housing Financing Law, for properties subject to a final judgment of foreclosure in the Third Party Transfer Program, Queens, In Rem Action No. 56, located in the Borough of Queens, Community Districts 2 and 14, Council Districts 26 and 31.

INTENT

To approve the urban development area projects pursuant to Section 694 of the General Municipal Law and the real property tax exemptions pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law in order to facilitate the development and preservation of specified groups of Transfer Parcels (“Transfer Areas”).

PUBLIC HEARING

DATE: August 14, 2018

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** September 5, 2018

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

In Favor:

Kallos, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None

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

Res No. 523

Resolution approving a new Urban Development Action Area Project, waiving the urban development action area designation requirement and approving a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for groups of Transfer Parcels located at 45-14 42nd Street (Block 192, Lot 35); 14-15 Mott Avenue (Block 15574, Lot 48), and 306 Beach 27th Street (Block 15800, Lot 31); and 41-06 55th Street (Block 1317, Lot 63), Community Districts 2 and 14, Borough of Queens, (L.U. No. 178; 20185473 HAQ).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018, that the Council take the following actions with respect to each of the following groups of Transfer Parcels ("Transfer Areas"): 45-14 42nd Street (Block 192, Lot 35); 14-15 Mott Avenue (Block 15574, Lot 48) and 306 Beach 27th Street (Block 15800, Lot 31); and 41-06 55th Street (Block 1317, Lot 63), 39-23 57th Street (Block 1228, Lot 38), and 39-21 57th Street (Block 1228, Lot 40), Community Districts 2 and 14, Borough of Queens (the "Transfer Area"):

1. Find that the present status of the Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project (the "Project") is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve the exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law and pursuant to Section 696 of the General Municipal Law (the "Tax Exemptions");

WHEREAS, by letter dated September 4, 2018, and submitted to the Council on September 5, 2018, the Department of Housing Preservation and Development withdrew from the Transfer Areas the properties located at 39-23 57th Street (Block 1228, Lot 38) and 39-21 57th Street (Block 1228, Lot 40);

WHEREAS, upon due notice, the Council held a public hearing on the Projects on August 14, 2018; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Projects.

RESOLVED:

The Council finds that the present status of each Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Projects are consistent with the policy and purposes of Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council approves each Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Projects shall be developed in accordance with the terms and conditions set forth in the Project Summaries attached hereto.

The Council approves the Tax Exemptions as follows:

1. Pursuant to Section 577 of the Private Housing Finance Law the Council approves the exemption of each Project from real property taxes as follows:
 - a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").

- b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
 - c. The Article XI Exemption shall terminate if HPD determines at any time that (i) the Transfer Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Transfer Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Transfer Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.
 - d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.
2. Pursuant to Section 696 of the General Municipal Law the Council approves the exemption of each Project from real property taxes as follows:
- a. All of the value of the buildings, structures, and other improvements situated on the Transfer Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the Article XI Expiration Date ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.
 - b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the UDAAP Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
 - c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the

time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

ATTACHMENT:**PROJECT SUMMARY**

20185473 HAQ
Page 1 of 3
L.U. No. 178

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 56
3. **LOCATION:**
 - a. **BOROUGH:** Queens
 - b. **COMMUNITY DISTRICTS:** QN2
 - c. **COUNCIL DISTRICTS:** CD26
 - d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

192 35 45-14 42 STREET
 - e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
7. **APPROXIMATE NUMBER OF UNITS:** 20
8. **HOUSING TYPE:** Homeownership
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains an occupied building which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II

13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

**20185473 HAQ
Page 2 of 3
L.U. No. 178**

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 56
3. **LOCATION:**
- a. **BOROUGH:** Queens
- b. **COMMUNITY DISTRICTS:** QN14
- c. **COUNCIL DISTRICTS:** CD31
- d. **TRANSFER AREA:** BLOCK LOT ADDRESS
- VACANT
- 15574 48 14-15 MOTT AVENUE
- 15800 31 306 BEACH 27 STREET
- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 2
7. **APPROXIMATE NUMBER OF UNITS:** 54
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None

12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan losing to completion of construction.

PROJECT SUMMARY

**20185473 HAQ
Page 3 of 3
L.U. No. 178**

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 56
3. **LOCATION:**
- a. **BOROUGH:** Queens
- b. **COMMUNITY DISTRICTS:** QN2
- c. **COUNCIL DISTRICTS:** CD26
- d. **TRANSFER AREA:** BLOCK LOT ADDRESS
- VACANT
- 1317 63 41-06 55 STREET
- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 3
7. **APPROXIMATE NUMBER OF UNITS:** 37
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.

- | | |
|---------------------------------------|---|
| 10. PROPOSED FACILITIES: | None |
| 11. PROPOSED CODES/ORDINANCES: | None |
| 12. ENVIRONMENTAL STATUS: | Type II |
| 13. PROPOSED TIME SCHEDULE: | Approximately 24 months from construction loan closing to completion of construction. |

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 179

Report of the Committee on Land Use in favor of approving Application No. 20185474 HAK 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 for approval of a new real property tax exemption, for properties subject to a final judgment of foreclosure in the Third Party Transfer Program, Brooklyn, In Rem Action No. 53, located in the Borough of Brooklyn, Community Districts 1, 3, and 16, Council Districts 34, 36, and 37.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3279) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CBs - 1, 3, 16

20185474 HAK

Application 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 for approval of a new real property tax exemption, for properties subject to a final judgment of foreclosure in the Third Party Transfer Program, Brooklyn, In Rem Action No. 53, located in the Borough of Brooklyn, Community Districts 1, 3, and 16, Council Districts 34, 36, and 37.

INTENT

To approve an Article XI tax exemption pursuant to Section 577 of the Private Housing Finance Law in order to facilitate the development and preservation of the Transfer Parcels ("Transfer Area").

PUBLIC HEARING**DATE:** August 14, 2018**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** September 5, 2018

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

In Favor:

Kallos, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 524

Resolution approving a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for properties located at 371 Hooper Street (Block 2412, Lot 124), 1039A DeKalb Avenue (Block 1599, Lot 71), 1823 Eastern Parkway (Block 1442, Lot 44), and 243 Madison Street (Block 1818, Lot 73), Community Districts 1, 3, and 16, Borough of Brooklyn, (L.U. No. 179; 20185474 HAK).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018, that the Council approve an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for properties located at 371 Hooper Street (Block 2412, Lot 124), 1039A DeKalb Avenue (Block 1599, Lot 71), 1823 Eastern Parkway (Block 1442, Lot 44), and 243 Madison Street (Block 1818, Lot 73), Community Districts 1, 3, and 16, Borough of Brooklyn (the "Transfer Area ");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on August 14, 2018; and

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

RESOLVED:

The Transfer Area shall be developed in accordance with the terms and conditions set forth in the Project Summary that HPD has submitted to the Council on June 5, 2018, a copy of which is attached hereto.

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

1. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").
2. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
3. The Article XI Exemption shall terminate if HPD determines at any time that (i) the Transfer Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Transfer Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Transfer Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.
4. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration,

termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.

ATTACHMENT:

PROJECT SUMMARY

**20185474 HAK
Page 1 of 1
L.U. No. 179**

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 53
3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICTS:** BK1 BK3 BK16
 - c. **COUNCIL DISTRICTS:** CD34 CD36 CD37
 - d. **TRANSFER AREA:**

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>
2412	124	371 HOOPER STREET
1599	71	1039A DEKALB AVENUE
1442	44	1823 EASTERN PARKWAY
1818	73	243 MADISON STREET
 - e. **EXISTING USE:** Vacant Lot
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 4
7. **APPROXIMATE NUMBER OF UNITS:** 10
8. **HOUSING TYPE:** Rental or Homeownership
9. **ESTIMATE OF INITIAL RENTS**

	AND INCOME TARGETS:	Will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups.
10.	PROPOSED FACILITIES:	None
11.	PROPOSED CODES/ORDINANCES:	None
12.	ENVIRONMENTAL STATUS:	Type II
13.	PROPOSED TIME SCHEDULE:	Approximately 24 months from construction loan closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 180

Report of the Committee on Land Use in favor of approving Application No. 20185475 HAK submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law requesting the approval of a new urban development area project and the exemption from real property taxes pursuant to Section 694 of the General Municipal Law and Section 577 of Article XI of the Private Housing Financing Law, for properties subject to a final judgment of foreclosure in the Third Party Transfer Program, Brooklyn, In Rem Action No. 53, located in the Borough of Brooklyn, Community Districts 1, 3, 4, 5, 7, 8, 13, 14, 15, 16, and 17, Council Districts 34, 35, 36, 37, 38, 40, 41, 42, and 47.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3279) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CBs - 1, 3-5, 7, 8, 13-17

20185475 HAK

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law requesting the approval of new urban development area projects and the exemption from real property taxes pursuant to Section 694 of the General Municipal Law and Section 577 of Article XI of the Private Housing Financing Law, for properties subject to a final judgment of foreclosure in the Third Party Transfer Program, Brooklyn, In Rem Action No. 53, located in the Borough of

Brooklyn, Community Districts 1, 3, 4, 5, 7, 8, 13, 14, 15, 16, and 17, Council Districts 34, 35, 36, 37, 38, 40, 41, 42, and 47.

INTENT

To approve the urban development area projects pursuant to Section 694 of the General Municipal Law and the real property tax exemptions pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law in order to facilitate the development and preservation of specified groups of Transfer Parcels (“Transfer Areas”).

PUBLIC HEARING

DATE: August 14, 2018

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 5, 2018

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

In Favor:

Kallos, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

Reynoso

Abstain:

None.

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

Res. No. 525

Resolution approving a new Urban Development Action Area Project, waiving the urban development action area designation requirement and approving a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for groups of Transfer Parcels located at 19 Kingsland Avenue (Block 2884, Lot 26), 27 Beaver Street (Block 3133, Lot 25), 115 Linden Street (Block 3323, Lot 60), and 111 Linden Street (Block 3323, Lot 62); 25 MacDonough Street (Block 1851, Lot 63); 142 Central Avenue (Block 3184, Lot 39), 1113 Willoughby Avenue (Block 3197, Lot 52), 1328 Gates Avenue (Block 3342, Lot 26), 230 Moffat Street (Block 3447, Lot 33), 301 Harman Street (Block 3279, Lot 48), 483 Van Buren Street (Block 1612, Lot 62), 479 Van Buren Street (Block 1612, Lot 64), and 160 Bleecker Street (Block 3306, Lot 22); 116 Grove Street (Block 3323, Lot 17); 2381 Dean Street (Block 1442, Lot 66), 211 Hull Street (Block 1535, Lot 56), 246 Lincoln Avenue (Block 4149, Lot 30), 47 Hill Street (Block 4165, Lot 39), and 1134 Blake Avenue (Block 4277, Lot 19); 1055 Bergen Street (Block 1212, Lot 65), and 423 Throop Avenue (Block 1806, Lot 6); 373 Rockaway Parkway (Block 4672, Lot 56), 319 East 96th Street (Block 4651, Lot 51), 972 Rutland Road (Block 4611, Lot 4), and 145 Rockaway Parkway (Block 4616, Lot 55); 2323 Newkirk Avenue (Block 5209, Lot 22); and 1197 Dean Street (Block 1207, Lot 72), 1217 Dean Street (Block 1207, Lot 62), 685 Nostrand Avenue (Block 1234, Lot 1), and 1516 Bedford Avenue (Block 1252, Lot 80), Community Districts 1, 3, 4, 5, 7, 8, 13, and 14, Borough of Brooklyn, (L.U. No. 180; 20185475 HAK).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018, that the Council take the following actions with respect to each of the following groups of Transfer Parcels ("Transfer Areas"): 19 Kingsland Avenue (Block 2884, Lot 26), 106 Moore Street (Block 3106, Lot 19), 27 Beaver Street (Block 3133, Lot 25), 1141 Greene Avenue (Block 3285, Lot 86), 115 Linden Street (Block 3323, Lot 60), and 111 Linden Street (Block 3323, Lot 62); 25 MacDonough Street (Block 1851, Lot 63); 142 Central Avenue (Block 3184, Lot 39), 1113 Willoughby Avenue (Block 3197, Lot 52), 1328 Gates Avenue (Block 3342, Lot 26), 230 Moffat Street (Block 3447, Lot 33), 301 Harman Street (Block 3279, Lot 48), 315 Harman Street (Block 3279, Lot 41), 483 Van Buren Street (Block 1612, Lot 62), 479 Van Buren Street (Block 1612, Lot 64), and 160 Bleecker Street (Block 3306, Lot 22); 116 Grove Street (Block 3323, Lot 17); 2381 Dean Street (Block 1442, Lot 66), 211 Hull Street (Block 1535, Lot 56), 246 Lincoln Avenue (Block 4149, Lot 30), 47 Hill Street (Block 4165, Lot 39), and 1134 Blake Avenue (Block 4277, Lot 19); 1055 Bergen Street (Block 1212, Lot 65), 897 Park Place (Block 1234, Lot 51), 11 Spencer Place (Block 2000, Lot 9), and 423 Throop Avenue (Block 1806, Lot 6); 1016 Greene Avenue (Block 1623, Lot 15), 766 Miller Avenue (Block 4303, Lot 35), 737 Sheffield Avenue (Block 4322, Lot 53), 566 Williams Avenue (Block 3835, Lot 38), 373 Rockaway Parkway (Block 4672, Lot 56), 319 East 96th Street (Block 4651, Lot 51), 972 Rutland Road (Block 4611, Lot 4), and 145 Rockaway Parkway (Block 4616, Lot 55); 721 Van Siclen Avenue (Block 4329, Lot 1); 5614 6th Avenue (Block 840, Lot 42), 2323 Newkirk Avenue (Block 5209, Lot 22), 413 East 23rd Street (Block 5209, Lot 38), and 2838 West 19th Street (Block 7019, Lot 26); and 1197 Dean Street (Block 1207, Lot 72), 1217 Dean Street (Block 1207, Lot 62), 685 Nostrand Avenue (Block 1234, Lot 1), 463 Classon Avenue (Block 1985, Lot 5), and 1516 Bedford Avenue (Block 1252, Lot 80), Community Districts 1, 3, 4, 5, 7, 8, 13, 14, 16, 17, Borough of Brooklyn (the "Transfer Area"):

1. Find that the present status of the Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project (the "Project") is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;

3. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve the exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law and pursuant to Section 696 of the General Municipal Law (the "Tax Exemptions");

WHEREAS, by letter dated September 4, 2018, and submitted to the Council on September 5, 2018, the Department of Housing Preservation and Development withdrew from the Transfer Areas the properties located at 737 Sheffield Avenue (Block 4322, Lot 53), 721 Van Siclen Avenue (Block 4329, Lot 1), and 413 East 23rd Street (Block 5209, Lot 38), 766 Miller Avenue (Block 4303, Lot 35), 1016 Greene Avenue (Block 1623, Lot 15), 106 Moore Street (Block 3106, Lot 19), 1141 Greene Avenue (Block 3285, Lot 86), 897 Park Place (Block 1234, Lot 51), 11 Spencer Place (Block 2000, Lot 9), 315 Harman Street (Block 3279, Lot 41), 5614 6th Avenue (Block 840, Lot 42), 566 Williams Avenue (Block 3835, Lot 38), 2838 West 19th Street (Block 7019, Lot 26), and 463 Classon Avenue (Block 1985, Lot 5);

WHEREAS, upon due notice, the Council held a public hearing on the Projects on August 14, 2018; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Projects.

RESOLVED:

The Council finds that the present status of each Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Projects are consistent with the policy and purposes of Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council approves each Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Projects shall be developed in accordance with the terms and conditions set forth in the Project Summaries attached hereto.

The Council approves the Tax Exemptions as follows:

3. Pursuant to Section 577 of the Private Housing Finance Law the Council approves the exemption of each Project from real property taxes as follows:
 - a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").
 - b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive

the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation (“Alternative Tax Benefit”), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

- c. The Article XI Exemption shall terminate if HPD determines at any time that (i) the Transfer Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Transfer Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Transfer Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.
 - d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.
4. Pursuant to Section 696 of the General Municipal Law the Council approves the exemption of each Project from real property taxes as follows:
- a. All of the value of the buildings, structures, and other improvements situated on the Transfer Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the Article XI Expiration Date (“UDAAP Commencement Date”); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.
 - b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder (“UDAAP Exemption”), the owner of the Transfer Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the UDAAP Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
 - c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing Preservation and Development (“HPD”) determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

ATTACHMENT:

PROJECT SUMMARY

**20185475 HAK
Page 1 of 9
L.U. No. 180**

- 1. **PROGRAM:** Third Party Transfer Program
- 2. **PROJECT:** In Rem Action No. 53
- 3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICTS:** BK1 BK 4
 - c. **COUNCIL DISTRICTS:** CD34
 - d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

2884	26	19 KINGSLAND AVENUE
3133	25	27 BEAVER STREET
3323	60	115 LINDEN STREET
3323	62	111 LINDEN STREET

- e. **EXISTING USE:** Residential
- 4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
- 5. **TYPE OF PROJECT:** Rehabilitation

6. **APPROXIMATE NUMBER OF BUILDINGS:** 6
7. **APPROXIMATE NUMBER OF UNITS:** 52
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

**20185475 HAK
Page 2 of 9
L.U. No. 180**

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 53
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICTS:** BK3
- c. **COUNCIL DISTRICTS:** CD36
- d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

1851 63 25 MACDONOUGH STREET

- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
7. **APPROXIMATE NUMBER OF UNITS:** 19
8. **HOUSING TYPE:** Homeownership
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains an occupied building which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

20185475 HAK
Page 3 of 9
L.U. No. 180

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 53
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICTS:** BK4 BK3

c. COUNCIL DISTRICTS: CD34 CD37 CD36

d. TRANSFER AREA: BLOCK LOT ADDRESS

VACANT

3184	39	142 CENTRAL AVENUE
		1113 WILLOUGHBY
3197	52	AVENUE
3342	26	1328 GATES AVENUE
3447	33	230 MOFFAT STREET
3279	48	301 HARMAN STREET
1612	62	483 VAN BUREN STREET
1612	64	479 VAN BUREN STREET
3306	22	160 BLEECKER STREET

e. EXISTING USE: Residential

- 4. BASIS OF PRICE:** *In rem* judgment of foreclosure
- 5. TYPE OF PROJECT:** Rehabilitation
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 9
- 7. APPROXIMATE NUMBER OF UNITS:** 78
- 8. HOUSING TYPE:** Rental
- 9. ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
- 10. PROPOSED FACILITIES:** None
- 11. PROPOSED CODES/ORDINANCES:** None
- 12. ENVIRONMENTAL STATUS:** Type II
- 13. PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

20185475 HAK
Page 4 of 9
L.U. No. 180

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 53
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICTS:** BK4
- c. **COUNCIL DISTRICTS:** CD34
- d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

3323 17 116 GROVE STREET

- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
7. **APPROXIMATE NUMBER OF UNITS:** 32
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II

13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

**20185475 HAK
Page 5 of 9
L.U. No. 180**

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 53
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICTS:** BK16 BK5
- c. **COUNCIL DISTRICTS:** CD37 CD42
- d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

1442	66	2381 DEAN STREET
1535	56	211 HULL STREET
4149	30	246 LINCOLN AVENUE
4165	39	47 HILL STREET
4277	19	1134 BLAKE AVENUE

- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 5
7. **APPROXIMATE NUMBER OF UNITS:** 40
8. **HOUSING TYPE:** Rental

9. **ESTIMATE OF INITIAL RENTS INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

20185475 HAK
Page 6 of 9
L.U. No. 180

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 53
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICTS:** BK3 BK8
- c. **COUNCIL DISTRICTS:** CD36
- d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

1212 65 1055 BERGEN STREET
1806 6 423 THROOP AVENUE

- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure

5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 4
7. **APPROXIMATE NUMBER OF UNITS:** 29
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

**20185475 HAK
Page 7 of 9
L.U. No. 180**

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 53
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICTS:** BK3 BK5 BK17
- c. **COUNCIL DISTRICTS:** CD41 CD42
- d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

		373 ROCKAWAY
4672	56	PARKWAY
4651	51	319 EAST 96 STREET
4611	4	972 RUTLAND ROAD
		145 ROCKAWAY
4616	55	PARKWAY

- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 8
7. **APPROXIMATE NUMBER OF UNITS:** 38
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents. The transfer area also contains one vacant building for which initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.
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PROJECT SUMMARY

20185475 HAK
Page 8 of 9
L.U. No. 180

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 53
3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICTS:** BK7 BK13 BK14
 - c. **COUNCIL DISTRICTS:** CD38 CD40 CD47
 - d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

5209 22 2323 NEWKIRK AVENUE

- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 4
7. **APPROXIMATE NUMBER OF UNITS:** 29
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:**

The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents. The transfer area also contains one vacant building for which initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups.

10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

20185475 HAK
Page 9 of 9
L.U. No. 180

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 53
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICTS:** BK8 BK3
- c. **COUNCIL DISTRICTS:** CD36 CD35
- d. **TRANSFER AREA:**

BLOCK LOT ADDRESS

VACANT

1207	72	1197 DEAN STREET
1207	62	1217 DEAN STREET
1234	1	685 NOSTRAND AVENUE
1252	80	1516 BEDFORD AVENUE

- e. **EXISTING USE:** Residential

- | | | |
|-----|--|--|
| 4. | BASIS OF PRICE: | <i>In rem</i> judgment of foreclosure |
| 5. | TYPE OF PROJECT: | Rehabilitation |
| 6. | APPROXIMATE NUMBER OF BUILDINGS: | 5 |
| 7. | APPROXIMATE NUMBER OF UNITS: | 64 |
| 8. | HOUSING TYPE: | Rental |
| 9. | ESTIMATE OF INITIAL RENTS AND INCOME TARGETS: | The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents. |
| 10. | PROPOSED FACILITIES: | None |
| 11. | PROPOSED CODES/ORDINANCES: | None |
| 12. | ENVIRONMENTAL STATUS: | Type II |
| 13. | PROPOSED TIME SCHEDULE: | Approximately 24 months from construction loan closing to completion of construction |

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 181

Report of the Committee on Land Use in favor of approving Application No. 20185476 HAX 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 for approval of a new real property tax exemption, for properties subject to a final judgment of foreclosure in the Third Party Transfer Program, Bronx, In Rem Action No. 52, located in the Borough of the Bronx, Community Districts 2, 3, 4, and 7, Council Districts 14, 16, and 17.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3279) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BRONX CBs - 2-4, 7****20185476 HAX**

Application 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 for approval of a new real property tax exemption, for properties subject to a final judgment of foreclosure in the Third Party Transfer Program, Bronx, In Rem Action No. 52, located in the Borough of the Bronx, Community Districts 2, 3, 4, and 7, Council Districts 14, 16, and 17.

INTENT

To approve an Article XI tax exemption pursuant to Section 577 of the Private Housing Finance Law in order to facilitate the development and preservation of the Transfer Parcels (“Transfer Area”).

PUBLIC HEARING**DATE:** August 14, 2018**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** September 5, 2018

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

In Favor:

Kallos, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:
None

Abstain:
None

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

Res No. 526

Resolution approving a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for properties located 2275 Loring Place North (Block 3225, Lot 77), 1167 Washington Avenue (Block 2389, Lot 48), 294 East 164th Street (Block 2423, Lot 33), 1169 Washington Avenue (Block 2389, Lot 47), 844 Faile Street (Block 2762, Lot 89), 1109 Intervale Avenue (Block 2692, Lot 73), 1175 Tinton Avenue (Block 2662, Lot 27), and 793 East 163rd Street (Block 2669, Lot 65), Community Districts 2, 3, 4, and 7, Borough of the Bronx, (L.U. No. 181; 20185476 HAX).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018, that the Council approve an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for properties located at 2275 Loring Place North (Block 3225, Lot 77), 1167 Washington Avenue (Block 2389, Lot 48), 294 East 164th Street (Block 2423, Lot 33), 1169 Washington Avenue (Block 2389, Lot 47), 844 Faile Street (Block 2762, Lot 89), 1109 Intervale Avenue (Block 2692, Lot 73), 1175 Tinton Avenue (Block 2662, Lot 27), and 793 East 163rd Street (Block 2669, Lot 65), Community Districts 2, 3, 4, and 7, Borough of the Bronx (the "Transfer Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on August 14, 2018; and

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

RESOLVED:

The Transfer Area shall be developed in accordance with the terms and conditions set forth in the Project Summary that HPD has submitted to the Council on June 5, 2018, a copy of which is attached hereto.

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

1. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").
2. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive the benefits,

if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation (“Alternative Tax Benefit”), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

- 3. The Article XI Exemption shall terminate if HPD determines at any time that (i) the Transfer Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Transfer Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Transfer Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.
- 4. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.

ATTACHMENT:

PROJECT SUMMARY

**20185476 HAX
Page 1 of 1
L.U. No. 181**

- 1. **PROGRAM:** Third Party Transfer Program
- 2. **PROJECT:** In Rem Action No. 52
- 3. **LOCATION:**
 - a. **BOROUGH:** Bronx
 - b. **COMMUNITY DISTRICTS:** BX7 BX2 BX3 BX4
 - c. **COUNCIL DISTRICTS:** CD14 CD16 CD17
 - d. **TRANSFER AREA:** BLOCK LOT ADDRESS

3225 77 2275 LORING PLACE
NORTH

		1167 WASHINGTON
2389	48	AVENUE
2423	33	294 EAST 164 STREET
		1169 WASHINGTON
2389	47	AVENUE
2762	89	844 FAILE STREET
2692	73	1109 INTERVALE AVENUE
2662	27	1175 TINTON AVENUE
2669	65	793 EAST 163 STREET

- e. **EXISTING USE:** Vacant Lot
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 8
7. **APPROXIMATE NUMBER OF UNITS:** 74
8. **HOUSING TYPE:** Rental or Homeownership
9. **ESTIMATE OF INITIAL RENTS**
- AND INCOME TARGETS:**
Will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 182

Report of the Committee on Land Use in favor of approving Application No. 20185477 HAX submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law requesting the approval of a new urban development area project and the exemption from real property taxes pursuant to Section 694 of the General Municipal Law and Section 577 of Article XI of the Private Housing Financing Law, for properties subject to a final judgment of foreclosure in the Third Party Transfer Program, Bronx, In Rem Action No. 52, located in the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6, 7, 9, and 12, Council Districts 8, 11, 12, 14, 15, 16, and 17.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3279) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BRONX CBs - 1-7, 9, 12****20185477 HAX**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law requesting the approval of new urban development area projects and the exemption from real property taxes pursuant to Section 694 of the General Municipal Law and Section 577 of Article XI of the Private Housing Financing Law, for properties subject to a final judgment of foreclosure in the Third Party Transfer Program, Bronx, In Rem Action No. 52, located in the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6, 7, 9, and 12, Council Districts 8, 11, 12, 14, 15, 16, and 17.

INTENT

To approve the urban development area projects pursuant to Section 694 of the General Municipal Law and the real property tax exemptions pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law in order to facilitate the development and preservation of specified groups of Transfer Parcels (“Transfer Areas”).

PUBLIC HEARING**DATE:** August 14, 2018**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** September 5, 2018

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

In Favor:

Kallos, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 527

Resolution approving a new Urban Development Action Area Project, waiving the urban development action area designation requirement and approving a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law and Article 16 of the General Municipal Law for groups of Transfer Parcels located at 1966 University Avenue (Block 2868, Lot 121), 2017 Grand Concourse (Block 2808, Lot 90), 1600 Nelson Avenue (Block 2876, Lot 1), and 2386 Morris Avenue (Block 3173, Lot 1); 1854 Monroe Avenue (Block 2802, Lot 5), 4619 Park Avenue (Block 3031, Lot 51), and 2068 Bathgate Avenue (Block 3045, Lot 19); 851 East Tremont Avenue (Block 3117, Lot 10), 1900 Longfellow Avenue (Block 3016, Lot 7), and 2000 Daly Avenue (Block 3127, Lot 1); 1033 Cauldwell Avenue (Block 2622, Lot 52), 1211 Washington Avenue (Block 2389, Lot 31), and 1113 Grant Avenue (Block 2452, Lot 29); 1142 Wheeler Avenue (Block 3739, Lot 23), 1120 Bryant Avenue (Block 2754, Lot 61), 590 Southern Boulevard (Block 2603, Lot 24), and 731 Southern Boulevard (Block 2720, Lot 28); and 421 East 157th Street (Block 2379, Lot 32), 428 East 157th Street (Block 2378, Lot 19), and 330 East 139th Street (Block 2301, Lot 4), Community Districts 1, 2, 3, 4, 5, 6, 7, 9 and 12, Borough of the Bronx, (L.U. No. 182; 20185477 HAX).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 5, 2018 its request dated June 5, 2018, that the Council take the following actions with respect to each of the following groups of Transfer Parcels ("Transfer Areas"): 3175 Villa Avenue (Block 3322, Lot 37), 1314 Oakley Street (Block 4711, Lot 28), and 3732 Laconia Avenue (Block 4711, Lot 16); 2015 Grand Avenue (Block 2869, Lot 143), 1970 Morris Avenue (Block 2807, Lot 2), 1966 University Avenue (Block 2868, Lot 121), 2017 Grand Concourse (Block 2808, Lot 90), 1600 Nelson Avenue (Block 2876, Lot 1), and 2386 Morris Avenue (Block 3173, Lot 1); 490 East 181st Street (Block 3047, Lot 14), 803 East 182nd Street (Block 3112, Lot 3), 1854 Monroe Avenue (Block 2802, Lot 5), 4619 Park Avenue (Block 3031, Lot 51), and 2068 Bathgate Avenue (Block 3045, Lot 19); 851 East Tremont Avenue (Block 3117, Lot 10), 1900 Longfellow Avenue (Block 3016, Lot 7), 2000 Daly Avenue (Block 3127, Lot 1), and 943 East 179th Street

(Block 3127, Lot 35); 1033 Cauldwell Avenue (Block 2622, Lot 52), 1103 Franklin Avenue (Block 2608, Lot 22), 1211 Washington Avenue (Block 2389, Lot 31), and 1113 Grant Avenue (Block 2452, Lot 29); 875 Longfellow Avenue (Block 2761, Lot 139), 1015 Longfellow Avenue (Block 2756, Lot 48), 1142 Wheeler Avenue (Block 3739, Lot 23), 1120 Bryant Avenue (Block 2754, Lot 61), 590 Southern Boulevard (Block 2603, Lot 24), and 731 Southern Boulevard (Block 2720, Lot 28); and 757 East 169th Street (Block 2961, Lot 15), 941 Rogers Place (Block 2698, Lot 63), 421 East 157th Street (Block 2379, Lot 32), 428 East 157th Street (Block 2378, Lot 19), 330 East 139th Street (Block 2301, Lot 4), and 483 Willis Avenue (Block 2307, Lot 45), Community Districts 1, 2, 3, 4, 5, 6, 7, 9 and 12, Borough of the Bronx:

1. Find that the present status of the Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project (the "Project") is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
4. Approve the exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law and pursuant to Section 696 of the General Municipal Law (the "Tax Exemptions");

WHEREAS, by letter dated September 4, 2018, and submitted to the Council on September 5, 2018, the Department of Housing Preservation and Development withdrew from the Transfer Areas the properties located at 2015 Grand Avenue (Block 2869, Lot 143), 1103 Franklin Avenue (Block 2608, Lot 22), 3732 Laconia Avenue (Block 4711, Lot 16), 1314 Oakley Street (Block 4711, Lot 28), 490 East 181st Street (Block 3047, Lot 14), 941 Rogers Place (Block 2698, Lot 63), 1015 Longfellow Avenue (Block 2756, Lot 48), 483 Willis Avenue (Block 2307, Lot 45), 3175 Villa Avenue (Block 3322, Lot 37), 1970 Morris Avenue (Block 2807, Lot 2), 803 East 182nd Street (Block 3112, Lot 3), 943 East 179th Street (Block 3127, Lot 35), 875 Longfellow Avenue (Block 2761, Lot 139), and 757 East 169th Street (Block 2961, Lot 15);

WHEREAS, upon due notice, the Council held a public hearing on the Projects on August 14, 2018; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Projects.

RESOLVED:

The Council finds that the present status of each Transfer Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Projects are consistent with the policy and purposes of Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council approves each Project as an Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law.

The Projects shall be developed in accordance with the terms and conditions set forth in the Project Summaries attached hereto.

The Council approves the Tax Exemptions as follows:

5. Pursuant to Section 577 of the Private Housing Finance Law the Council approves the exemption of each Project from real property taxes as follows:
 - a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").
 - b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.
 - c. The Article XI Exemption shall terminate if HPD determines at any time that (i) the Transfer Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Transfer Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York, or (iii) the demolition of any private or multiple dwelling on the Transfer Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.
 - d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.
2. Pursuant to Section 696 of the General Municipal Law the Council approves the exemption of each Project from real property taxes as follows:
 - a. All of the value of the buildings, structures, and other improvements situated on the Transfer Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the Article XI Expiration Date ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.
 - b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Transfer Area shall waive the

benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the UDAAP Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

- c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing Preservation and Development (“HPD”) determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.
- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

PROJECT SUMMARY

**20185477 HAX
Page 1 of 6
L.U. No. 182**

- 1. **PROGRAM:** Third Party Transfer Program
- 2. **PROJECT:** In Rem Action No. 52
- 3. **LOCATION:**
 - a. **BOROUGH:** Bronx
 - b. **COMMUNITY DISTRICTS:** BX7 BX5
 - c. **COUNCIL DISTRICTS:** CD14
 - d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

2868	121	1966 UNIVERSITY AVENUE
2808	90	2017 GRAND CONCOURSE V

2876 1 1600 NELSON AVENUE
3173 1 2386 MORRIS AVENUE

- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 6
7. **APPROXIMATE NUMBER OF UNITS:** 105
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents. The transfer area also contains one vacant building for which initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

20185477 HAX
Page 2 of 6
L.U. No. 182

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 52
3. **LOCATION:**
- a. **BOROUGH:** Bronx

- b. **COMMUNITY DISTRICTS:** BX6 BX5
- c. **COUNCIL DISTRICTS:** CD15
- d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

2802	5	1854 MONROE AVENUE
3031	51	4619 PARK AVENUE
3045	19	2068 BATHGATE AVENUE

- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 5
7. **APPROXIMATE NUMBER OF UNITS:** 182
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

20185477 HAX
Page 3 of 6
L.U. No. 182

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 52

3. LOCATION:

- a. **BOROUGH:** Bronx
- b. **COMMUNITY DISTRICTS:** BX6
- c. **COUNCIL DISTRICTS:** CD17
- d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

		851 EAST TREMONT
3117	10	AVENUE
		1900 LONGFELLOW
3016	7	AVENUE
3127	1	2000 DALY AVENUE

- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 4
7. **APPROXIMATE NUMBER OF UNITS:** 109
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

20185477 HAX
Page 4 of 6
L.U. No. 182

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 52
3. **LOCATION:**
- a. **BOROUGH:** Bronx
- b. **COMMUNITY DISTRICTS:** BX3 BX4
- c. **COUNCIL DISTRICTS:** CD16
- d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

		1033 CAULDWELL
2622	52	AVENUE
		1211 WASHINGTON
2389	31	AVENUE
2452	29	1113 GRANT AVENUE

- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 4
7. **APPROXIMATE NUMBER OF UNITS:** 125
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II

13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

**20185477 HAX
Page 5 of 6
L.U. No. 182**

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 52
3. **LOCATION:**
- a. **BOROUGH:** Bronx
- b. **COMMUNITY DISTRICTS:** BX2 BX9
- c. **COUNCIL DISTRICTS:** CD17 CD8
- d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

3739	23	1142 WHEELER AVENUE
2754	61	1120 BRYANT AVENUE
		590 SOUTHERN
2603	24	BOULEVARD
		731 SOUTHERN
2720	28	BOULEVARD

- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 6
7. **APPROXIMATE NUMBER OF UNITS:** 135
8. **HOUSING TYPE:** Rental

9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction.

PROJECT SUMMARY

**20185477 HAX
Page 6 of 6
L.U. No. 182**

1. **PROGRAM:** Third Party Transfer Program
2. **PROJECT:** In Rem Action No. 52
3. **LOCATION:**
- a. **BOROUGH:** Bronx
- b. **COMMUNITY DISTRICTS:** BX3 BX2
- c. **COUNCIL DISTRICTS:** CD17 CD8
- d. **TRANSFER AREA:** BLOCK LOT ADDRESS

VACANT

2379	32	421 EAST 157 STREET
2378	19	428 EAST 157 STREET
2301	4	330 EAST 139 STREET

- e. **EXISTING USE:** Residential
4. **BASIS OF PRICE:** *In rem* judgment of foreclosure
5. **TYPE OF PROJECT:** Rehabilitation

6. **APPROXIMATE NUMBER OF BUILDINGS:** 6
7. **APPROXIMATE NUMBER OF UNITS:** 103
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS AND INCOME TARGETS:** The transfer area contains occupied buildings which will be transferred subject to existing tenancies and rents.
10. **PROPOSED FACILITIES:** None
11. **PROPOSED CODES/ORDINANCES:** None
12. **ENVIRONMENTAL STATUS:** Type II
13. **PROPOSED TIME SCHEDULE:** Approximately 24 months from construction loan closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 183

Report of the Committee on Land Use in favor of approving Application No. 20195011 HAM (Triple HDFC.HPO.FY19) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Financing Law, for approval of a new exemption from real property taxes and termination of the prior exemption for property located at Block 1655, Lot 15, Block 1708, Lot 48, and Block 1795, Lot 24, Borough of Manhattan, Community District 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3280) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 11

20195011 HAM

Application 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 for approval of a new real property

tax exemption for property located at Block 1655, Lot 15; Block 1708, Lot 48; Block 1795, Lot 24; and termination of the prior exemption, Community District 11, Borough of Manhattan, Council District 8.

INTENT

To approve a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law and terminate the prior exemption for the Exemption Area which contains four multiple dwellings known as Triple HDFC, HOP, FY19 which provides rental housing for low income families.

PUBLIC HEARING

DATE: August 14, 2018

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 5, 2018

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:

Kallos, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 528

Resolution approving a new tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 1655, Lot 15; Block 1708, Lot 48 and Block 1795, Lot 24, Community District 11, Borough of Manhattan, (L.U. No. 183; Non-ULURP No. 20195011 HAM).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 23, 2018 its request dated July 19, 2018 that the Council approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") and termination of the prior exemption for property located at Block 1655, Lot 15; Block 1708, Lot 48 and Block 1795, Lot 24, Community District No. 11, Borough of Manhattan, Council District No. 8 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on August 14, 2018;

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. "Companies" shall mean 105 Street Associates, LLC and BFC First Avenue Housing LLC or 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 HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1655, Lot 15, Block 1708, Lot 48, and Block 1795, Lot 24 on the Tax Map of the City of New York.
 - d. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. "Gross Rent" shall mean the gross potential rents from all residential and commercial units (both occupied and vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).
 - f. "Gross Rent Tax" shall mean, with respect to any tax year, an amount equal to six percent (6%) of Gross Rent in such tax year.

- g. “HDFC” shall mean Triple Housing Development Fund Corporation 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. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - j. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - k. “Owner” shall mean collectively, the HDFC and the Companies.
 - l. “Prior Exemption” shall mean the existing tax exemption for a portion of the Exemption Area pursuant to Section 421-a(1-15) of the Real Property Tax Law.
 - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use) shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
 5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person of 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 New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect, but (i) the New Exemption shall be reduced by the amount of such J-51 Benefits, and (ii) the Gross Rent Tax shall be reduced by such J-51 Benefits.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 186

Report of the Committee on Land Use in favor of approving Application No. 20195015 HAM (Nueva Era Apartments) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Financing Law, for approval of a new exemption from real property taxes, and pursuant to Article V of the Private Housing Finance Law, for approval of the termination of the prior exemption and the voluntary dissolution of the current owner, for property located at Block 2152, Lots 36 and 38, Borough of Manhattan, Community District 12, Council District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3280) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 12

20195015 HAM

Application 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 for approval of a new real property tax exemption for property located at Block 2152, Lots 36 and 38, and termination of the prior exemption, Community District 12, Borough of Manhattan, Council District 10.

INTENT

To approve a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law and terminate the prior exemption for the Exemption Area which contains one multiple dwelling known as Nueva Era Apartments that provides rental housing for low income families.

PUBLIC HEARING

DATE: August 14, 2018

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 5, 2018

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:

Kallos, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya.

Against:

None

Abstain:

Rivera.

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

Res. No. 529

Resolution approving a new tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 2152, Lots 36 and 38, Community District 12, Borough of Manhattan, (L.U. No. 186; Non-ULURP No. 20195015 HAM).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 31, 2018 its request dated July 27, 2018 that the Council approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") and termination of the prior exemption for property located at Block 2152, Lots 36 and 38, Community District No. 12, Borough of Manhattan, Council District No.10 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on August 14, 2018;

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:
- (1) "Company" shall mean 287 Audubon Owner LLC or another entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - (2) "Contract Rent Differential" shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which were authorized as of the Effective Date.
 - (3) "Contract Rent Differential Tax" shall mean the sum of (i) \$69,526, plus (ii) twenty-five percent (25%) of the Contract Rent Differential.
 - (4) "Current Owner" shall mean Nueva Era Associates L.P.
 - (5) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
 - (6) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2152, Lots 36 and 38 on the Tax Map of the City of New York.
 - (7) "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.
 - (8) "HDFC" shall mean Nueva Era Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (9) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.

- (10) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (11) “New Owner” shall mean, collectively, the HDFC and the Company.
 - (12) “PHFL” shall mean the Private Housing Finance Law.
 - (13) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on June 12, 1980 (Cal. No. 12).
 - (14) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- b. 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.
- c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (a) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation, or (b) seventeen percent (17%) of the contract rents in the applicable tax year.
- d. Notwithstanding any provision hereof to the contrary:
- (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - (3) Nothing herein shall entitle the HDFC, the New 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.

- e. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.
2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA; Committee on Land Use, September 6, 2018.

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. 187

Report of the Committee on Land Use in favor of approving Application No. 20195016 HAM (Deshler Apartments) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Financing Law, for approval of a new exemption from real property taxes, and pursuant to Article V of the Private Housing Finance Law, for approval of the termination of the prior exemption and the voluntary dissolution of the current owner, for property located at Block 1823, Lots 58 and 61, Borough of Manhattan, Community District 10, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3281) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10

20195016 HAM

Application 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 for approval of a new real property

tax exemption for property located at Block 1823, Lot 58 and 61, and termination of the prior exemption, Community District 10, Borough of Manhattan, Council District 9.

INTENT

To approve a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law and terminate the prior exemption for the Exemption Area which contains one multiple dwelling known as Deshler Apartments that provides rental housing for low income families.

PUBLIC HEARING

DATE: August 14, 2018

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 5, 2018

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:

Kallos, Gibson, Deutsch, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya.

Against:

None

Abstain:

Rivera.

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

Res. No. 530

Resolution approving a new tax exemption pursuant to Article XI of the Private Housing Finance Law and termination of the prior tax exemption for property located at Block 1823, Lots 58 and 61, Community District 10, Borough of Manhattan, (L.U. No. 187; Non-ULURP No. 20195016 HAM).

By Council Members Salamanca and Kallos.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 31, 2018 its request dated July 27, 2018 that the Council approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") and termination of the prior exemption for property located at Block 1823, Lots 58 and 61, Community District No. 10, Borough of Manhattan, Council District No. 9 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on August 14, 2018;

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. Approve the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:
 - a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) "Community Facility Space" shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - (2) "Company" shall mean 1871 ACP Owner LLC or another entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - (3) "Contract Rent Differential" shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which were authorized as of the Effective Date.
 - (4) "Contract Rent Differential Tax" shall mean the sum of (i) \$164,388, plus (ii) twenty-five percent (25%) of the Contract Rent Differential.
 - (5) "Current Owner" shall mean Deshler Apartments Associates Limited Partnership.
 - (6) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
 - (7) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1823, Lots 58 and 61 on the Tax Map of the City of New York.

- (8) “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.
 - (9) “HDFC” shall mean Deshler Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (10) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (11) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (12) “New Owner” shall mean, collectively, the HDFC and the Company.
 - (13) “PHFL” shall mean the Private Housing Finance Law.
 - (14) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on December 20, 1979 (Cal. No. 1).
 - (15) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space) 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.
 - c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (a) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation, or (b) seventeen percent (17%) of the contract rents in the applicable tax year.
 - d. Notwithstanding any provision hereof to the contrary:
 - (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees

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

- (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - (3) Nothing herein shall entitle the HDFC, the New 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.
- e. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.
- 2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
 - 3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
 - 4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 188

Report of the Committee on Land Use in favor of approving Application No. C 170047 ZMK (55-63 Summit Street) submitted by PHD Summit LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing from an M1-1 District to an R6B District property bounded by a line 200 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 100 feet northwesterly of Columbia Street and Summit Street, Borough of Brooklyn, Community District 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3281) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 6

C 170047 ZMK

City Planning Commission decision approving an application submitted by PHD Summit, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing from an M1-1 district to an R6B district property bounded by a line 200 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 100 feet northwesterly of Columbia Street and Summit Street, Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated February 26, 2018, and subject to the conditions of CEQR Declaration E-466.

INTENT

To approve the amendment to the Zoning Map, Section No. 16a, by changing from an M1-1 District to an R6B District on five adjacent lots (Block 352, Lots 48, 49, 50, 51, and 52) on the north side of Summit Street between Columbia and Van Brunt Streets, along with other related action, in order to facilitate a residential development at 55-61 Summit Street in the Columbia Street Waterfront neighborhood of Community District 6, Brooklyn.

PUBLIC HEARING

DATE: August 14, 2018

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 5, 2018

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 531

Resolution approving the decision of the City Planning Commission on ULURP No. C 170047 ZMK, a Zoning Map amendment (L.U. No. 188).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on August 6, 2018 its decision dated July 25, 2018 (the "Decision"), on the application submitted by PHD Summit, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 16a, by changing from an M1-1 District to an R6B District on five adjacent lots (Block 352, Lots 48, 49, 50, 51, and 52) on the north side of Summit Street between Columbia and Van Brunt streets, which in conjunction with the related action would facilitate a residential development at 55-61 Summit Street in the Columbia Street Waterfront neighborhood of Community District 6, Brooklyn, (ULURP No. C 170047 ZMK), Community District 6, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application N 170046 ZRK (L.U. No. 189), 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 August 14, 2018;

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 February 26, 2018 (CEQR No. 18DCP072K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-466) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 197-d 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 170047 ZMK, incorporated by reference herein, 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. 16a, changing from an M1-1 District to an R6B District property bounded by a line 200 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 100 feet northwesterly of Columbia Street and Summit Street, as shown on a diagram (for illustrative purposes only) dated February 26, 2018, and subject to the conditions of CEQR Declaration E-466, Community District 6, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 189

Report of the Committee on Land Use in favor of approving Application No. N 170046 ZRK (55-63 Summit Street) submitted by PHD Summit, 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 Brooklyn, Community District 6, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3281) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 6

N 170046 ZRK

City Planning Commission decision approving an application submitted by PHD Summit 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 amendment to the text of the Zoning Resolution, in order to establish a Mandatory Inclusionary Housing (MIH) area, which in conjunction with the related action would facilitate a residential development at 55-61 Summit Street in the Columbia Street Waterfront neighborhood of Community District 6, Brooklyn.

PUBLIC HEARING**DATE:** August 14, 2018**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** September 5, 2018

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 532

Resolution approving the decision of the City Planning Commission on Application No. N 170046 ZRK (L.U. No. 189), 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, Community District 6, Borough of Brooklyn.

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on August 6, 2018 its decision dated July 25, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by PHD Summit, LLC, 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, which in conjunction with the related action would facilitate a residential development at 55-61 Summit Street in the Columbia Street Waterfront neighborhood of Community District 6, Brooklyn, (Application No. N 170046 ZRK), Community District 6, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application C 170047 ZMK (L.U. No. 188), a zoning map amendment to change an M1-1 district to an R6B 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 August 14, 2018;

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 February 26, 2018 (CEQR No. 18DCP072K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-466) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 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 170046 ZRK, incorporated by reference herein, 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**

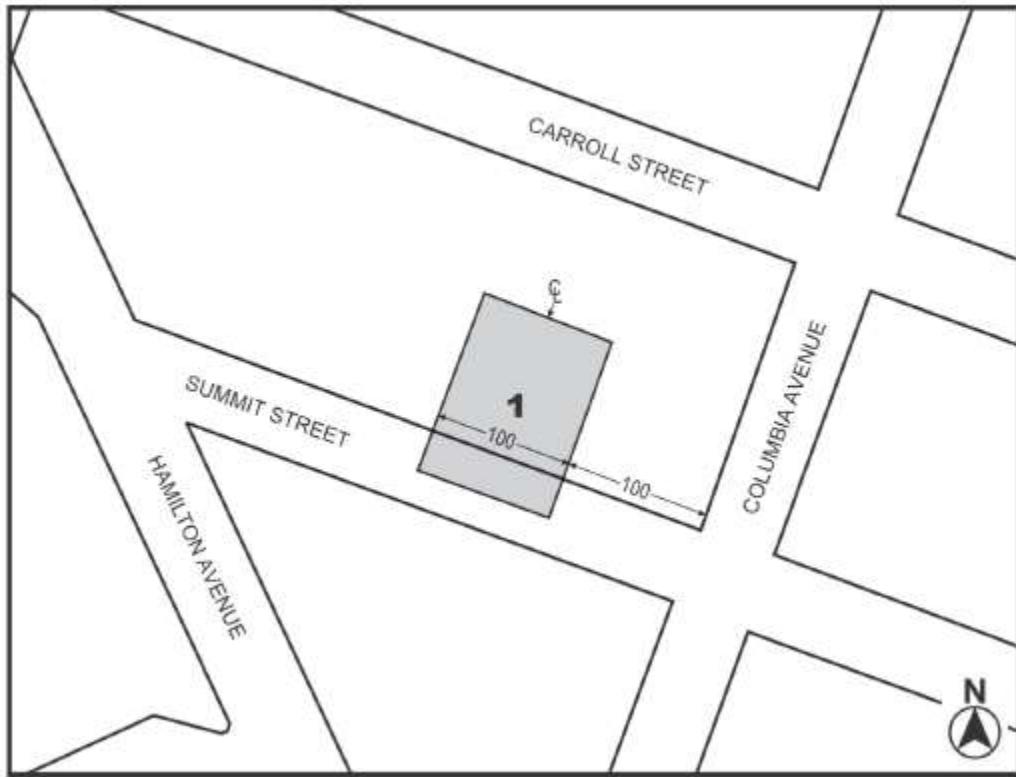
* * *

BROOKLYN

* * *

Brooklyn Community District 6

Map 2 – [date of adoption]



Mandatory Inclusionary Housing Program Area (see Section 23-154(d)(3))
Area 1 [date of adoption] – MIH Program Option 1 and Option 2

Portion of Community District 6, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 190

Report of the Committee on Land Use in favor of approving Application No. C 170164 ZMK (205 Park Avenue Rezoning) submitted by 462 Lexington Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M1-2 District to an R7D District and establishing within the proposed R7D District a C2-4 District, Borough of Brooklyn, Community District 2, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3281) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 2****C 170164 ZMK**

City Planning Commission decision approving an application submitted by 462 Lexington Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M1-2 District to an R7D District property bounded by a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the northern street line of Park Avenue (northerly portion) and the western street line of Vanderbilt Avenue, Vanderbilt Avenue, Park Avenue (southerly portion), and Clermont Avenue; and
2. establishing within the proposed R7D District a C2-4 District bounded by a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the northern street line of Park Avenue (northerly portion) and the western street line of Vanderbilt Avenue, Vanderbilt Avenue, Park Avenue (southerly portion), and Clermont Avenue;

as shown on a diagram (for illustrative purposes only) dated March 12, 2018, and subject to the conditions of City Environmental Quality Review (CEQR) Declaration E-464.

INTENT

To approve the amendment to the Zoning Map, Section No. 12d, in order to change an M1-2 District to an R7D District and establish within the proposed R7D District a C2-4 District, which in conjunction with the related action would facilitate a new, approximately 71,700 -square-foot residential development with ground floor retail uses at 205 Park Avenue in the Wallabout neighborhood of Brooklyn, Community District 2.

PUBLIC HEARING**DATE:** August 14, 2018**Witnesses in Favor:** Three**Witnesses Against:** One

SUBCOMMITTEE RECOMMENDATION**DATE:** September 5, 2018

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

Barron

Abstain:

None.

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

Res. No. 533

Resolution approving the decision of the City Planning Commission on ULURP No. C 170164 ZMK, a Zoning Map amendment (L.U. No. 190).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on August 6, 2018 its decision dated July 25, 2018 (the "Decision"), on the application submitted by 462 Lexington Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 12d, by changing from an M1-2 District to an R7D District and establishing within the proposed R7D District a C2-4 District would facilitate a new, approximately 71,700 -square-foot residential development with ground floor retail uses at 205 Park Avenue in the Wallabout neighborhood of Brooklyn, Community District 2, (ULURP No. C 170164 ZMK), Community District 2, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application N 170165 ZRK (L.U. No. 191), a zoning text amendment to change an Inclusionary Housing designated area to 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 August 14, 2018;

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 March 12, 2018 (CEQR No. 15DCP083K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-464) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 197-d and 201 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 170164 ZMK, incorporated by reference herein, 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. 12d:

1. changing from an M1-2 District to an R7D District property bounded by a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the northern street line of Park Avenue (northerly portion) and the western street line of Vanderbilt Avenue, Vanderbilt Avenue, Park Avenue (southerly portion), and Clermont Avenue; and
2. establishing within the proposed R7D District a C2-4 District bounded by a line perpendicular to the westerly street line of Vanderbilt Avenue distant 85 feet northerly (as measured along the street line) from the point of intersection of the northern street line of Park Avenue (northerly portion) and the western street line of Vanderbilt Avenue, Vanderbilt Avenue, Park Avenue (southerly portion), and Clermont Avenue;

as shown on a diagram (for illustrative purposes only) dated March 12, 2018, and subject to the conditions of CEQR Declaration E-464, Community District 2, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

Laid Over by the Council.

Report for L.U. No. 191

Report of the Committee on Land Use approving Application No. N 170165 ZRK (205 Park Avenue Rezoning) submitted by 462 Lexington Ave., 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 Brooklyn, Community District 2, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3282), respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 2****N 170165 ZRK**

City Planning Commission decision approving an application submitted by 462 Lexington Avenue, 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 Brooklyn, Community District 2.

INTENT

To approve the amendment to the text of the Zoning Resolution, in order to establish a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate a new, approximately 71,700-square-foot mixed-use development with ground floor retail use at 205 Park Avenue in the Wallabout neighborhood of Brooklyn, Community District 2.

PUBLIC HEARING**DATE:** August 14, 2018**Witnesses in Favor:** Three**Witnesses Against:** One**SUBCOMMITTEE RECOMMENDATION****DATE:** September 5, 2018

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

Barron

Abstain:

None

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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. 195

Report of the Committee on Land Use in favor of approving Application No. C 160401 ZMR (5 Bement Avenue Rezoning) submitted by Pelton Place LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 21a, by establishing within an existing R3-1 District a C2-2 District, Borough of Staten Island, Community District 1, Council District 49.

The Committee on Land Use, to which the annexed Land Use item was referred on August 8, 2018 (Minutes, page 3285) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****STATEN ISLAND CB - 1****C 160401 ZMR**

City Planning Commission decision approving an application submitted by Pelton Place LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 21a, by establishing within an existing R3-1 District a C2-2 District bounded by Pelton Place, Elizabeth Avenue, a line perpendicular to the westerly streetline of Elizabeth Avenue distant 100 feet southerly (as measured along the streetline) from the point of intersection of the southerly streetline of Pelton Place and the westerly streetline of Elizabeth Avenue, Bement Avenue, and Richmond Terrace; as shown on a diagram (for illustrative purposes only) dated March 26, 2018, as modified on July 25, 2018 and subject to the conditions of CEQR Declaration E-441.

INTENT

To approve the Zoning Map Amendment, Section 21a, to extend an existing C2-2 commercial overlay east to encompass Block 150, Lots 1 and 9 in the West Brighton neighborhood of Community District 1, Staten Island, in order to facilitate the development of commercial uses within the project area, including the development of a one-story, 4,830-square-foot commercial development with 16 parking spaces on Lot 1.

PUBLIC HEARING

DATE: August 14, 2018

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 5, 2018

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

In Favor:

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

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 6, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, ichards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 534

Resolution approving the decision of the City Planning Commission on ULURP No. C 160401 ZMR, a Zoning Map amendment (L.U. No. 195).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on August 7, 2018 its decision dated July 25, 2018 (the "Decision"), on the application submitted by Pelton Place, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 21a, by establishing within an existing R3-1 District a C2-2 District, which in conjunction with the related action to facilitate the development of a commercial building along the Richmond Terrace corridor located in the West Brighton neighborhood of Staten Island, Community District 1, (ULURP No. C 160401 ZMR), Community District 1, Borough of Staten Island (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 August 14, 2018;

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 conditional negative declaration issued March 23, 2018 (CEQR No. 17DCP055R), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality and hazardous materials (E-441) (the "Conditional Negative Declaration").

RESOLVED:

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

Pursuant to Section 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 160401 ZMR, incorporated by reference herein, 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 hereby amended by changing the Zoning Map, Section No.21a, by establishing within an existing R3-1 District a C2-2 District bounded by Pelton Place, Elizabeth Avenue, a line perpendicular to the westerly streetline of Elizabeth Avenue distant 100 feet southerly (as measured along the streetline) from the point of intersection of the southerly streetline of Pelton Place and the westerly streetline of Elizabeth Avenue, Bement Avenue, and Richmond Terrace, as shown on a diagram (for illustrative purposes only) dated March 26, 2018, modified by the City Planning Commission on July 25, 2018, and subject to the conditions of CEQR Declaration E-441, Community District 1, Borough of Staten Island.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE

J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 6, 2018.

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 Transportation

Report for Int. No. 989-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law in relation to designating community information centers in the boroughs of Manhattan and Brooklyn during the course of the Canarsie Tunnel closure starting in 2019.

The Committee on Transportation, to which the annexed proposed amended local law was referred on June 28, 2018 (Minutes, page 2576), respectfully

REPORTS:

INTRODUCTION

On September 12, 2018, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold hearing on the following legislation: Int. No. 989-A, in relation to designating community information centers in the boroughs of Manhattan and Brooklyn during the course of the Canarsie Tunnel closure starting in 2019; Int. No. 990-A, in relation to establishing an ombudsperson within the department of transportation; and Res. No. 377, calling upon the Governor and the Metropolitan Transportation Authority to commit to an expeditious transition to an electric bus fleet and to use electric buses as a robust part of its replacement service during the upcoming L train shutdown. This is the second hearing on these items. The first hearing was held on June 27, 2018, at which the Committee heard testimony from the New York City Department of Transportation (DOT) and the Metropolitan Transportation Authority (MTA), along with other interested stakeholders and members of the public.

BACKGROUND

Project History

Beginning in January 2016, reports indicated that the MTA was considering shutting down the tunnel that carries the L train between Brooklyn and Manhattan under the East River, officially known as the Canarsie Tube, for an extended period of time to complete necessary repairs due to damage that the tunnel sustained during Hurricane Sandy in 2012.¹ In the Spring of 2016, the MTA announced that the repairs would begin in early 2019 and that the agency was considering two options: either a full closure of the tunnel for 18 months, or a partial closure for three years that would have kept one of the two tracks open but would have resulted in as much as an 80 percent decrease in train frequency because of capacity limits.² In July 2016, after a series of public meetings to gather input from the affected communities, the MTA chose a full 18-month closure, scheduled to

¹ Christopher Robbins, *L Train Service Between Brooklyn & Manhattan May Be Shut Down For Years*, Gothamist, Jan. 13, 2016, available at http://gothamist.com/2016/01/13/l_train_tunnel_closure_years.php.

² Emma G. Fitzsimmons, *Shutdown or Less Service? M.T.A. Weighs 2 Options for L Train Project*, N.Y. Times, May 5, 2016, available at https://www.nytimes.com/2016/05/05/nyregion/shutdown-or-less-service-mta-weighs-2-options-for-l-train-project.html?_r=0.

start in January 2019.³ The MTA reported that 77 percent of public commenters and all the relevant community boards preferred the full closure over the three-year, one-track option, and the MTA itself also believed that the full closure was the most efficient way to do the work.⁴ In April 2017, the scheduled duration of the shutdown was shortened to 15 months and the start date was moved to April 2019.⁵



Source: MTA via Streetsblog.com

In the years since Hurricane Sandy, the MTA has undertaken similar repair projects in other East River tunnels that flooded during the storm; some, such as the Clark Street Tube (which serves No. 2 and No. 3 trains), were limited to weekend closures while others, such as the Montague Tube (which carries R trains) experienced full shutdowns. Unlike those lines, however, the L train lacks other nearby lines that can serve as alternatives for passengers, which is one of the primary reasons that this closure is expected to have a relatively outsized impact. During the tunnel closure, L trains will operate between Canarsie-Rockaway Parkway and Bedford Avenue, with no service west of Bedford Avenue. On a normal weekday, the Canarsie Tube serves 225,000 passengers who will have to use alternative travel options during the closure.⁶

The repair work will be completed by a joint venture of Judlau Contracting Inc. and TC Electric LLC under a \$492 million contract, which includes \$15 million in incentives to complete the repairs in 15 months.⁷ The contract also specifies liquidated damages of \$410,000 per day if construction of the tunnel takes longer than 15 months.⁸ When the contract was awarded in April 2017, there were some concerns raised by MTA board members about Judlau's record on previous MTA projects, particularly delays that had to be mitigated during construction of Phase 1 of the Second Avenue Subway.⁹ While MTA staff acknowledged past issues, they asserted that Judlau's entire history was taken into account and that this project was more similar to other projects that were completed successfully by Judlau, such as the reconstruction of the Montague Tunnel.¹⁰ Nonetheless, it should be noted that in September 2017 the MTA Board disapproved awarding Judlau a contract to complete

³ Emma G. Fitzsimmons, *L Train Will Shut Down From Manhattan to Brooklyn in '19 for 18 Months*, N.Y. Times, July 26, 2016, available at <https://www.nytimes.com/2016/07/26/nyregion/l-train-will-shut-down-between-manhattan-and-brooklyn-in-2019-for-18-months.html>.

⁴ Notes from MTA Board Transit Committee meeting, July 24, 2016.

⁵ Board Book, MTA Special Board Meeting, April 3, 2017, available at http://web.mta.info/mta/news/books/pdf/170403_0930_Board_%20Special.pdf.

⁶ MTA and DOT Presentation, *Fixing the L Line's Canarsie Tunnel*, June 8, 2017, available at http://web.mta.info/sandy/pdf/Canarsie-6-08-17_website.pdf.

⁷ MTA Board Transit & Bus Committee Meeting Book, March 20, 2017, available at http://web.mta.info/mta/news/books/pdf/170320_1030_Transit.pdf.

⁸ *Id.*

⁹ Notes from MTA Board Transit & Bus Committee Meeting, March 20, 2017.

¹⁰ *Id.*

station renovation work on the 8th Avenue Line, as recommended by the MTA staff, citing concerns with the contractor's performance on the reconstruction of the Cortlandt Street No. 1 line station.¹¹

Planned Work

The work to be performed during the L train tunnel closure includes demolition and reconstruction of duct banks, track, track bed, cable ducts and associated cables, concrete lining, and installation of tunnel lighting and fire systems.¹² Resiliency measures will also be undertaken to protect the tunnel in the event of future storms, including construction of resilient cables and ducts and installation of a new discharge line.¹³

In addition to the work related to the damage from Sandy and protection from future storms, the MTA will use the tunnel closure as an opportunity to make other improvements. This includes new stairways, four accessibility-compliant elevators, and other work to improve customer flow at the 1st Avenue and Bedford Avenue stations.¹⁴ Construction of a new power substation on Avenue B and other infrastructure will allow more frequent train service on the L line.¹⁵ Power capacity currently limits the MTA's ability to fully take advantage of Communications-Based Train Control (CBTC), the modern signal system that has been in operation on the L since 2012, to run as many trains as it otherwise could.¹⁶ In December, the MTA formally announced plans to install half-height platform door systems at the 3rd Avenue L train station during the shutdown in order to test and evaluate their effectiveness at improving customer safety and limiting track debris.¹⁷

Some advocacy groups have called for the MTA to take advantage of the closure to make even more improvements than currently planned. For example, the Regional Plan Association has called for accessibility and passenger flow improvements at, not only Bedford and 1st Avenues, but all closed stations between Bedford and 8th Avenues.¹⁸ The organization also recommended extending the tail tracks and reconfiguring the switches at the 8th Avenue terminal to allow for more trains per hour after full service is restored to the L line.¹⁹

Alternative Service Plans

In order to develop travel alternatives for people who normally rely on the L between Brooklyn and Manhattan, the MTA and DOT conducted outreach in affected areas, which included four public workshops in February and March of 2017, to solicit feedback and ideas, and undertook traffic analyses on both sides of the East River.²⁰ In May and June of 2017, the agencies presented preliminary draft plans for alternative service to local elected officials and community boards, which included increased service on the G, J, M, and Z trains, free transfers between the Broadway G station and the Lorimer Street J/M/Z station as well as between the Junius Street No. 3 station and the Livonia Avenue L station, and passenger flow improvements at three key stations on the J/M/Z and G lines.²¹ The agencies were also planning for significant shuttle bus service over the Williamsburg Bridge, though the agencies were still evaluating whether buses would have dedicated lanes on both the bridge and 14th Street.²² DOT has proposed allowing only buses, trucks, and HOV 3+ for Manhattan-bound and Brooklyn-bound travel in all lanes during peak hours. A new temporary ferry service between North 6th Street in Brooklyn and East 20th Street in Manhattan is also planned, along with various upgrades to the bike

¹¹ Notes from MTA Transit Committee and Board meetings, Sept. 25 and 27, 2017.

¹² MTA Board, *supra* note 5.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Federal Transit Administration, *Canarsie Line Power and Station Improvements*, Nov. 2015, available at https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/NY_Canarsie_Line_Power_Improvements_FY_2017_0.pdf

¹⁷ MTA Transit & Bus Committee Book, Dec. 11, 2017, available at http://web.mta.info/mta/news/books/pdf/171211_1000_Transit.pdf

¹⁸ Regional Plan Association, *A New L Train for New Yorkers*, April 2016, available at <http://library.rpa.org/pdf/RPA-A-New-L-Train-for-New-Yorkers.pdf>

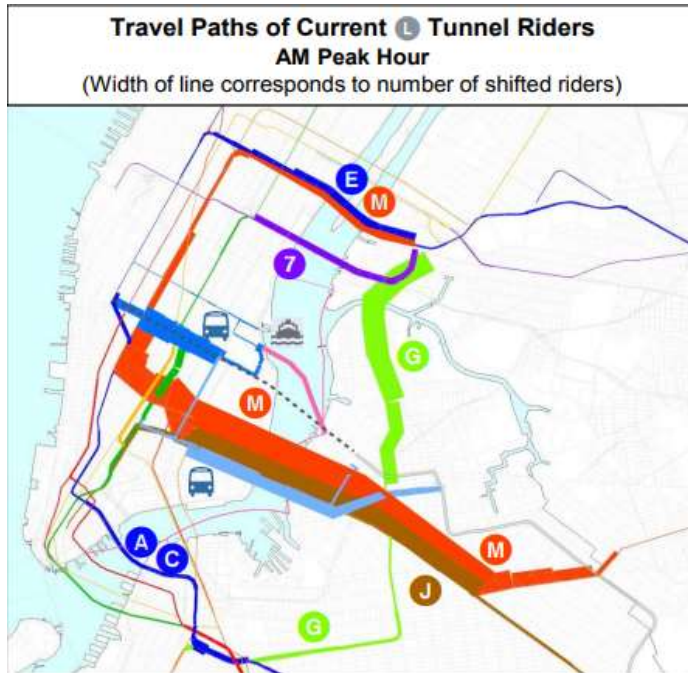
¹⁹ *Id.*

²⁰ MTA and DOT, *supra* note 6.

²¹ *Id.*

²² *Id.*

network on either side of the bridge.²³ Overall, the agencies expect between 75 and 85 percent of displaced travelers to use other subway lines, 5 to 15 percent to use the shuttle bus service, 3 to 5 percent to use the ferry (which cannot accommodate more than that amount of ridership) and 5 to 7 percent to use bikes, taxis, for-hire vehicles, or personal vehicles.²⁴



Source: MTA & DOT Presentation, June 2017

Many advocates and local officials have expressed hope that DOT will fully dedicate as much street space as possible to buses on both sides of the bridge and on the bridge itself. For instance, Transportation Alternatives has developed a proposal for a “PeopleWay” on 14th Street in Manhattan that would entail limiting access to private automobiles and building bus lanes, protected bike lanes, and wider sidewalks in order to prioritize the most efficient modes of transportation during the tunnel closure.²⁵ The Regional Plan Association similarly recommended reserving 14th Street between Union Square and 6th Avenue for pedestrians, cyclists, and two dedicated bus lanes in its April 2016 set of recommendations.²⁶ In addition to managing the impact to displaced subway riders, there have also been calls for assistance to local businesses that will be impacted by the closure.²⁷

Two new bus purchases approved by the MTA Board in recent months are at least partly intended to provide the MTA with sufficient vehicles to meet the need for additional bus service during the L train tunnel closure. A purchase of 618 diesel and 10 hybrid-electric 40-foot buses was approved in April 2017 followed by a purchase of 180 60-foot articulated diesel buses approved in October 2017.²⁸ Some environmental advocates had urged

²³ *Id.*

²⁴ *Id.*

²⁵ Transportation Alternatives, *14th Street PeopleWay: A New Way Across Manhattan*, available at <https://www.transalt.org/getinvolved/neighborhood/manhattan/14th> (last accessed Dec. 11, 2017).

²⁶ RPA, *supra* note 18.

²⁷ John Surico, *How Will Small Businesses Survive the L Train Shutdown?*, *Vice*, May 22, 2017, available at https://www.vice.com/en_us/article/nejk9d/how-will-small-businesses-survive-the-l-train-shutdown

²⁸ MTA Transit & Bus Committee books, April 24, 2017 available here: http://web.mta.info/mta/news/books/pdf/170424_1000_Transit.pdf and Oct. 23, 2017 available here: http://web.mta.info/mta/news/books/pdf/171023_1000_Transit.pdf.

the MTA to use all-electric buses, which have zero tailpipe emissions, during the L train tunnel closure.²⁹ The MTA has announced plans to lease, for three years, five all-electric buses and associated charging infrastructure in order to test and evaluate the technology in passenger service beginning in late 2017.

Previous Hearing History

This is second hearing that the Council has held on the L train shutdown. The committee held a hearing on December 14, 2017 titled “Oversight – Mitigation Plans for the 2019 L Train Tunnel Closure.” During the hearing, the MTA announced that they were working on three categories of mitigation: alternate subway service, which they expect most customers to use; working with the New York City Economic Development Corporation (NYCEDC) to create a new ferry service; and creating new inter-borough bus service on the Williamsburg Bridge and 14th Street. In conjunction with DOT, there will be bus improvements, including a “14th Street Busway,” lane enforcement, and bus bulbs.³⁰ The MTA is looking at the possibility of allowing a free transfer between ferries and buses.³¹ As part of the 14th Street Busway, the use of 14th Street would have limited access for the three current parking garages, Access-a-Ride pick-up and drop-off, and local deliveries during non-rush hours.³² Additionally, DOT’s plan includes bike improvements, such as redesigning bike infrastructure near 14th Street and near the Williamsburg Bridge, and working with Motivate to enhance CitiBike’s capacity.³³ Street improvements can be expected around various subway stations. As HOV 3+ would be enforced on the Williamsburg Bridge, there would be dedicated areas where drivers may safely pick up and drop off passengers.³⁴

DOT has expressed that they welcome the support of elected officials to help garner temporary authorization from the New York State Legislature for additional automated bus lane enforcement.³⁵ Prior to tunnel reconstruction, the MTA will improve capacity at various stations and open station entrances. During tunnel reconstruction, the MTA will make two stations ADA-compliant, upgrade and revitalize multiple stations, and conduct a platform screen doors pilot program at 3rd Avenue.

At the December 2017 hearing, members of the public expressed concerns about enforcement of cars and delivery trucks in bus lanes and the time frame for when restrictions on these vehicles would be in effect.³⁶ There was also widespread concern about diesel buses and calls for the MTA to significantly increase the number of electric buses. The MTA explained that they are in fact, a carbon emission saver.³⁷ They do not want to purchase too many buses without having tested them out first. Some Manhattan residents believe that the busway does not start far enough east and are concerned that they might be stuck in traffic between the ferry terminal and 3rd Avenue, where the busway starts. Other concerns expressed were about lost wages and tax relief for business owners whose businesses may suffer.³⁸

²⁹ Gina Coplon-Newfield, *No More Small Pilots: It’s Time to Rapidly Increase Electric Transit Buses*, Sierra Club Compass Blog, May 10, 2017, available at <https://www.sierraclub.org/compass/2017/05/no-more-small-pilots-it-s-time-rapidly-increase-electric-transit-buses>

³⁰ N.Y.C Council Transportation Committee Hearing Transcript, December 14, 2017, available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=5725731&GUID=26E7F639-4F9E-4A44-9785-8B146E1DA0CE>

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

Community Concerns

In May of 2018, MTA and DOT held joint community meetings in Brooklyn and Manhattan. At the Manhattan meeting there was a considerable amount of opposition to the plans, particularly from residents near 14th Street who believe they will face major disruptions in their neighborhoods.

Community members are concerned with DOT's bus plan and the lack of environmental impact studies on the Manhattan side.³⁹ Other community members feared the loss of parking and the danger from a large number of cyclists that would begin commuting via bicycle.⁴⁰ Proponents of the plan at the community meeting deemed the plan beneficial to the neighborhood because they believe it would limit congestion.⁴¹ New York City Transit (NYCT) President Andy Byford indicated that 15 of the 200 buses used in the shutdown would be electric.⁴²

At the Brooklyn meeting, cyclists were unimpressed with DOT's lack of information regarding the expansion of bike infrastructure, including CitiBike, as they feared it may lead to greater usage of app-based for-hire vehicle services.⁴³ Others expressed frustration with what they felt was a lack of information from DOT.⁴⁴ For many north Brooklyn residents, air quality is a concern, particularly with the amount of buses projected to be on street in the area once the tunnel is shutdown.⁴⁵ Calls for higher-capacity ferries instead of those limited to 149 riders each were shut down because the narrow streets near the terminal would not work easily for multimodal transit.⁴⁶

ANALYSIS OF INT. NO. 989-A:

Subdivision a of section one of Int. No. 989-A defines "community information center" as a site where members of the public can obtain information on the status and progress of the Canarsie Tunnel closure starting in 2019 as well as referrals to resources to assist members of the public with concerns they may have as a result of the Canarsie Tunnel closure starting in 2019.

Subdivision b states that by November 1, 2018, DOT in coordination with the MTA must designate at least one community information center in each of the boroughs of Manhattan and Brooklyn for the purpose of providing information on the Canarsie Tunnel closure starting in 2019 and resources for affected residents, commuters, and businesses. The community information centers would be open at least during business hours and located in geographic areas most affected by the Canarsie Tunnel closure starting in 2019 within the respective boroughs.

Section two provides that the local law would take effect immediately and is deemed repealed either three years after it becomes law or once the MTA announces that regular subway passenger service has been restored to the Canarsie Tunnel, whichever comes first. The Commissioner of DOT would notify the Speaker of the City Council upon such announcement by the MTA so that the Council may maintain an accurate database of local laws in the City.

ANALYSIS OF INT. NO. 990-A:

Section one of Int. No. 990-A states that the Commissioner of DOT would designate an ombudsperson whose duties would include: monitoring the progress and status of DOT's projects related to the Canarsie Tunnel

³⁹ Barone, Vincent "L train shutdown 14th Street busways plans hotly contested at MTA, city DOT forum" May 10, 2018 *AM New York* <https://www.amny.com/transit/l-train-shutdown-manhattan-1.18470584>

⁴⁰ *Id.* at 39

⁴¹ *Id.* at 39

⁴² Offenhartz, Jake "Manhattan Residents Rage Against Bike Lanes & Buses at L Train Shutdown Town Hall" May 10, 2018, *available at* http://gothamist.com/2018/05/10/mta_l_train_town_hall.php.

⁴³ Dahlberg, Brett "L-train shutdown provokes questions, anxiety at Williamsburg town hall meeting" May 17, 2018 *Brooklyn Daily Eagle* <http://www.brooklynedge.com/articles/2018/5/17/l-train-shutdown-provokes-questions-anxiety-williamsburg-town-hall-meeting>

⁴⁴ *Id.* at 42

⁴⁵ Stremple, Paul "Brooklyn Residents Seek Concrete Answers – And Find A Couple – At L Train Town Hall" May 17, 2018 *Bklyner*. <https://bklyner.com/l-train-town-hall/>

⁴⁶ *Id.* at 44

closure starting in 2019, establishing a system to receive comments and complaints from the public with respect to such projects, and investigating and taking appropriate action regarding such comments and complaints within a reasonable amount of time.

Section two provides that the local law would take effect 120 days after it becomes law, except that DOT could take measures necessary for its implementation, including the promulgation of rules, before such date.

Section three states that the local law would expire and be deemed repealed either three years after it becomes law or once the MTA announces that regular subway passenger service has been restored to the Canarsie Tunnel, whichever comes first. The Commissioner of DOT would notify the Speaker of the City Council upon such announcement by the MTA so that the Council may maintain an accurate database of local laws in the City.

ANALYSIS OF RES. NO. 377:

Res. No. 377 states that, according to the MTA, in 2019 it will shut down L train service between Manhattan and Brooklyn for 15 months in order to make Hurricane Sandy-related repairs, disrupting the commutes of over 200,000 daily weekday riders. It further states that many alternative service plans are under consideration, including increased bus service, and that the increased demand for bus service that the shutdown will create presents a prime opportunity to utilize clean bus technology that would bring significant environmental and health benefits to the city.

The resolution notes that exhaust from diesel buses is a significant contributor to smog-creating nitrogen oxide pollution and particulate pollution, which contribute to high levels of asthma and other respiratory problems among the New York Metropolitan Area's residents, including nearly half a million children. It further notes that the City has set a goal of reducing greenhouse gas emissions by 80 percent below 2005 levels by 2050 and that, according to a Columbia University analysis, converting the entire fleet to all-electric buses would result in an annual reduction of emissions within the city limits of approximately 575,000 metric tons of equivalent carbon dioxide (CO₂e) and an estimated \$100 of health care savings per resident per year.

The resolution states that zero emission buses produce no pollution at the tailpipe and, according to the Sierra Club, even after factoring in emissions from electricity generation, each contributes up to 270,000 pounds less climate change-creating CO₂e pollution per year compared to diesel or compressed natural gas buses (CNG). It further asserts that zero emission buses reduce fuel and maintenance costs as compared to diesel or CNG buses and have a lower lifetime cost than either diesel or CNG buses.

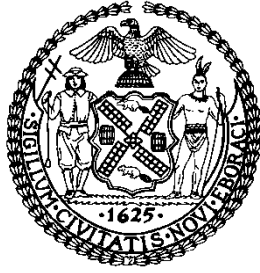
The resolution asserts that zero emission buses can increase the livability of New York City neighborhoods through noise and pollution reduction and that the MTA should commit to adding at least 200 zero emission buses to its fleet by 2019 and to purchasing exclusively zero emission buses by 2030.

Finally, the resolution states that the Council calls upon the Governor and the Metropolitan Transportation Authority to commit to an expeditious transition to an electric bus fleet and to use electric buses as a robust part of its replacement service during the upcoming L train shutdown.

UPDATE

On September 12, 2018, the Committee on Transportation passed Int. No. 989-A, Int. No. 990-A, and Res. No. 377, by a vote of ten in the affirmative and zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 989-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 989-A
COMMITTEE: Transportation**

TITLE: A local law to in relation to designating community information centers in the boroughs of Manhattan and Brooklyn during the course of the Canarsie Tunnel closure starting in 2019

SPONSORS: The Speaker (Council Member Johnson) and Council Members Rodriguez, Levin and Kallos

SUMMARY OF LEGISLATION: Proposed Intro. 989-A would require the Department of Transportation (DOT), in coordination with the Metropolitan Transportation Authority (MTA), to designate at least one community information center in each of the boroughs of Manhattan and Brooklyn during the Canarsie Tunnel closure (also known as the L-train shutdown, by November 1, 2018. Such community information centers would be required to be available at least during business hours and located in the geographic areas most affected by the Canarsie Tunnel closure.

EFFECTIVE DATE: This local law would take effect immediately and would be deemed repealed upon the earlier of three years after it becomes law or the announcement by the MTA of the restoration of regular subway passenger service in the Canarsie Tunnel.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures since existing resources could be used by the administering agency to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was considered as a Preconsidered Intro. by the Committee on Transportation on June 27, 2018. The legislation was subsequently introduced to the full Council as Intro. No. 989 on June 28, 2018 and was referred to the Committee on Transportation. The legislation was subsequently

amended and the amended version, Proposed Intro. No. 989-A, will be considered by the Committee on September 12, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 989-A will be submitted to the full Council for a vote on September 12, 2018.

DATE PREPARED: September 5, 2018.

(For text of Int. Nos. 990-A and its Fiscal Impact Statement, please see the Report of the Committee on Transportation for Int. No. 990-A printed in these Minutes; for text of Res. No. 377, please see the Report of the Committee on Transportation for Res. No. 377 printed in the voice-vote Resolutions section of these Minutes; for text of Int. No. 989-A, please see below)

Accordingly, this Committee recommends the adoption of Int. No. 989-A, 990-A, and Res. No. 377.

(The following is the text of Int. No. 989-A:)

Int. No. 989-A

By The Speaker (Council Member Johnson) and Council Members Rodriguez, Levin, Kallos and Rivera.

A Local Law in relation to designating community information centers in the boroughs of Manhattan and Brooklyn during the course of the Canarsie Tunnel closure starting in 2019

Be it enacted by the Council as follows:

Section 1. Definitions. a. For purposes of this section, the term “community information center” means a site where members of the public can obtain information on the status and progress of the Canarsie Tunnel closure starting in 2019 as well as referrals to resources to assist members of the public with concerns they may have as a result of the Canarsie Tunnel closure starting in 2019.

b. By November 1, 2018, in coordination with the metropolitan transportation authority, the department of transportation shall designate at least one community information center in each of the boroughs of Manhattan and Brooklyn for the purpose of providing information on the Canarsie Tunnel closure starting in 2019 and resources for affected residents, commuters and businesses. Such community information centers shall be available at least during business hours and located in the geographic areas most affected by the Canarsie Tunnel closure starting in 2019 within the respective boroughs.

§ 2. This local law takes effect immediately and is deemed repealed upon the earlier of three years after it becomes law or the announcement by the metropolitan transportation authority of the restoration of regular subway passenger service in the Canarsie Tunnel, provided that the commissioner of transportation shall notify the speaker of the council upon such announcement by the metropolitan transportation authority in order that the council may maintain an accurate database of the local laws of the city.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., CARLOS MENCHACA, RAFAEL SALAMANCA, Jr., RUBEN DIAZ, Sr.; Committee on Transportation, September 12, 2018.

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. 990-A

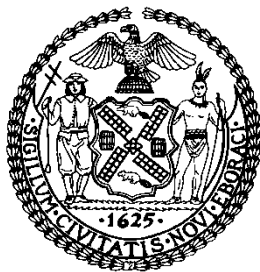
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law in relation to establishing an ombudsperson within the department of transportation.

The Committee on Transportation, to which the annexed proposed amended local law was referred on June 28, 2018 (Minutes, page 2576), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 989-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 990-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 990-A
COMMITTEE: Transportation

TITLE: A local law to in relation to establishing an ombudsperson within the department of transportation

SPONSORS: The Speaker (Council Member Johnson) and Council Members Rodriguez, Levin, Yeger and Holden

SUMMARY OF LEGISLATION: Proposed Intro. 990-A would require the Commissioner of the Department of Transportation to designate an ombudsperson for the purpose of receiving and investigating complaints and comments in connection with the Canarsie Tunnel closure starting in 2019 (also known as the L-train shutdown).

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law and would expire and be deemed repealed upon the earlier of three years after it becomes law or the announcement by the Metropolitan Transportation Authority (MTA) of the restoration of regular subway passenger service in the Canarsie Tunnel.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures since existing resources could be used by the administering agency to comply with this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Rebecca Chasan, Counsel

LEGISLATIVE HISTORY: This legislation was considered as a Preconsidered Intro. by the Committee on Transportation on June 27, 2018. The legislation was subsequently introduced to the full Council as Intro. No. 990 on June 28, 2018 and was referred to the Committee on Transportation. The legislation was subsequently amended and the amended version, Proposed Intro. No. 990-A, will be considered by the Committee on September 12, 2018. Upon a successful vote by the Committee, Proposed Intro. No. 990-A will be submitted to the full Council for a vote on September 12, 2018.

DATE PREPARED: September 5, 2018.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 990-A:)

Int. No. 990-A

By The Speaker (Council Member Johnson) and Council Members Rodriguez, Levin, Yeger, Holden, Kallos and Rivera.

A Local Law in relation to establishing an ombudsperson within the department of transportation

Be it enacted by the Council as follows:

Section 1. The commissioner of transportation shall designate an ombudsperson whose duties shall include:

1. monitoring the progress and status of the department's projects related to the Canarsie Tunnel closure starting in 2019;
2. establishing a system to receive comments and complaints from the public with respect to such projects; and
3. investigating such comments and complaints and taking appropriate action within a reasonable amount of time.

§ 2. This local law takes effect 120 days after it becomes law, except that the department of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

§ 3. This local law expires and is deemed repealed upon the earlier of three years after it becomes law or the announcement by the metropolitan transportation authority of the restoration of regular subway passenger service in the Canarsie Tunnel, provided that the commissioner of transportation shall notify the speaker of the council upon such announcement by the metropolitan transportation authority in order that the council may maintain an accurate database of the local laws of the city.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., CARLOS MENCHACA, RAFAEL SALAMANCA, Jr., RUBEN DIAZ, Sr.; Committee on Transportation, September 12, 2018.

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.

Laid Over by the Council.

Report for L.U. No. 164 & Res. No. 535

Report of the Committee on Land Use in favor of approving Application No. C 180148 ZMK (1601 DeKalb Avenue Rezoning) submitted by 1601 DeKalb Avenue Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an R6 District to an R6B District, changing from an M1-1 District to an R7A District, and establishing within the proposed R7A District a C2-4 District, for property located on p/o Block 3237, Borough of Brooklyn, Community District 4, Council District 37.

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2018 (Minutes, page 2899) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on August 29, 2018 (Minutes, page 3290) , respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 4

C 180148 ZMK

City Planning Commission decision approving an application submitted by 1601 DeKalb Avenue Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. changing from an R6 district to an R6B district property bounded by Hart Street, a line 400 feet northeasterly of Irving Avenue, DeKalb Avenue, and a line 350 feet northeasterly of Irving Avenue;
2. changing from an M1-1 district to an R7A district property bounded by Hart Street, Wyckoff Avenue, DeKalb Avenue, and a line 400 feet northeasterly of Irving Avenue; and
3. establishing within the proposed R7A district a C2-4 district bounded by Hart Street, Wyckoff Avenue, DeKalb Avenue, and a line 100 feet southwesterly of Wyckoff Avenue;

as shown on a diagram (for illustrative purposes only) dated February 12, 2018, and subject to the conditions of CEQR Declaration E-465.

INTENT

To approve the amendment to the Zoning Map, Section No. 13b, to change M1-1 and R6 zoning districts to R7A, R7A/C2-4, and R6B zoning districts on a portion of a block fronting on Wyckoff Avenue, Hart Street, and DeKalb Avenue, along with other related action, in order to facilitate the development of two new nine-story residential buildings containing a total of approximately 122 residential units, including 27 permanently affordable units under MIH Option 1 on the applicant's site (development site) at 1601 DeKalb Avenue (Block 3237, Lots 23, 47, and 48).

PUBLIC HEARING

DATE: July 17, 2018

Witnesses in Favor: Seven

Witnesses Against: Twelve

SUBCOMMITTEE RECOMMENDATION

DATE: August 14, 2018

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

In Favor:

Moya, Constantinides, Lancman, Levin, Reynoso, Richards, Torres.

Against:

None

Abstain:

Rivera

COMMITTEE ACTION

DATE: August 15, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Adams, Diaz, Moya.

Against:

None

Abstain:

Rivera

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated August 31, 2018, with the Council on August 31, 2018, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 535

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 180148 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 164).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on July 13, 2018 its decision dated July 11, 2018 (the "Decision"), on the application submitted by 1601 DeKalb Avenue Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 13b, to change M1-1 and R6 zoning districts to R7A, R7A/C2-4, and R6B zoning districts on a portion of a block fronting on Wyckoff Avenue, Hart Street, and DeKalb Avenue, which in conjunction with the related action would facilitate the development of two new nine-story residential buildings containing a total of approximately 122 residential units, including 27 permanently affordable units under MIH Option 1 on the applicant's site (development site) at 1601 DeKalb Avenue (Block 3237, Lots 23, 47, and 48). (ULURP No. C 180148 ZMK), Community District 4, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application N 180149 ZRK (Pre. L.U. No. 165), 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 July 17, 2018;

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 February 12, 2018 (CEQR No. 18DCP061K), which includes an (E) designations to avoid the potential for significant adverse impacts related to hazardous material, air quality and noise (E-465) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 197-d 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 180148 ZMK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, added by the City Council;

Matter ~~struck out~~ is deleted by the City Council;

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. 13b:

1. changing from an R6 District to an R6B District property bounded by Hart Street, a line 400 feet northeasterly of Irving Avenue, DeKalb Avenue, and a line 350 feet northeasterly of Irving Avenue;
2. changing from an M1-1 District to an R6A District property bounded by Hart Street, a line 100 feet southwesterly of Wyckoff Avenue, Dekalb Avenue, and a line 500 feet northeasterly of Irving Avenue;
and
23. changing from an M1-1 District to an R7A District property bounded by Hart Street, ~~Wyckoff Avenue~~
a line 500 feet northeasterly of Irving Avenue, DeKalb Avenue, and a line 400 feet northeasterly of Irving Avenue; ~~and~~

3. ~~establishing within the proposed R7A District a C2-4 District bounded by Hart Street, Wyckoff Avenue, DeKalb Avenue, and a line 100 feet southwesterly of Wyckoff Avenue;~~

as shown on a diagram (for illustrative purposes only) dated February 12, 2018, and subject to the conditions of CEQR Declaration E-465, Community District 4, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, August 15, 2018.

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. 165 & Res. No. 536

Report of the Committee on Land Use in favor of approving Application No. N 180149 ZRK (1601 DeKalb Avenue Rezoning) submitted by 1601 DeKalb Avenue 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 p/o Block 3237, Borough of Brooklyn, Community District 4, Council District 37.

The Committee on Land Use, to which the annexed Land Use item was referred on July 18, 2018 (Minutes, page 2900) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on August 29, 2018 (Minutes, page 3292), respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 4

N 180149 ZRK

City Planning Commission decision approving an application submitted by 1601 DeKalb Avenue 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 amendment to the text of the Zoning Resolution, concerning modification to Appendix F to establish a Mandatory Inclusionary Housing (MIH) area on a portion of one block (Block 3237) fronting on Wyckoff Avenue, Hart Street, and DeKalb Avenue, along with other related action, in order to facilitate the development of two new nine-story residential buildings containing approximately 122 residential units, including 27 permanently affordable units, in the Bushwick neighborhood of Community District 4, Brooklyn.

PUBLIC HEARING**DATE:** July 17, 2018**Witnesses in Favor:** Seven**Witnesses Against:** Twelve**SUBCOMMITTEE RECOMMENDATION****DATE:** August 14, 2018

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

In Favor:

Moya, Constantinides, Lancman, Levin, Reynoso, Richards, Torres.

Against:

None

Abstain:

Rivera

COMMITTEE ACTION**DATE:** August 15, 2018

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Barron, Constantinides, Deutsch, Kallos, Koo, Lancman, Levin, Miller, Reynoso, Richards, Torres, Treyger, Adams, Diaz, Moya.

Against:

None

Abstain:

Rivera

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated August 31, 2018, with the Council on August 31, 2018, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 536

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180149 ZRK (Preconsidered L.U. No. 165), 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, Community District 4, Borough of Brooklyn.

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on July 13, 2018 its decision dated July 11, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 1601 DeKalb Avenue Owner, LLC, 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 on a portion of one block (Block 3237) fronting on Wyckoff Avenue, Hart Street, and DeKalb Avenue, which in conjunction with the related action would facilitate the development of two new nine-story residential buildings containing approximately 122 residential units, including 27 permanently affordable units, in the Bushwick neighborhood of Community District 4, Brooklyn, (Application No. N 180149 ZRK), Community District 4, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to application C 180148 ZMK (Pre. L.U. No. 164), a zoning map amendment to change M1-1 and R6 zoning districts to R7A, R7A/C2-4, and R6B zoning districts;

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 July 17, 2018;

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 February 12, 2018 (CEQR No. 18DCP061K), which includes an (E) designations to avoid the potential for significant adverse impacts related to hazardous material, air quality and noise (E-465) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 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 180149 ZRK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council;

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

Brooklyn

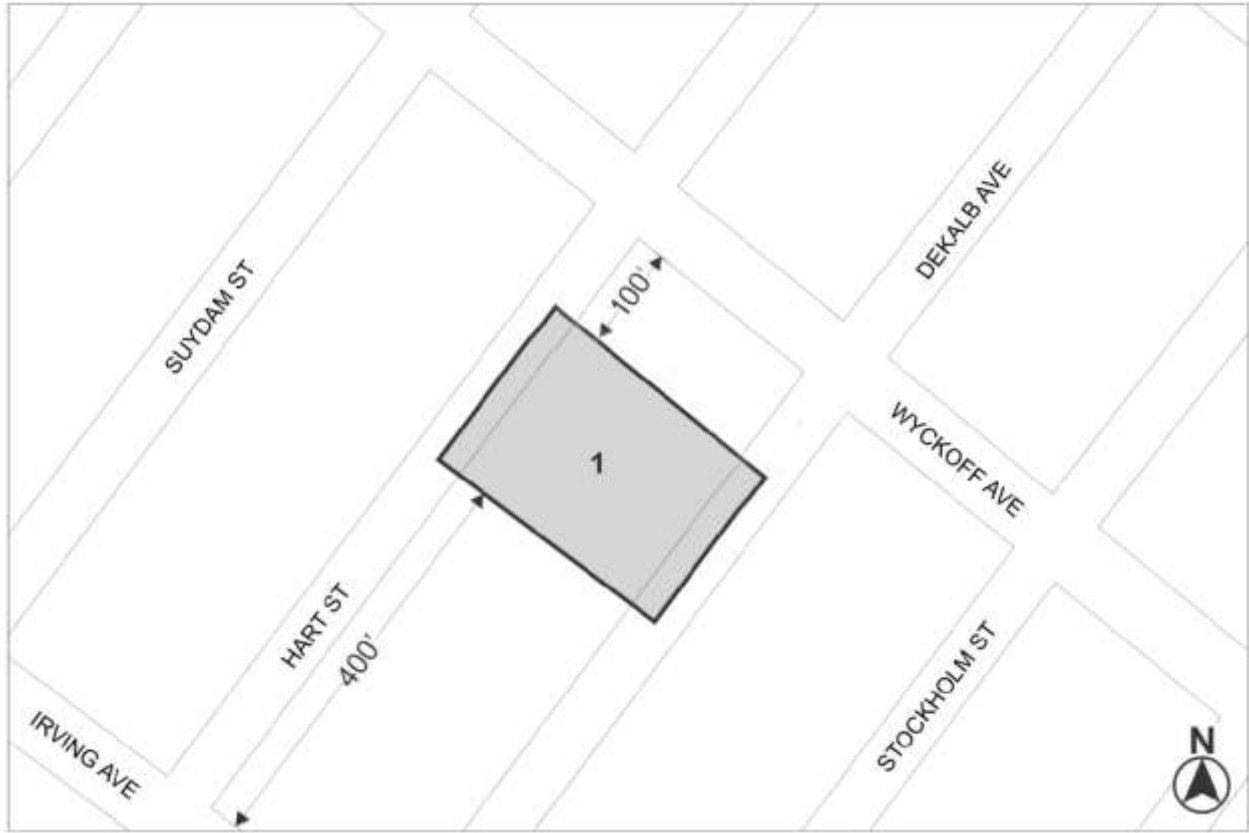
* * *

Brooklyn Community District 4

* * *

Map 2 - [date of adoption]

[PROPOSED MAP]



Mandatory Inclusionary Housing Program Area - see Section 23-154(d)(3)
Area 1 [date of adoption] — MIH Program Option 1 and ~~Option 2~~ Deep
Affordability Option

Portion of Community District 4, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., Chairperson; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA; Committee on Land Use, August 15, 2018.

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).

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>
Latoya Hansley	60 West 104th Street #4E New York, New York 10025	7
Erika Salto	1895 2nd Ave #10D New York, New York 10029	8
Lorenny Ramirez	90 Paladino Ave #3C New York, New York 10035	8
Mahfuzur Rahman	1735 Madison Ave #8B New York, New York 10029	8
Timothy Flowers	320 W 111th Street #10 New York, New York 10026	9
Dewey Andrews	3115 Harding Ave Bronx, New York 10465	13
Elizabeth Mero	733 Prospect Ave #5 Bronx, New York 10455	17
Emily Devaney	31-75 29th Street #D2 Queens, New York 11106	22

Lois Menyweather	223-35 107th Ave Queens Village, New York 11429	27
Shawna Knowlden	120-28 198th Street Queens, New York 11412	27
Elba Garin	38 Palmetto Street Brooklyn, New York 11221	34
Natasha Butters-Britton	1595 Park PI #D2 Brooklyn, New York 11233	41
Yuri Abramov	1230 Pennsylvania Ave #12G Brooklyn, New York 11239	42
Ariana Pogossova	1524 Sheepshead Bay #11C Brooklyn, New York 11234	48
Donna Shavzina	1675 E 21st Street #6A Brooklyn, New York 11210	48
Gulzira Eshankulova	1400 Avenue S #4A Brooklyn, New York 11229	48
Steven Blue	185 St. Marks PI #12B Staten Island, New York 10301	49

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Andrea M. Santos	57 East 97th Street #3 New York, New York 10029	4
Jeanette Rivera-Soto	345 East 94th Street #8C New York, New York 10128	5
Sara Griffin	314 E 78th St #13 New York, New York 10075	5
Joseph J. Velardi	60 West 75th Street #2C New York, New York 10023	6
Niurca DeLaRosa	63 West 107th Street #53 New York, New York 10025	7
Tina Johnson	159-70 Harlem River Drive #13D New York, New York 10039	9

Towana Banks	2680 8th Avenue #7F New York, New York 10030	9
Enoch A. Sowah	666 West 207th Street #3C New York, New York 10034	10
O'Dell Franco	1175 East 229th Street #9G Bronx, New York 10466	12
Whitney Beber	1241 East 224th Street Bronx, New York 10466	12
Carmela Kaatz	1950 Hutchinson River Pkwy #4A Bronx, New York 10461	13
Marilyn Pino	1544 Ohm Avenue Bronx, New York 10465	13
Teesha Foreman	135 West 183rd Street #11 Bronx, New York 10453	14
Angel Quinones	3970 3rd Avenue #N1007 Bronx, New York 10457	16
Kenneth Z. Velez I	1096 Jackson Avenue Bronx, New York 10456	16
Michelle Florence Green	1133 Ogden Avenue #22R Bronx, New York 10452	16
Sabeem Jordan	1285 Washington Avenue #2F Bronx, New York 10456	16
Divina Dunlap	942 Avenue St. John #4D Bronx, New York 10455	17
Mercedes Alcivar	729 Prospect Avenue #1B Bronx, New York 10455	17
Cassandra Wilson	1651 Metropolitan Avenue #2D Bronx, New York 10462	18
Jacqueline Hernandez	2072 Virgil Place Bronx, New York 10473	18
Jose M. Jorge	2248 Story Avenue Bronx, New York 10473	18
May Johnson	788 Metcalf Avenue #B Bronx, New York 10473	18

Shona Dupree	2121 Virgil Place #2 Bronx, New York 10473	18
Sursattie Ketwaroo	1432 Glover Street Bronx, New York 10462	18
Debr Ann Perrone	12-20 152nd Street Queens, New York 11357	19
Maureen Coppola	15-42 208th Place Bayside, New York 11360	19
Susanne Marchetti	36-40 171st Street Auburndale, New York 11358	19
Nelson Ness Matos	31-45 Crescent Street #5A Astoria, New York 11106	22
Owen Christopher Godshall	22-68 Crescent Street #2 Queens, New York 11105	22
Sheila A. Cocchi	20-08 46th Street Astoria, New York 11105	22
Debbie C. Hyles	14819 90th Ave #5F Queens, New York 11435	24
Edward M. Olszewski	54-67 82nd Street Queens, New York 11373	25
Aida Descartes	41-15 51st Street #B25 Queens, New York 11317	26
Fei Huang	34-15 58th Street #3 Queens, New York 11377	26
Barry S. Parker	107-19 Watson Place Jamaica, New York 11433	27
Susan Clemendore	174-45 128th Ave Jamaica, New York 11434	27
Roxann Drepaul	124-05 111th Avenue Queens, New York 11420	28
Shirley Richardson	172-20 133rd Avenue #6A Queens, New York 11434	28
Alexandra Schepis	72-61 113th Street #7G Queens, New York 11375	29
Audry Gonzalez	7 Franco Ave Selden, New York 11784	29

Thomas Lane	111-20 76th Road #4D Forest Hills, New York 11375	29
Domenico Mistretta	59-20 59th Road Maspeth, New York 11378	30
Judith L. Caldwell	78-44 87th Street Queens, New York 11385	30
Stephanie Mleczkowski	61-03 79th Street Middle Village, New York 11379	30
Sitara Abbas	107-29 79th Street Corona, New York 11417	32
Jacob Friedman	169 Skillman Street Brooklyn, New York 11205	33
Raymond Baez	689 Seneca Avenue Suite 10 Ridgewood, New York 11385	34
Andrew Ridge	624 St Johns PI #4 Brooklyn, New York 11238	35
Francine Kenley	73 Gates Avenue #6 Brooklyn, New York 11238	35
Kelsey L. DeAvila	1580 President Street #14 Brooklyn, New York 11213	35
MacDonald Muir	790 Classon Avenue #1R Brooklyn, New York 11238	35
Miriam Younnet	44 Marcus Garvey Blvd #2B Brooklyn, New York 11206	36
Shivonne Marrow	532 Marcy Avenue #5C Brooklyn, New York 11206	36
Cecelia Rojas	45 Linden Blvd. #6G Brooklyn, New York 11226	40
Mary Jemison Head	546 Decatur Street Brooklyn, New York 11233	41
Shie Morozow	565 Maple Street #2 Brooklyn, New York 11203	41
Yvette M. Simmons	481 Decatur Street Brooklyn, New York 11233	41

Evelyn McLeod	502 Bradford Street #2 Brooklyn, New York 11207	42
Lucille L. Flood	75 73rd Street Brooklyn, New York 11209	43
Maria Paulucci-Shammas	933 80th Street Brooklyn, New York 11228	43
Aleksandra Volina	618 Ocean Parkway #C1 Brooklyn, New York 11218	44
Charles Febbraio	2465 Stuart Street #1 Brooklyn, New York 11229	46
Maria B. Scafidi	5616 Avenue T Brooklyn, New York 11234	46
Shirley Swift	980 East 94th Street Brooklyn, New York 11236	46
Evelyn Hernandez	2249 Stillwell Avenue #4C Brooklyn, New York 11223	47
Yekaterina Zaprudskiy	815 Gravesend Neck Road #4B Brooklyn, New York 11223	47
Harold Weinberg	723 Hampton Avenue Brooklyn, New York 11235	48
Irina Dayen	501 Surf Avenue #15F Brooklyn, New York 11224	48
Lina Donskaya	2 West End Avenue #4J Brooklyn, New York 11235	48
Valeriy Tolstenyuk	1614 Avenue M #2 Brooklyn, New York 11230	48
Allyson Wiackley	563 Henderson Avenue Staten Island, New York 10310	49
Arlene T. Gray	190 Dixon Avenue #A Staten Island, New York 10303	49
Leah Kim Green	235 Ada Drive Staten Island, New York 10314	49
Marc E. Scollar	1031 Victory Blvd. Staten Island, New York 10301	49
Denise A. Virga	82 East Broadway Staten Island, New York 10306	50

Irina Patyka	66 Adams Avenue Staten Island, New York 10306	50
Paul Bogdanov	133 Aviston Street Staten Island, New York 10306	50
Aurora Russo	30 Crown Place Staten Island, New York 10312	51
Gail M. Temborski	63 Ashton Drive #1 Staten Island, New York 10312	51
Ingrid Campione	63 Wheeling Avenue Staten Island, New York 10309	51
Joseph M. Noberini	202 Rolling Hill Green Staten Island, New York 10312	51
Paul V. DiStefano	139 Hereford Street Staten Island, New York 10308	51
Rita Mahler	460 Robinson Ave Staten Island, New York 10312	51
Stuart Brenker	767 Klondike Avenue Staten Island, New York 10314	51
Thomas Juliano	43 Seguire Place Staten Island, New York 10312	51
Virginia J. Doyle	415 Ellsworth Avenue Staten Island, New York 10312	51

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

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

- | | | |
|------|---------------------------------|---|
| (1) | Int 447-A - | Department of correction to report on the rate of emergency lock-ins. |
| (2) | Int 449-A - | Department of education to post subdistrict maps online. |
| (3) | Int 461-A - | Notify the department of education and the school construction authority when city-owned or leased property of an adequate size is determined to have no current use. |
| (4) | Int 729-A - | Process used in determining identified seat need. |
| (5) | Int 757-A - | Creation of a school siting task force. |
| (6) | Int 954-A - | Amending sex designation on birth records and the issuance of birth records. |
| (7) | Int 989-A - | Designating community information centers in the boroughs of Manhattan and Brooklyn. |
| (8) | Int. 990-A - | Establishing an ombudsperson within the department of transportation. |
| (9) | Res 286 - | Legislation that would give New York City, and any public authorities or public benefit corporations operating therein, broad authority to utilize the design-build delivery method for capital projects. |
| (10) | L.U. 152 & Res 519 - | App. 20185493 HIQ [DL 507, LP-2609] Queens, Community District 14, Council District 31. |
| (11) | L.U. 153 & Res 520 - | App. 20185494 HIQ [DL 507, LP-2610] Queens, Community District 14, Council District 31. |
| (12) | L.U. 176 & Res 521 - | App. C 180296 PCM (NYPD Bomb Squad Headquarters) Manhattan, |

- Community District 5, Council District 3.
- (13) **L.U. 164 & Res 535 -** App. **C 180148 ZMK (1601 DeKalb Avenue Rezoning)** Brooklyn, Community District 4, Council District 37.
- (14) **L.U. 165 & Res 536 -** App. **N 180149 ZRK (1601 DeKalb Avenue Rezoning)** Brooklyn, Community District 4, Council District 37.
- (15) **L.U. 177 & Res 522 -** App. **20185472 HAQ** Queens, In Rem Action No. 56, located in the Borough of Queens, Community District 14, Council District 31.
- (16) **L.U. 178 & Res 523 -** App. **20185473 HAQ** Queens, Community Districts 2 and 14, Council Districts 26 and 31.
- (17) **L.U. 179 & Res 524 -** App. **20185474 HAK** Brooklyn, In Rem Action No. 53, located in the Borough of Brooklyn, Community Districts 1, 3, and 16, Council Districts 34, 36, and 37.
- (18) **L.U. 180 & Res 525 -** App. **20185475 HAK** Brooklyn, Community Districts 1, 3, 4, 5, 7, 8, 13, 14, 15, 16, and 17, Council Districts 34, 35, 36, 37, 38, 40, 41, 42, and 47.
- (19) **L.U. 181 & Res 526 -** App. **20185476 HAX** Bronx, Community Districts 2, 3, 4, and 7, Council Districts 14, 16, and 17.
- (20) **L.U. 182 & Res 527 -** App. **20185477 HAX** Bronx, Community Districts 1, 2, 3, 4, 5, 6, 7, 9, and 12, Council Districts 8, 11, 12, 14, 15, 16, and 17.
- (21) **L.U. 183 & Res 528 -** App. **20195011 HAM (Triple HDFC.HPO.FY19)** Manhattan, Community District 11, Council District 8.
- (22) **L.U. 186 & Res 529 -** App. **20195015 HAM (Nueva Era Apartments)** Manhattan,

- Community District 12, Council District 10.
- (23) L.U. 187 & Res 530 - App. 20195016 HAM (Deshler Apartments) Manhattan, Community District 10, Council District 9.
- (24) L.U. 188 & Res 531 - App. C 170047 ZMK (55-63 Summit Street) Brooklyn, Community District 6, Council District 39.
- (25) L.U. 189 & Res 532 - App. N 170046 ZRK (55-63 Summit Street) Brooklyn, Community District 6, Council District 39.
- (26) L.U. 195 & Res 534 - App. C 160401 ZMR (5 Bement Avenue Rezoning) Staten Island, Community District 1, Council District 49.
- (27) L.U. 196 & Res 516 - 501 West 143rd Street, Block 2075, Lot 26; Manhattan, Community District No. 9, Council District No. 7.
- (28) L.U. 197 & Res 517 - Morningside Apartments, Block 1864, Lot 23; Manhattan, Community District No. 7, Council District No. 7.
- (29) L.U. 198 & Res 518 - 9 Argyle Road, Block 5074, Lot 60; Brooklyn, Community District No. 14, Council District No. 40.
- (30) 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, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Ulrich, Vallone, Williams, 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. 954-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Chin, Cohen, Constantinides, Cornegy, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Ulrich, Vallone, Williams, the Majority Leader (Council Member Cumbo), and the Speaker (Council Member Johnson) – **41**.

Negative – Borelli, Deutsch, Diaz, Holden, Yeger, and the Minority Leader (Council Member Matteo) – **6**.

The following was the vote recorded for **L.U. No. 186 & Res. No. 529 and L.U. No. 187 & Res. No. 530**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Ulrich, Vallone, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and the Speaker (Council Member Johnson) – **46**.

Abstention – Rivera – **1**.

The following was the vote recorded for **L.U. No. 188 & Res. No. 531**:

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Ulrich, Vallone, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and the Speaker (Council Member Johnson) – **46**.

Negative – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int Nos. 447-A, 449-A, 461-A, 729-A, 757-A, 954-A, 989-A, and 990-A.*

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. 289

Report of the Committee on Education in favor of approving a Resolution calling on the New York City School Construction Authority to more clearly communicate to the general public how city residents can submit potential school sites and the guidelines used by the School Construction Authority in considering whether a suggested school site meets the evaluation standards used by the authority.

The Committee on Education, to which the annexed resolution was referred on April 11, 2018, (Minutes, page 1495) respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 449-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. 289:)

Res. No. 289

Resolution calling on the New York City School Construction Authority to more clearly communicate to the general public how city residents can submit potential school sites and the guidelines used by the School Construction Authority in considering whether a suggested school site meets the evaluation standards used by the authority.

By Council Members Vallone, Kallos, Gibson, Dromm and Levin.

Whereas, The School Construction Authority was created by the New York State Legislature in December 1988 to build new public schools and manage the design, construction and renovation of capital projects in New York City's more than 1,400 public school buildings; and

Whereas, The mission of the School Construction Authority is to design and construct safe, attractive and environmentally sound schools for children throughout the many communities of New York City; and

Whereas, The School Construction Authority is dedicated to building and modernizing schools in a responsible, cost-effective manner while achieving the highest standards of excellence in safety, quality and integrity; and

Whereas, The School Construction Authority's Real Estate Division is responsible for finding adequate sites for new school construction and buildings that may be leased for school use; and

Whereas, The School Construction Authority's Real Estate Division solicits from the general public potential school sites through its website; and

Whereas, Information on how the general public can submit potential school sites is not conspicuously posted on the School Construction Authority's website; and

Whereas, The School Construction Authority's Real Estate Division does not publish all guidelines and criteria it uses in considering a potential school site; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the School Construction Authority to more clearly communicate to the general public how city residents can submit potential school sites and the guidelines used by the School Construction Authority in considering whether a suggested school site meets the evaluation standards used by the authority.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., STEPHEN L. LEVIN, INEZ D. BARRON, ANDREW COHEN, ROBERT E. CORNEGY CHAIM M. DEUTSCH, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI, ERIC A. ULRICH; Committee on Education, September 6, 2018.

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 (Ms. Cumbo) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 377

Report of the Committee on Transportation in favor of a Resolution calling upon the Governor and the Metropolitan Transportation Authority to commit to an expeditious transition to an electric bus fleet and to use electric buses as a robust part of its replacement service during the upcoming L train shutdown.

The Committee on Transportation, to which the annexed resolution was referred on June 7, 2018 (Minutes, page 2131), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 989-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. 377:)

Res. No. 377

Resolution calling upon the Governor and the Metropolitan Transportation Authority to commit to an expeditious transition to an electric bus fleet and to use electric buses as a robust part of its replacement service during the upcoming L train shutdown.

By Council Members Espinal, Levin, Kallos, Lander and Rivera.

Whereas, According to the Metropolitan Transportation Authority (“MTA”), in 2019 it will shut down L train service between Manhattan and Brooklyn for 15 months in order to make Hurricane Sandy-related repairs, disrupting the commutes of over 200,000 daily weekday riders; and

Whereas, Many alternative service plans are under consideration, including increased bus service; and

Whereas, The pending L train shutdown, and the increased demand for bus service that it will create, presents a prime opportunity to utilize clean bus technology that would bring significant environmental and health benefits to the city; and

Whereas, Exhaust from diesel buses is a significant contributor to smog-creating nitrogen oxide pollution and particulate pollution, which contribute to high levels of asthma and other respiratory problems among the New York Metropolitan Area's residents, including nearly half a million children; and

Whereas, The City has set a goal of reducing greenhouse gas emissions by 80 percent below 2005 levels by 2050; and

Whereas, According to a Columbia University analysis, converting the entire fleet to all-electric buses would result in an annual reduction of emissions within the city limits of approximately 575,000 metric tons of equivalent carbon dioxide (CO₂e) and an estimated \$100 of health care savings per resident per year; and

Whereas, Zero emission buses produce no pollution at the tailpipe and, according to the Sierra Club, even after factoring in emissions from electricity generation, each contributes up to 270,000 pounds less climate change-creating CO₂e pollution per year compared to diesel or compressed natural gas buses (CNG); and

Whereas, According to an analysis by the Sierra Club, zero emission buses cost less to fuel and maintain than diesel or CNG buses and have a lower lifetime cost than either diesel or CNG buses; and

Whereas, Zero emission buses can increase the livability of New York City neighborhoods through noise and pollution reduction; and

Whereas, The MTA should commit to adding at least 200 zero emission buses to its fleet by 2019 and to purchasing exclusively zero emission buses by 2030; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor and the Metropolitan Transportation Authority to commit to an expeditious transition to an electric bus fleet and to use electric buses as a robust part of its replacement service during the upcoming L train shutdown.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RAFAEL L. ESPINAL, Jr., CARLOS MENCHACA, RAFAEL SALAMANCA, Jr., RUBEN DIAZ, Sr.; Committee on Transportation, September 12, 2018.

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 (Ms. 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 Immigration and had been favorably reported for adoption.

Report for voice-vote item Res. No. 513

Report of the Committee on Immigration in favor of a Resolution calling upon the U.S. Congress to pass, and the President to sign, the Establishing a Humane Immigration Enforcement System Act (H.R. 6361), legislation that would abolish the U.S. Immigration and Customs Enforcement.

The Committee on Immigration, to which the annexed preconsidered resolution was referred on September 12, 2018, respectfully

REPORTS:

I. INTRODUCTION

On September 12, 2018, the Committee on Immigration, chaired by Council Member Carlos Menchaca, held a second hearing and vote on the following Resolution: Preconsidered Res. No. 513, sponsored by Council Members Helen Rosenthal, Carlina Rivera and Carlos Menchaca, calling upon the U.S. Congress to pass, and the President to sign, the Establishing a Humane Immigration Enforcement System Act (H.R. 6361), legislation that would abolish U.S. Immigration and Customs Enforcement. The Committee approved the Resolution.

II. LEGISLATIVE ANALYSIS

Preconsidered Res. No. 513 (Rosenthal)

Preconsidered Res. No. 513 (Rosenthal) calls upon the U.S. Congress to pass, and the President to sign, the Establishing a Humane Immigration Enforcement System Act (H.R. 6361), legislation that would abolish the U.S. Immigration and Customs Enforcement. House Bill 6361, sponsored by U.S. Representative Pocan (D-WI), would establish a commission to review the essential enforcement functions of ICE and make recommendations to Congress for these functions to be transferred to pre-existing federal agencies. ICE, the agency, would be terminated on year from enactment.

III. CONCLUSION

On September 6, 2018, the Committee on Immigration heard testimony from City agencies and advocates on the issue of increased immigration enforcement in New York City, and the legal recourse for termination of existing and future revenue contracts with federal immigration enforcement agencies under the Council's purview. The hearing also explored the abolition of ICE and how it can be replaced with a more humane strategy for enforcement that does not have the current system's harmful impact.

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered resolution, please see the Introduction and Reading of Bills section printed in these Minutes)

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, I. DANEEK MILLER; Committee on Immigration, September 12, 2018.

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 8 Council Members formally noted their negative vote against this item:
Council Members Borelli, Deutsch, Diaz, Gjonaj, Holden, Ulrich, Yeger, and the Minority Leader (Council Member Matteo).

The following 4 Council Members formally noted their abstention to vote on this item:
Council Members Cohen, Grodenchik, Koo, and Vallone.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1094

By The Speaker (Council Member Johnson) and Council Members Holden and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to oversight access to agency data

Be it enacted by the Council as follows:

Section 1. Chapter 8 of title 23 of the administrative code of the city of New York is amended to add a new section 23-803, to read as follows:

§ 23-803. *Oversight access to agency data. a. For the purposes of this section, the following terms have the following meanings:*

Approved data product. The term “approved data product” means an electronic file, in any format or structure, whether narrative, non-narrative, table, graph, chart or some combination thereof, produced by an approved person in a data clean room using covered data and approved by the chief privacy officer, as defined in section 23-1201, or a designated representative, for removal from the data clean room. The chief privacy officer shall review the proposed data product and approve it if it does not contain any personal identifying information, as defined in section 10-501, identifying information, as defined in section 23-1201, or information prohibited from public disclosure pursuant to federal or state law.

Approved person. The term “approved person” means an employee or member of the city council who has successfully completed trainings or certifications for all relevant federal or state privacy laws.

Covered data. The term “covered data” means both public and non-public mayoral agency data either in a format as maintained by such agency or in a cleaned format as maintained by an office or agency that routinely cleans such data for the purposes of its own analysis. Such data shall include personal identifying information, as defined in section 10-501, and identifying information, as defined in section 23-1201.

Data clean room. The term “data clean room” means a physical location where an approved person shall have electronic access to covered data, as well as software for the analysis and manipulation of such covered data. Such data clean room shall prohibit the printing or transmission of such covered data, except for the creation of an approved data product.

b. For any integrated data infrastructure that automates combinations of agency data sources for the purposes of oversight, analysis, or monitoring by the office of operations, or any other mayoral office or agency similarly responsible for the oversight, analysis or monitoring of agency operations, including but not limited to the data infrastructure known as databridge, or any successor data infrastructure, the department of information technology and telecommunications shall make available to the city council either i) a web application program interface with relevant key; or ii) a system for querying such data infrastructure. Such application program interface or query system shall not include access to any information prohibited from being disclosed under federal law and shall not include access to personal identifying information, as defined in section 10-501, or identifying information, as defined in section 23-1201, provided that such restriction of access shall be achieved in a manner that requires the least restriction of access to other data.

c. The department of information technology and telecommunications shall establish no less than one data clean room for the purposes of permitting approved persons electronic access to covered data, provided that:

1. an approved person must submit a request for access to covered data no less than 15 days in advance to the department of information technology and telecommunications. Such request shall include a description of the covered data for which access is sought and a description of any software necessary for analysis of such covered data;

2. access to covered data in a data clean room shall be available to such approved person, after timely submission of such request, during normal business hours, for the duration of each such request;

3. prior to accessing covered data, such approved person must sign a non-disclosure agreement relevant to such request, prohibiting the disclosure of any covered data to any third party, except for an approved data product;

4. such approved person may not remove any covered data from the data clean room, except for an approved data product; and

5. after the production of one or more approved data products, or a statement by such approved person that no approved data products will be produced, such request shall be considered complete.

§ 2. This local law takes effect six months after it becomes law.

Referred to the Committee on Technology.

Int. No. 1095

By Council Members Cabrera, Cumbo and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to notification of expiration of variances and special permits granted by the board of standards and appeals

Be it enacted by the Council as follows:

Section 1. Section 25-209 of the administrative code of the city of New York, as added by local law 84 for the year 2017, is amended to read as follows:

§ 25-209 Notice of expiration of a variance *or special permit*. For any variance *or special permit* granted by the board after December 31, 2013 pursuant to sections 666 and 668 of the charter for which such board imposed a term, the board shall notify, no later than six months prior to the expiration of the term of such variance or special permit, the owner of record of the subject property *and the community board for the community district in which the subject property is located* that the term of such variance *or special permit* will expire. Such notification shall be sent via first class mail and, if practicable, via email. Use of such subject property after the expiration of such term in a manner that is inconsistent with the certificate of occupancy or with records of the department of buildings shall subject such property to a violation of section 28-118.3.2 of this code. Such notification shall also inform the owner of record of the subject property that the board may not approve an application to extend the term of a variance *or special permit* until penalties imposed pursuant to a violation of such section are paid in full.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Land Use.

Res. No. 509

Resolution calling on the United States Army Corps of Engineers to reconsider the proposals made in the New York – New Jersey Harbor and Tributaries Coastal Storm Risk Management Feasibility Study pursuant to the National Environmental Policy Act (NEPA) to consider sea rise in addition to storm surge.

By Council Members Constantinides, Koslowitz and Chin.

Whereas, In 2012, coastal storm Sandy ravaged the New York City metropolitan area causing 60 fatalities and damaging significant resources throughout the area; and

Whereas, As a result of Sandy New York City was left without power, with damaged critical public and private infrastructure, and many New York City residents had limited access to food, drinking water and

healthcare; and Whereas, The storm inflicted an estimated \$19 billion in damages and lost economic activity across New York City; and

Whereas, Coastal flooding and storm surge remain a significant risk six years later and present a threat with deadly consequences for people and wildlife; and

Whereas, The New York City metropolitan area has a gross metropolitan product of over \$1.66 trillion and there was a \$15 billion federal investment in post-hurricane Sandy recovery and resilience projects; and

Whereas, The United States Army Corps of Engineers (Army Corps), working with the New Jersey Department of Environmental Protection and the New York State Department of Environmental Conservation, in partnership with the New York City Mayor's Office of Recovery and Resiliency, have proposed to develop measures to manage the risk of coastal storm damage in the New York City metropolitan area; and

Whereas, The Army Corps plans to address coastal risk management focusing primarily on the creation of surge barriers, flood walls and levee systems that do not address sea level rise; and

Whereas, The coastal risk management feasibility study acknowledges that no coastal risk management project can eliminate the risk of flooding and that given time each design will eventually be exceeded; and

Whereas, The Army Corps feasibility study focuses on a number of options which involve the construction of large permanent in-water barriers that could result in adverse impacts to the New York and New Jersey harbor ecology; and

Whereas, Sea level is rising along the East Coast of the United States faster than it has risen for the last 2,000 years, is accelerating in pace, and could rise by one to two meters this century, threatening millions of Americans with severe flooding; and

Whereas, The New York New Jersey Harbor and Tributaries Coastal Risk Management Feasibility Study does not include an evaluation of the impact of sea level rise on the study area; and

Whereas, The New York City panel on climate change has predicted that sea level will rise at least a foot by 2050 and possibly more; and

Whereas, Local environmentalists have voiced concerns that the Army Corps needs to do a more thorough review of the environmental impacts of each alternative measure and allow for more meaningful public input and participation; and

Whereas, The information provided in the study's scope of work does not give the public sufficient ability to comment on the program design, including the frequency and duration of barrier closures, the barrier heights or the reliance on risk-based assessment; and

Whereas, The extremely large in-water barriers and gates that will close or open for shipping fail to protect New York City and the surrounding communities against sea level rise; and

Whereas, These huge barriers are likely to restrict the migration of striped bass, Atlantic sturgeon, herring, shad, eel and other species important to the Hudson estuary; and

Whereas, These storm surge barriers would also restrict natural flushing from the ocean and inhibit free water movement along the length of the Hudson and its estuary, causing contamination to once again be concentrated in New York Harbor; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Army Corps of Engineers to reconsider the proposals made in the New York – New Jersey Harbor and Tributaries Coastal Storm Risk Management Feasibility Study pursuant to the National Environmental Policy Act (NEPA) to include consideration of sea rise in addition to storm surge.

Referred to the Committee on Environmental Protection.

Int. No. 1096

By Council Member Diaz.

A Local Law to amend the administrative code of the city of New York, in relation to deductions from certain for-hire driver earnings

Be it enacted by the Council as follows:

Section 1. Subparagraph (a) of paragraph 3 of subdivision c of section 19-548 of the administrative code of the city of New York, as added by local law number 149 for the year 2018, is amended to read as follows:

(a) Provides a description of all deductions, including any commissions[, lease fees and] *or* other charges such high-volume for-hire service proposes to charge either the for-hire vehicle owner or the driver, or both, as applicable, including an estimate of the average gross hourly earnings of a driver, based upon actual or anticipated trips and fares, and affirms that it will not charge or deduct from any for-hire vehicle owner or driver (i) any charge that has not been filed with the commission *and* (ii) *regardless of whether it has been filed with the commission, any automatically recurring payment for the rental, lease or purchase of a for-hire vehicle authorized pursuant to a contract entered into after the effective date of the local law that added this clause;* and
 § 2. This local law takes effect immediately.

Referred to the Committee on For-Hire Vehicles.

Res. No. 510

Resolution calling upon the New York State Legislature to pass, and Governor to sign, S.50/A.5001, which would prohibit gay and transgender panic defenses in criminal proceedings.

By Council Member Dromm, The Speaker (Council Member Johnson), and Council Members Menchaca, Torres, Van Bramer, Constantinides and The Public Advocate (Ms. James).

Whereas, In criminal proceedings, defenses known as “gay panic” and “trans panic” provide individuals who violently assault or murder persons who identify as lesbian, gay, bisexual, or transgender (LGBT) with reasonable justifications for their criminal conduct under the theories of provocation, insanity/diminished capacity, and self-defense; and

Whereas, According to an American Bar Association report, such defenses, which allow perpetrators to claim that their psychological fear of homosexuality, or “homosexual panic disorder,” led them to kill an LGBT person, have been discredited, particularly in light of the removal of “homosexual panic disorder” from the American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Disorders* in 1973; and

Whereas, The legal field has not caught up with advances in the medical field, as persons who kill an LGBT individual continue to invoke variations of the defense, especially provocation, in criminal proceedings, according to the same American Bar Association report; and

Whereas, The gay and trans panic defenses permit perpetrators to receive a lesser sentence and, in some cases, avoid conviction and punishment by placing the blame for homicide squarely on the victim’s sexual orientation or gender identity, according to a study from the Williams Institute at University of California, Los Angeles (UCLA) School of Law; and

Whereas, LGBT people have historically faced disproportionately high rates of violence because of their sexual orientation or gender identity; and

Whereas, The gay and trans panic defenses are deeply rooted in homophobia, transphobia, and anti-gay stereotypes, and these defenses may play on jurors’ innate biases towards the LGBT community and impact their decision-making, according to research from the American Psychological Association and *Journal of Forensic Psychology Practice*; and

Whereas, The gay and trans panic defenses have appeared in court opinions in nearly one-half of the states, including New York, since the 1960s, according to the study from the Williams Institute; and

Whereas, In 2013, the American Bar Association unanimously approved a resolution calling for federal, state, local, and territorial governments to abolish gay and trans panic defenses through legislation; and

Whereas, California and Illinois are the only states in the country to pass legislation prohibiting gay and trans panic defenses in court since the American Bar Association adopted the resolution; and

Whereas, In February 2018, Governor Andrew Cuomo included in his executive budget an amendment banning gay and trans panic defenses, which the New York State Legislature stripped from the budget before it was adopted into law; and

Whereas, In 2013, James Dixon murdered Islan Nettles, a transgender women, on a New York City street because of her gender identity and was sentenced to twelve years in prison on manslaughter charges, which advocates argued was a lenient prison sentence because of the trans panic defense; and

Whereas, The gay and trans panic defenses are not codified under the Penal Law of New York State but are invoked, albeit rarely, as a reasonable explanation or excuse when using New York State's extreme emotional disturbance defense to murder in the second degree; and

Whereas, The discovery of someone's sexual orientation or gender identity, even when accompanied by an unwanted, non-violent sexual advance, is never a reasonable explanation or excuse for violence; and

Whereas, S.50, introduced by State Senator Brad Holyman, and companion bill A.5001, introduced by State Assemblyperson Daniel O'Donnell, would prohibit the use of gay and trans panic defenses in court; and

Whereas, The gay and trans panic defenses have no place in criminal proceedings and run afoul of New York's hate crime legislation adopted nearly two decades ago, which increased criminal penalties for specified offenses that are motivated by bias against LGBT people and other protected classes; and

Whereas, New York City is celebrated as the birthplace of the LGBT civil rights movement and continues to be a progressive leader by increasing protections for LGBT individuals through legislation and executive action; and, now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and Governor to sign, S.50/A.5001, which would prohibit gay and transgender panic defenses in criminal proceedings.

Referred to the Committee on Justice System.

Int. No. 1097

By Council Members Espinal and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to the regulation of bingo and games of chance, and to repeal certain sections of the administrative code of the city of New York related to bingo and games of chance

Be it enacted by the Council as follows:

Section 1. Section 20-339 of the administrative code of the city of New York is amended to read as follows:
§ 20-339 Definitions. As used in this subchapter, the following terms shall have the following meanings:

[a. "Control commission" or "commission" or "board" shall mean the state racing and wagering board.

b. "Bingo" or "game" shall mean and include a specific game of chance, commonly known as bingo or lotto, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random.

c.] *Authorized organization.* The term "[Authorized] authorized organization" [shall mean and include a charitable or educational non-profit organization or a non-profit organization of veterans or any bona fide religious or charitable organization or bona fide educational, fraternal, civil or service organization or bona fide organization of veterans or volunteer firefighters, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in article fourteen-H of the general municipal law, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in article fourteen-H of the general municipal law for a period of one year immediately prior to applying for a license under this subchapter, and provided, such organization, if unincorporated, has a membership of not less than twenty-five persons] *has the same meaning ascribed to such term in section 476 of the general municipal law.*

Bingo or game. The terms “bingo” or “game” have the same meanings ascribed to such terms in section 476 of the general municipal law.

[d. “License” shall mean a license issued pursuant to the provisions of this subchapter and article fourteen-H of the general municipal law.

e. “Regular bingo game” shall mean a game that is played on a card or cards issued to a player upon payment of the admission fee provided in this subchapter.

f. “Special bingo game” shall mean any game which is not a “regular bingo game.”

g. “Opportunity” shall mean a one-faced chance to participate in a game or games of bingo.]

§ 2. Section 20-340 of the administrative code of the city of New York is amended to read as follows:

§ 20-340 Authority of commissioner. The administrative powers granted to the governing body of the city under the provisions of article [fourteen-H] 14-H of the general municipal law, in relation to the issuance, amendment and cancellation of licenses, the conduct of investigations and hearings, the supervision of the operation of the games and the collection and transmission of fees, are hereby conferred upon the commissioner pursuant to the provisions of section [four hundred ninety-eight] 498 of the general municipal law.

§ 3. Section 20-341 of the administrative code of the city of New York is amended to read as follows:

§ 20-341. Conduct of game of bingo by authorized organizations. It shall be lawful for any authorized organization, upon obtaining a license [therefor as hereinafter provided] pursuant to article 14-H of the general municipal law, to conduct the game of bingo within the territorial limits of the city, subject to [the provisions of this subchapter,] the provisions of article [fourteen-H] 14-H of the general municipal law [and the provisions of the bingo licensing law].

§ 4. Sections 20-342, 20-343, 20-344, 20-345, 20-346, 20-347, 20-348, 20-349, 20-350, 20-351, 20-352, 20-353, 20-354, 20-355, 20-356, 20-357, 20-358 and 20-434 of the administrative code of the city of New York are REPEALED.

§ 5. Section 20-435 of the administrative code of the city of New York is amended to read as follows:

[1. “Board” shall mean New York state racing and wagering board.

2. “Games of chance” shall mean and include specific games of chance, in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance, but not including games commonly known as “bingo or lotto” which are controlled under article fourteen-H of the general municipal law and also not including “slot machines”, “bookmaking”, and “policy or numbers games” as defined in section 225.00 of the penal law. No game of chance shall involve wagering of money by one player against another player.

3.] *Authorized organization. The term “[Authorized] authorized organization” [shall mean and include any bona fide religious or charitable organization or bona fide educational or service organization or bona fide organization of veterans or volunteer firefighters, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in this subchapter, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in this subchapter for a period of three years immediately prior to applying for a license under this subchapter.*

No organization shall be deemed an authorized organization which is formed primarily for the purpose of conducting games of chance and the distribution of the proceeds thereof to itself or any other organization and which does not devote at least seventy-five percent of its activities to other purposes set forth in this subdivision. No political party shall be deemed an authorized organization] *has the same meaning ascribed to such term in section 186 of the general municipal law.*

Games of chance. The term “games of chance” has the same meaning ascribed to such term in section 186 of the general municipal law.

[4. “Lawful purposes” shall mean one or more of the following causes, deeds or activities:

(a) Those which shall benefit needy or deserving persons indefinite in number by enhancing their opportunity for religious or educational advancement, by relieving them from disease, suffering or distress, or by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of a devotion to the principles upon which this nation was founded and enhancing their loyalty to their governments.

(b) Those which shall initiate, perform or foster worthy public works or shall enable or further the erection or maintenance of public structures;

(c) Those which shall otherwise lessen the burdens borne by government or which are voluntarily undertaken by an authorized organization to augment or supplement services which government would normally render to the people.

5. "Net proceeds" shall mean (a) in relation to the gross receipts from one or more occasions of games of chance, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for supplies and equipment, prizes, stated rental if any, bookkeeping or accounting services according to a schedule of compensation prescribed by the board, janitorial services and utility supplies if any, license fees, and the cost of bus transportation, if authorized by the board and (b) in relation to the gross rent received by an organization licensed to conduct such games for the use of its premises by another licensee, the amount that shall remain after deducting the reasonable sums necessarily and actually expended for janitorial services and utility supplies directly attributable thereto if any.

6. "Net lease" shall mean a written agreement between a lessor and lessee under the terms of which the lessee is entitled to the possession, use or occupancy of the whole or part of any premises from any non-commercial or non-profit organization for which the lessee pays rent to the lessor and likewise undertakes to pay substantially all of the regularly recurring expenses to the operation and maintenance of such leased premises.

7. "Authorized games of chance lessor" shall mean an authorized organization which has been granted a lessor's license pursuant to the provisions of this subchapter.

8. "Prize" shall mean a sum of money or item or merchandise awarded by the authorized organization to a participant in any one operation or conducting of a game of chance in which participants utilize currency for participation and in which those who are not winners surrender their participating currency at the conclusion of the single operation of such game of chance. No prize for any one participant in any one operation or conducting of such single game of chance shall exceed the sum of one hundred dollars. If a prize is awarded based on odds, only that portion in excess of the winning participant's bet shall be considered as a prize. For the purposes of this subdivision, the value of a prize which consists of merchandise shall be the actual cost of the item of such merchandise.

9. "Authorized supplier of games of chance equipment" shall mean any person, firm, partnership or organization licensed by the board to sell or lease games of chance equipment or paraphernalia which meets the specifications and regulations established by the board. Nothing herein shall prevent an authorized organization from purchasing common articles, such as cards and dice, from normal sources of supply of such articles or from constructing equipment and paraphernalia for games of chance for its own use. However, no such equipment or paraphernalia constructed by an authorized organization shall be sold or leased to any other authorized organization without written permission from the board.

10. "One occasion" shall mean the conducting of any one type of game of chance during any one license period. No series of prizes on any one occasion shall aggregate more than one thousand dollars.

11. "Licensed period" shall mean a period of time not to exceed fourteen consecutive hours.]

§ 6. Sections 20-436, 20-437, 20-438, 20-439, 20-440, 20-441, 20-442, 20-443, 20-444, 20-445, 20-446, 20-447, 20-448, 20-449, 20-450 and 20-451 of the administrative code of the city of New York are REPEALED and a new section 20-436 is added to read as follows:

§ 20-436 Conduct of games of chance by authorized organizations. It shall be lawful for any authorized organization, upon obtaining a license pursuant to article 9-A of the general municipal law, to conduct games of chance within the territorial limits of the city, subject to the provisions of article 9-A of the general municipal law.

§ 7. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1098

By Council Members Kallos and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to the digitization of historic data

Be it enacted by the Council as follows:

Section 1. Subdivision 1 of section 3004 of the New York city charter is amended to read as follows:

1. The department shall operate a municipal archives, the head of which shall be a professional archivist. The archives shall perform the following functions:

- a. develop and promulgate standards, procedures and techniques with regard to archives management;
- b. make continuing surveys of existing records to determine the most suitable methods to be used for the creating, maintaining, storing and servicing of archival material;
- c. preserve and receive all city records of historical, research, cultural or other important value;
- d. appraise, accession, classify, arrange and make available for reference all records which come into the possession of the archives; [and]
- e. *identify records in the possession of the archives that consist of statistical or factual information in an alphanumeric form reflected in a list, table, graph, chart or other non-narrative form and appraise the public value of including such records on the open data web portal pursuant to chapter 5 of title 23 of the administrative code; and*
- f. establish and maintain an archives depository for the storage, conservation, processing and servicing of records.

§ 2. Chapter 5 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-507 to read as follows:

§ 23-507 *Historic data.* a. *The department of records and information services shall consider the following factors when appraising the public value of including a record in their possession on the open data web portal, pursuant to paragraph e of subdivision 1 of section 3004 of the charter:*

1. *the degree of historical, research, cultural or other important value of such record;*
2. *the clarity and completeness of such record;*
3. *whether such record is a continuation of or analogous to any public data set, or if such record would be considered a public data set were it contemporaneously maintained on a computer system; and*
4. *whether such record has been requested pursuant to subdivision d of section 23-503 or by a request made to the department of records and information services.*

b. *Any records determined by the department of records and information services, pursuant to subdivision a, to be of sufficient public value to be included on the open data web portal shall be converted into a digital format that permits automated processing and made available on the open data web portal in accordance with this chapter's requirements for public data sets.*

c. *By July 1, 2021, the department of records and information services shall make a complete survey of the records of in its possession to appraise their public value, pursuant to subdivision a, and make such records available on the open data web portal by such time, provided that if at such time a record is appraised to have sufficient public value but is too technically or practically difficult to convert by such time then the department of records and information services shall report to the speaker and the mayor a description of the record, a description of the technical or practical difficulty, and the date by which such record will be made available. Such survey shall be conducted in consultation with members of the public from historic, research, cultural and academic institutions. Any record received after July 1, 2021 shall be evaluated to appraise its public value within one year of receipt. Any record previously appraised and found to be of insufficient public value may be reappraised by the department of records and information services at any time.*

d. *The department of records and information services shall conduct outreach to entities with experience in converting books or other paper records to digital formats to discuss the possibility of converting all, or nearly all, of the records in the possession of the archives of the department of records and information services into searchable digital formats, and making records with statistical or factual information in an alphanumeric form*

reflected in a list, table, graph, chart or other non-narrative form available on the open data web portal. If the commissioner of records and information services determines that such a conversion would be feasible then a written determination, including a planned date of completion, shall be sent to the speaker and the mayor, and such conversion, if completed and maintained, shall satisfy the requirements of subdivisions a, b and c of this section.

§ 3. By July 1, 2019, the department of records and information services shall report to the speaker and the mayor a description of the outreach efforts conducted pursuant to subdivision d of section 23-507 of the administrative code.

§ 4. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 1099

By Council Members Kallos, Treyger, Deutsch, Brannan, Yeger, Dromm, Cabrera, Cumbo, Rivera, Constantinides, Koslowitz, Holden, Rose, Koo and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the placement of two-way radios, cellular phones and tracking devices on school buses

Be it enacted by the Council as follows:

Section 1. Legislative findings. Each day in New York City, more than 160,000 children travel to and from school on school buses or other motor vehicles that are operated pursuant to contracts with the New York City Department of Education or the New York City Department of Transportation. Based upon several hearings concerning school bus safety and the operation of school buses generally, the Council finds that the lack of real-time communication with certain of these vehicles while they are in the process of transporting children to and from school is a significant operational problem for the Departments of Education and Transportation, and a significant source of frustration to parents. Currently, no one can determine the location of a bus or other motor vehicle that lacks communication equipment. Therefore, when such vehicles are late, neither parents nor school administrators can determine why, or where they are located or when they might arrive at their destinations. The drivers of such vehicles, in turn, cannot communicate with anyone regarding conditions en route, if a pick-up or drop-off cannot occur as scheduled, or if the vehicle suffers a mechanical or other problem. Moreover, in the event of an emergency, such lack of communication could be life-threatening.

The Council finds that these problems could be solved if all school buses and other motor vehicles used to transport children to and from school pursuant to a contract with the Department of Education or the Department of Transportation were equipped with two-way radios or cell phones, as well as with a tracking system, such as a global positioning tracking system, that would enable an individual not inside the vehicle to determine the vehicle's location.

§ 2. Chapter six of title 19 of the administrative code of the city of New York is amended by adding new sections 19-608 and 19-609 to read as follows:

§ 19-608 *Two-way radios and cellular phones. Each bus or other motor vehicle used to transport children to and from schools in the city pursuant to a contract with the New York city department of education or the New York city department of transportation shall, at all times that children are present aboard such vehicle, be equipped with an operational two-way radio or cellular phone capable of allowing communication with the operator of such vehicle. All such vehicles shall also be equipped with a tracking device, such as a global positioning tracking system, that enables an individual not inside the vehicle to determine its location to within one hundred linear feet of the nearest intersection.*

§ 19-609 *Global positioning systems on school buses. a. For purposes of this section, the term "GPS" means a global positioning system that uses navigational satellites to determine a user's exact location, velocity and time.*

b. Each bus or other motor vehicle used to transport children to and from schools in the city pursuant to a contract with the New York city department of education or the New York city department of transportation shall, at all times that children are present aboard such vehicle, be equipped with a GPS tracking device.

c. GPS tracking devices shall be operational at all times during the transportation of children to and from schools.

d. GPS data regarding vehicles' exact location, velocity and time must be available to authorized schools and individuals, including parents and caregivers, in real-time.

e. Records created by such GPS tracking devices shall be maintained in an electronic database and kept open for public inspection.

§ 3. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Transportation (*Editor's Note*: Int. No.1099 was re-assigned to the Committee on Education on September 18, 2018),

Int. No. 1100

By Council Members Kallos, Treyger, Rose, Constantinides, Ampry-Samuel and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to a universal after school program plan

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-410 to read as follows:

§ 21-410 Universal after school program plan. a. Definitions. For the purposes of this section, the following terms have the following meanings

After school program. The term "after school program" means any organized program, under the jurisdiction of either the department of youth and community development or the department of education, that occurs outside the traditional school day which allows students to participate in expanded learning activities that include, but are not limited to, academic support, arts and cultural enrichment, recreation, sports, nutrition, youth development, and mentoring.

Department. The term "department" means the department of youth and community development.

School. The term "school" means a school of the city school district of the city of New York.

Student. The term "student" means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision.

b. Subject to appropriation, no later than September 1, 2019, the department, in consultation with the department of education, shall make an after school program slot available for any student who requests one.

§ 2. Universal after school program reporting. a. No later than September 1, 2018, and annually thereafter on or before September 1, the department, in consultation with the department of education, shall submit to the mayor and speaker, conspicuously post to its website and make available to students and parents, a report detailing the implementation efforts to be undertaken by the city to achieve universal after school pursuant to section 21-410 of the administrative code of the city of New York. Such report shall include, but need not be limited to:

1. An assessment of how many after school slots are needed to achieve universal after school;
2. The availability and cost of creating additional capacity within existing after school programs and how many new after school programs need to be created and the cost associated with creating such programs;
3. Current methods used by the department and the department of education to make students and parents aware of after school programs;
4. The number and percentage of students in each school district taking part in an after school program as compared with the preceding calendar year;

5. The demographic information for students in each after school program including, but not limited to grade, age, race, ethnicity, gender, special education status, and English language learner status as compared with the preceding calendar year;

6. Steps the department and the department of education are taking to increase enrollment in existing after school programs;

7. Implementation deadlines to be achieved in establishing universal after school; and

8. Any other issues related to after school capacity and participation rates in the city that the department of youth and community development and the department of education deem appropriate.

b. Beginning with the second report required pursuant to subdivision a of this section and for every report thereafter, the department, in consultation with the department of education, shall incorporate progress made in achieving implementation deadlines required pursuant to paragraph seven of subdivision a of this section. If implementation deadlines are not able to be met in any given year, the department shall detail why the implementation deadline will not be met and identify remedial steps the department will take to achieve the implementation timeframe in subsequent years.

c. Upon implementation of universal after school pursuant to section 21-410 of the administrative code of the city of New York, the department, in consultation with the department of education, shall certify to the mayor and the speaker that an after school program slot is available for all students.

§ 3. This local law takes effect immediately, except that section two of this local law is deemed repealed at the conclusion of the final calendar year during which the department, in consultation with the department of education, has certified to the mayor and speaker that an after school program slot is available for all students.

Referred to the Committee on Youth Services.

Int. No. 1101

By Council Members Koo, Richards, Constantinides, Grodenchik, Espinal, and Salamanca (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to protecting cable provider customers' personally identifiable information.

Be it enacted by the Council as follows:

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

*CHAPTER 13
COMMUNICATIONS PRIVACY*

§ 23-1301 Definitions. As used in this chapter, the following terms have the following meanings:

Affiliate. The term "affiliate" means any person or entity that is owned or controlled by, or under common ownership or control with the provider, or is a contractor of a provider and provides any cable service or other service.

Cable service. The term "cable service" means the one-way transmission to customers of video programming or other programming service, and customer interaction, if any, which is required for the selection or use of such video programming or other programming service.

Cable system. The term "cable system" has the meaning ascribed in subsection (7) of section 522 of title 47 of the United States code.

Customer. The term "customer" means a person in the city who subscribes to a cable service or other service of a provider.

Information necessary to render service. The term “information necessary to render service” means personally identifiable information that is used to detect the unauthorized reception of cable communications, or is necessary to render a cable service or other service provided by the provider to the customer.

Other service. The term “other service” means any wire or radio communications services provided to a customer over a cable system or an open video system that are not cable services.

Personally Identifiable Information. The term “personally identifiable information” means information that is linked or reasonably linkable to an individual or device. Information is linked or reasonably linkable to an individual or device if it can reasonably be used on its own, in context, or in combination to identify an individual or device, or to logically associate with other information about a specific individual or device. “Personally identifiable information” does not include aggregate data if: (i) the process of aggregation results in none of the information being reasonably linkable to an individual or device; (ii) the provider publicly commits that it will maintain and use the aggregate data without linking it, or seeking to link it, to an individual or device, and that it will not attempt to restore such aggregated data to a state in which it would be reasonably linkable to an individual or device; and (iii) the provider contractually prohibits any entity to which it discloses or permits access to such aggregate data from attempting to use the data to link it to an individual or device or to restore such aggregated data to a state in which it would be reasonably linkable to an individual or device.

Provider. The term “provider” means any person or group of persons who: (i) provides cable service or other service within the city over a cable system, or directly or through one or more affiliates owns a significant interest in such cable system; or (ii) otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system or an open video system in the city.

Use necessary to render service. The term “use necessary to render service” means a use of personally identifiable information that is necessary to render a cable service or other service provided by the provider to the customer.

§ 23-1302 Collection and use of personally identifiable information.

a. A provider shall not use a cable system to collect, record, monitor, or observe personally identifiable information without the prior affirmative written or electronic notice and consent of a customer unless, and only to the extent that, such information is information necessary to render service. Such notice must include the types of information to be collected or used, and the purpose for the collection or use of each type of information.

b. A provider shall take such actions as are necessary to prevent any affiliate from using the cable system or other facilities of the provider in any manner, including, but not limited to, sending data or other signals through such facilities, to the extent such use will permit an affiliate unauthorized access to personally identifiable information on the computer or other equipment of a customer, regardless of whether such computer or other equipment is owned or leased by the customer or provided by a provider, or on the cable system or any other facilities of the provider that are used in the provision of cable service. This subdivision does not prohibit an affiliate from obtaining access to personally identifiable information to the extent otherwise permitted by this section.

c. A provider shall take such actions as are reasonably necessary to prevent a person or entity, other than its affiliates, from using the cable system or other facilities of the provider in any manner, including, but not limited to, sending data or other signals through such cable system or other facilities, which would permit such person or entity unauthorized access to personally identifiable information on the computer or other equipment of a customer, regardless of whether such equipment is owned or leased by the customer or provided by a provider, or on the cable system or any other facilities of the provider that are used in the provision of cable service.

d. This section does not prevent a provider from complying with any lawful court order.

§ 23-1303 Disclosure of personally identifiable information.

a. A provider shall not disclose personally identifiable information without the prior affirmative written or electronic consent of a customer, except for a use necessary to render service, or as permitted under applicable law. If a customer exercises the right to prohibit disclosure of that customer’s personally identifiable information, such prohibition shall be permanent, unless the customer subsequently notifies the provider of the customer’s intent to permit a disclosure.

b. A minimum of 30 days before making any disclosure of personally identifiable information of any customer pursuant to the affirmative written or electronic consent of such customer as provided in this section, the provider shall notify in writing the department and such customer of the specific information that will be

disclosed, to whom it will be disclosed, the purpose of the disclosure, and notice of the customer's right to prohibit the disclosure of such information for any use that is not a use necessary to render service. The notice to customers may not be included with or made a part of the customer's monthly bill for cable service or other service, but must be conspicuously marked as a privacy disclosure and be made by separate mailed notice, or by emailed notice if the customer has previously consented to receiving such notice via email. Each time that such notice is given to a customer, the provider also shall provide the customer with an opportunity to prohibit the disclosure of information in the future. Such opportunity shall be given in one or more of the following forms:

- 1. A toll-free number that the customer may call;*
- 2. A website option; or*
- 3. Such other equivalent methods as may be approved by the department.*

c. Additionally, within 45 days after each disclosure of personally identifiable information of any customer as provided in this section, the provider shall notify in writing the department and such customer of the specific information that has been disclosed, to whom it has been disclosed, the purpose for the disclosure, and notice of the customer's right to prohibit the future disclosure of such information for any use that is not a use necessary to render service. The notice to customers may not be included with or made a part of a customer's monthly bill for cable service or other service, but must be conspicuously marked as a privacy disclosure and must be made by separate mailed notice, or by emailed notice if the customer has previously consented to receiving such notice via email. Each time that this notice is given to a customer, the provider shall also provide the customer with an opportunity to prohibit the disclosure of information in the future. Such opportunity shall be given in one of the following forms:

- 1. A toll-free number that the customer may call;*
- 2. A website option; or*
- 3. Such other equivalent methods as may be approved by the department.*

d. A provider may disclose personally identifiable information pursuant to a subpoena, lawful court order, or other provision of law authorizing or requiring such disclosure. To the extent permitted by such subpoena, order or applicable provision of law, a provider must notify a customer of any such disclosure contemporaneous with compliance with the subpoena, order or provision of law and must include the specific information disclosed, to whom it was disclosed, and, if known, the purpose of the disclosure and the name of the proceeding related to the disclosure. In no event shall this subdivision be construed as authorizing any disclosure, or requiring or authorizing any notice, which is prohibited by applicable law.

§ 23-1304 Prohibition of punitive action against customers. A provider shall not add a supplemental charge or penalize a customer either financially or in quality or speed of delivery of service for choosing not to consent to the collection, recording, monitoring, observation, or disclosure of personally identifiable information, nor may it refuse to provide service because a customer refuses to consent to the collection, recording, monitoring, observation, or disclosure of personally identifiable information.

§ 23-1305 Access to personally identifiable information. Any personally identifiable information gathered and maintained by a provider shall be made available for examination by the customer to whom such personally identifying information pertains within 10 days of receiving a request by such customer to examine such information. Such information must be made available on a website that allows customers to easily view the information pertaining to them and submit corrections, and at the local offices of the provider or other convenient place within the city selected by the provider. Upon a reasonable showing by the customer that the information is inaccurate, a provider shall promptly correct or remove such information.

§ 23-1306 Privacy statements.

a. A provider shall annually provide a separate, written privacy statement to each customer consistent with applicable law, including paragraph (1) of subsection (a) of section 551 of title 47 of the United States code, and shall provide each customer with a copy of such statement at the time the provider enters into an agreement with the customer to provide cable service or other service, as well as 30 days prior to the effective date of any changes made by the provider to such statement. Such statements shall be sent by separate mailed notice, or by emailed notice if the customer has previously consented to receiving such statements by email. A provider shall further make such statements readily available on the provider's website. Privacy statements shall be in a clear and conspicuous format and in twelve point font or larger and shall contain a heading, in bold capital letters in no less than 14-point font, that reads "NOTICE OF CHANGE." Privacy statements shall include options for viewing the statements in languages other than English and in a manner that is accessible to persons with

disabilities. The department shall promulgate rules mandating the specific language and accessibility requirements for privacy statements.

b. Privacy statements must include a detailed description of the provider's practices regarding the recording, monitoring, observation, collection and disclosure of personally identifiable information and how customers can exercise their rights to prohibit disclosures of their personally identifiable information. The department shall promulgate rules mandating the specific information that providers must include in their privacy statements.

§ 23-1307 Personally identifiable information reporting requirements.

a. A provider shall provide a report to the department every six months, on March 1 and September 1, which includes the following information:

1. The type of personally identifiable information that was actually collected, recorded, monitored, observed or disclosed during the reporting period, including:

(a) For each type of personally identifiable information collected, recorded, monitored, observed or disclosed, a statement sufficient to demonstrate that the personally identifiable information collected, recorded, monitored, observed or disclosed was: (i) collected, recorded, monitored, or observed with affirmative consent and only to the extent such information was information necessary to render service; or (ii) disclosed with the prior affirmative written or electronic consent of a customer, or for a use necessary to render service, or as permitted or required under applicable law;

(b) The categories of all entities to which such personally identifiable information was disclosed, including, but not limited to, cable installation and maintenance contractors, direct mail vendors, telemarketing companies, print and mail houses, promotional service companies, billing vendors, and account collection companies; and

(c) For each type of personally identifiable information collected, recorded, monitored, observed or disclosed, the purpose of each collection, recording, monitoring, observation or disclosure.

2. A description of the measures that have been taken, and will be taken, to prevent the unauthorized access to personally identifiable information by a person other than the customer to whom such personally identifying information pertains or the provider, including, among other things, a description of the technology that is or will be applied by the provider to prevent unauthorized access to personally identifiable information by any means; and

3. any additional information required by rules promulgated by the department.

b. Annually, and whenever it is changed, a provider shall provide the department with a copy of the privacy statement provided to customers pursuant to section 23-1306 of this chapter, including the website address where the provider's privacy statement can be accessed online.

c. A provider shall provide to the department the names of the entities described in subparagraph (b) of paragraph (1) of subdivision (a) of section 23-1307 of this chapter to which personally identifiable information was disclosed, within 30 days of receiving a request for such names from the department. This subdivision does not require the provider to provide the name of any court or governmental entity to which such disclosure was made if such disclosure would be inconsistent with applicable law. This section does not prevent a provider from complying with any lawful court order.

§ 23-1308 Destruction of personally identifiable information. A provider shall destroy, within 90 days, any personally identifiable information if the personally identifiable information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such personally identifiable information, pursuant to a court order, or pursuant to other applicable law.

§ 23-1309 Private right of action.

a. Any customer may bring an action in any court of competent jurisdiction for a violation of any of the provisions of this chapter. If a court of competent jurisdiction finds that a provider has violated a provision of this chapter, the court may award: (i) actual damages, computed at a rate of \$100 a day, or \$1,000, whichever amount is higher; (ii) punitive damages; and (iii) reasonable attorney's fees and costs incurred in maintaining such civil action.

b. The private right of action provided by this section shall not supplant any other legal remedy available to any customer within the city.

§ 23-1310 Enforcement.

a. A provider that willfully and knowingly violates any provision of this chapter or any rule promulgated pursuant to this chapter shall be liable for a civil penalty not exceeding \$10,000.

1. For violations of subdivision (a) of section 23-1302 or sections 23-1303, 23-1305 or 23-1308 of this chapter, a civil penalty shall be assessed for each affected customer, with a maximum penalty amount of \$1,000,000 for any single violation.

2. For violations of subdivision (a) of section 23-1302 that continue for a period of days, a provider shall be liable for penalties up to \$10,000 per day, with a maximum penalty amount of \$1,000,000 for any single violation.

3. For violations of section 23-1307, a provider shall be liable for penalties up to \$10,000 per day for each day the provider has failed to report the required information by the applicable deadline, with a maximum penalty amount of \$250,000 for any single violation.

§ 23-1311 Rulemaking. The department shall promulgate such rules as are necessary to ensure the implementation of this chapter.

§ 2. This local law takes effect 90 days after it becomes law, provided that the department shall take such action as may be necessary to implement this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Technology.

Int. No. 1102

By Council Members Koo and Constantinides, Richards, Grodenchik, Espinal, and Salamanca (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to providing comprehensive protections to cable service subscribers.

Be it enacted by the Council as follows:

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

CHAPTER 13
CABLE OPERATOR SERVICE CONSUMER PROTECTIONS

§ 23-1301 *Applicability.* This chapter applies to the provision of cable operator services to retail subscribers receiving the services for their own use, and not for resale, within the city of New York.

§ 23-1302 *Definitions.* The following terms shall, for purposes of this chapter, have the following meanings:

Cable operator service. Any service provided over a cable system that is offered by a cable operator to retail customers.

Cable operator. Any person or group of persons who (a) provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system, or (b) otherwise controls or is responsible for, through any arrangement, the management and operation of a cable system.

Cable franchise. A franchise contract with the city of New York pursuant to section 1072 of the charter authorizing a cable operator to use the inalienable property of the city for the provision of (a) cable service, or (b) cable service and one or more other cable operator services.

Cable service. (a) The one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and (b) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

Cable system. Facilities consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that are designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community, not including (a) facilities that serve only to

retransmit the television signals of one or more television broadcast stations, or (b) facilities that serve subscribers without using any public right-of-way within the city of New York.

Customer service representative. A customer service representative of a cable operator who is available to answer a cable operator's customer service telephone line to handle inquiries from subscribers and potential subscribers, receive and handle reports of service and billing issues and schedule service and installation appointments.

Department. The department of information technology and telecommunications.

Non-covered service. Any cable operator service provided by a cable operator, in operation on or after the effective date of this chapter, which is not subject to the consumer protection standards set forth in the cable operator's cable franchise.

§ 23-1303 *Consumer protections applicable to non-covered services.* Every cable operator that offers any non-covered service within the city of New York shall comply with the requirements of this section with respect to such non-covered services, and shall be subject to the remedies set forth in subdivision c of this section and in section 23-1305 for non-compliance with such requirements.

a. *Notice, transparency, and accessibility.*

(1) *Written notice of services and rates.* A cable operator shall provide annually, to a subscriber of any of its non-covered services, via email or postal service mail at the election of the subscriber, a list of every available non-covered service plan and associated prices, including all applicable rates, fees, charges, and other costs that a subscriber must pay to receive the service, and terms and conditions that apply to the service.

(2) *Service change notice.* A cable operator shall provide every subscriber with advance written notice of any change in billing practices, rates, fees, charges, or terms and conditions associated with any non-covered service to which the subscriber is subscribed. Such notice shall be sent separately by mail, or by email if the subscriber has previously consented to receiving such notice by email, at least 30 days prior to the effective date of any such change. A cable operator shall further make such notice readily available on the cable operator's website. Such notice shall describe the change with particularity, and shall state the date on which the change is expected to take effect. Such notice shall be in a clear and conspicuous format and in twelve point font or larger and shall contain a heading, in bold capital letters in no less than 14-point font, that reads "NOTICE OF CHANGE." Such notice shall include options for viewing the notice in languages other than English and in a manner that is accessible to persons with disabilities. The department shall promulgate rules mandating the specific language and accessibility requirements for such notices.

(3) *Customer service telephone number.* A cable operator shall make available to a subscriber or potential subscriber one or more local customer service telephone numbers that may be used to request and schedule a repair or installation of a non-covered service, to report service and billing issues to which the cable operator's customer service representatives shall respond, and to make and receive responses to inquiries regarding a non-covered service. The cable operator shall make such customer service representatives available for at least the same periods of time as it makes customer service representatives available to its cable service subscribers.

b. *Respect for subscriber's time.*

(1) *Service and installation windows.* A cable operator shall offer a subscriber or potential subscriber windows of time during which such subscriber or potential subscriber may request a repair or installation of a non-covered service, and during which the cable operator's installer or repairperson will arrive to perform the repair or installation. Such windows of time shall match the windows of time such cable operator offers to its cable service subscribers for cable services.

(2) *Prompt answering time.* A cable operator shall ensure that a telephone call regarding a non-covered service to the cable operator's customer service telephone number is answered within 30 seconds after the call is placed, and that callers are able, during regular business hours, to connect to a live customer service representative within 30 seconds after selecting the option provided for connecting to a live customer service representative.

c. *Credits.*

(1) *Outages.* A cable operator shall issue a credit to a subscriber for any outage in any non-covered service. The credit shall be the greater of (i) one thirtieth of the monthly charge for the service subject to the outage, multiplied by the number of days in a monthly billing cycle during which the outage occurred; or (ii) provided the outage is not the result of a weather event, failure in the public electrical grid, or other force majeure, \$10.00. Where the outage is known to the cable operator prior to or without any contact from a subscriber, the cable

operator must automatically provide the credit, without the need for contact from, or a credit request, from a subscriber, within 45 days after the outage. Where the outage only becomes known to the cable operator as the result of information received from a subscriber, the cable operator must provide the credit, without the need for a credit request from a subscriber, within 45 days after the outage becomes known to the cable operator.

For the purposes of this provision, an outage is defined as a failure, lasting one hour or more, in the provision of a non-covered service to a subscriber of such non-covered service. Such failure may include the complete unavailability of the service to the subscriber or the provision of the service in a manner or at a level that does not meet the standards described in the cable operator's terms of service or promotional materials, or in the cable operator's confirmation documents described in section 23-1304. For purposes of determining the duration of such failure, the failure shall commence when the cable operator first becomes aware of the service problem that would constitute an outage if not resolved within one hour.

(2) Missed service or installation appointments. A cable operator shall credit \$25.00 to a subscriber's bill in the next available billing period for each missed service or installation appointment related to any non-covered service. For the purposes of this provision, a missed service or installation appointment means a failure by a cable operator's installer or repairperson to arrive for a scheduled service or installation appointment within the scheduled window of time for such appointment.

§ 23-1304 Accuracy of information.

a. Confirmation documents. A cable operator shall provide a confirmation document within five business days to a subscriber or potential subscriber, as applicable, after the potential subscriber agrees to subscribe to one or more cable operator services, or the subscriber agrees to add, reduce, or otherwise change an existing subscription to a cable operator service. The confirmation document shall be provided in written or electronic form at the subscriber's or potential subscriber's option. Such confirmation document shall include at a minimum all of the following:

(1) a statement accurately describing the cable operator services, including any tiers of cable service in the subscription and channels of programming included in such tiers; any additional channels of programming in the subscription; the download and upload speeds and capacity of any internet access or data services; and any terms and conditions associated therewith;

(2) a statement accurately describing all rates, fees, and charges, including all taxes and any other miscellaneous charges, that the subscriber or potential subscriber will be required to pay for the cable operator services, including a statement of the sum total of all such rates, fees, and charges;

(3) to the extent that the rates, fees, and charges described above reflect a discount related to the agreement, where the discount expires after a certain period, a statement accurately describing the length of the discount period and describing all rates, fees, and charges that will apply after the expiration of the discount period (such statement may refer to the possibility that the post-discount rates, fees, and charges may be subject to change to the extent that the cable operator's applicable non-discounted rates, fees, and charges change before the non-discounted rate takes effect);

(4) a statement accurately describing any commitments to subscribe to one or more cable operator service for more than one month or to pay a cancellation fee or other charge for cancelling a cable operator service at any time; and

(5) a statement granting the subscriber or potential subscriber the right to cancel the agreement within 72 hours of receiving the confirmation document, at no charge to the subscriber or potential subscriber and with no charges being incurred by the subscriber or potential subscriber for services rendered to the subscriber or potential subscriber or for reimbursement of expenses incurred by the cable operator, prior to such cancellation.

b. Knowledgeable customer service representatives. A cable operator shall have knowledgeable customer service representatives available by telephone to provide accurate information to any subscriber of one or more cable operator services. A cable operator will be determined to be in violation of this subdivision if, over any series of ten consecutive test questions to the cable operator's customer service representatives, the answering customer service representative responds inaccurately to more than one such test question.

For the purposes of this subdivision, a test question shall be defined as a question asked by a representative of the city of New York, through the cable operator's local customer service telephone number, for purposes of assessing whether the cable operator has customer service representatives knowledgeable about the cable operator's provision of cable operator services. The test questions need not be asked on the same call, but may be asked over a series of calls over any period of time. The test questions need not be asked by the same

representative of the city of New York, and the representative shall not be required to announce herself or himself as a representative of the city or to announce to a customer service representative that the question is a test question or to announce to a customer service representative that the call is being recorded. If a customer service representative responds to any test question with a statement that the customer service representative does not know the answer to the question or with a response of similar effect, neither the question nor the answer will be counted as part of the series of ten consecutive test questions. The department shall maintain a publicly available record of all test questions and, with respect to each cable operator, the rate at which the cable operator's customer service representatives responded accurately, inaccurately, or with a statement that the customer service representative does not know the answer to the question or with a response of similar effect.

c. Overbilling. If a cable operator submits a bill to a subscriber of any cable operator service which indicates a charge greater than the amount actually due, the subscriber shall be entitled to a credit in the amount of the greater of (1) \$15.00, or (2) two times the amount of the overcharge.

§ 23-1305 Violations. The department shall have the power to enforce the provisions of this chapter. The department may promulgate rules providing for enforcement of the provisions of this chapter by issuing notices of violation, and providing for additional consumer protections for consumers of cable operator services and for enforcement thereof. Such rules shall prescribe the fines to be imposed for such violations following adjudication before the office of administrative trials and hearings pursuant to section 1049-a of the charter, such fines not to exceed \$1,000 per violation.

§ 2. This local law shall take effect 90 days after it becomes law, except that the commissioner of the department and the office of administrative trials and hearings shall take all actions necessary, including the promulgation of rules, if necessary, to implement this local law on or before the date upon which it takes effect.

Referred to the Committee on Technology.

Int. No. 1103

By Council Members Lancman, Ayala, Cohen and Rose.

A Local Law in relation to establishing a temporary task force on pay parity for public defenders and assistant district attorneys with city agency attorneys

Be it enacted by the Council as follows:

Section 1. Temporary task force on pay parity for public defenders and assistant district attorneys with other city agency attorneys.

a. The coordinator of criminal justice as defined in section 13 of the New York city charter, or such other person as the mayor may designate, shall establish and implement a temporary task force to address issues related to the pay parity of the city's assistant district attorney's and public defenders, with that of attorneys working for other city agencies, including the department of education, the department of correction, and the law department.

b. The task force shall consist of no less than 12 members as follows:

(1) Eight members appointed by the mayor, chosen from individuals representing relevant city agencies, provider organizations, and advocacy groups; and

(2) Four members appointed by the speaker of the council, chosen from individuals representing provider organizations and advocacy groups.

c. In addition the mayor, or the coordinator of criminal justice, shall invite the governor of the state of New York, or the governor's designee, to appoint a representative to the task force.

d. Membership on the task force shall not constitute the holding of a public office, and members of the task force shall not be required to take or file oaths of office before serving on the task force. All members of the task force shall serve without compensation.

e. The task force shall meet at least four times per year.

f. The task force shall issue recommendations to the coordinator of criminal justice, or such other person as the mayor may designate, and the mayor, and council no later than 12 months after the final member of the task force is appointed. Such report shall, to the extent practicable, include but not be limited to the following information regarding pay parity between the city attorneys:

1. An analysis of the salaries – both starting and longitudinal - between assistant district attorney's, public defenders, and attorneys in city agencies, including the department of education, the department of correction, and the law department.

2. An analysis of the organizational structure, budgetary constraints and hiring and retention policies of the city's district attorney offices and indigent defense providers, including but not limited to: (i) the unique retention issues for the agencies and nonprofits employing criminal court attorneys, including an analysis of caseloads (differentiated by felonies and misdemeanors); (ii) the funding streams for district attorney offices and indigent defense providers including state and federal contributions; (iii) attrition rates of assistant district attorney's and public defenders, within the first three to five years of practice; (iv) how office infrastructure, organizational culture, and court delay effect retention rates; (v) how other cities have approached the issue of pay parity; and (vi) how the city can work with providers to improve retention rates; and

3. Any other recommendations to assist in supporting and sustaining the city's assistant district attorneys and public defenders, including, but not limited to potential legislative reforms.

f. Following the publication of the initial report, the task force shall continue to meet at least four times a year and shall make supplemental recommendations, as needed, to the coordinator of criminal justice, or such other person as the mayor may designate. Such coordinator or other person shall publish supplemental annual reports, as needed, updating the mayor and council on any progress in the implementation of the recommendations contained in the initial report.

g. The task force shall cease to exist four years after the publication of its initial report.

§2. This local law takes effect immediately.

Referred to the Committee on Justice System.

Int. No. 1104

By Council Members Levine, Gibson, Ayala, Constantinides, Ampry-Samuel and Powers.

A Local Law to amend the administrative code of the city of New York, in relation to expanding the right to counsel for tenants

Be it enacted by the Council as follows:

Section 1. Section 26-1301 of the administrative law of the city of New York, as added by local law number 136 for the year 2017, is amended to read as follows:

§ 26-1301 Definitions. For the purposes of this chapter, the following terms have the following meanings:

Brief legal assistance. The term "brief legal assistance" means individualized legal assistance provided in a single consultation by a designated organization to a covered individual in connection with a covered proceeding.

Coordinator. The term "coordinator" means the coordinator of the office of civil justice.

Covered individual. The term "covered individual" means a tenant of a rental dwelling unit located in the city *or, where the tenant of record does not currently reside in said rental dwelling unit, the current occupant of a rental dwelling unit located in the city*, [including any tenant in a building operated by the New York city housing authority,] who is a respondent *or defendant, or who has legal standing to be a respondent or defendant*, in a covered proceeding.

Covered proceeding. The term "covered proceeding" means any [summary] proceeding in [housing] a court *or before an administrative agency to evict, eject, terminate the tenancy, seek a certificate of eviction, or terminate an income-based rental subsidy of a covered individual, or any appeal of such a proceeding.* [including

a summary proceeding to seek possession for the non-payment of rent or a holdover, or an administrative proceeding of the New York city housing authority for termination of tenancy.]

Designated citywide languages. The term "designated citywide languages" has the meaning ascribed to such term in section 23-1101.

Designated organization. The term "designated organization" means a not-for-profit organization or association that has the capacity to provide legal services and is designated by the coordinator pursuant to this chapter.

Full legal representation. The term "full legal representation" means ongoing legal representation provided by a designated organization to an income-eligible individual and all legal advice, advocacy, and assistance associated with such representation. Full legal representation includes, but is not limited to, the filing of a notice of appearance on behalf of the income-eligible individual in a covered proceeding.

[Housing court. The term "housing court" means the housing part of the New York city civil court.]

Income-eligible individual. The term "income-eligible individual" means a covered individual whose annual gross household income is not in excess of [200] 400 percent of the federal poverty guidelines as updated periodically in the federal register by the United States department of health and human services pursuant to subsection (2) of section 9902 of title 42 of the United States code.

Legal services. The term "legal services" means brief legal assistance or full legal representation.

§ 26-1302 Provision of legal services. a. Subject to appropriation, the coordinator shall establish a program to provide access to legal services for covered individuals in covered proceedings [in housing court] and shall ensure that[, no later than July 31, 2022]:

1. *no later than July 31, 2022, all covered individuals whose annual gross household income is not in excess of 400 percent of the federal poverty guidelines as updated periodically in the federal register by the United States department of health and human services pursuant to subsection (2) of section 9902 of title 42 of the United States code, receive access to full legal representation, no later than their first scheduled appearance in a covered proceeding, or as soon thereafter as is practicable; and*

2. *no later than July 31, 2024, all covered individuals receive access to legal services, no later than their first scheduled appearance in a covered proceeding, or as soon thereafter as is practicable.*

b. Subject to appropriation, no later than October 1, 2017, the coordinator shall establish a program to provide access to legal services in administrative proceedings of the New York city housing authority for tenants of buildings operated by the New York City housing authority who have been served with charges in such administrative proceedings for termination of tenancy and shall ensure that, no later than July 31, 2022, all such tenants receive access to such legal services.

c. The coordinator shall estimate annually the expenditures required for each year of implementation of the programs described by subdivisions a and b of this section. Beginning October 1, 2022 and no later than each October 1 thereafter, the coordinator shall publish a summary of any changes to such estimates for expenditures.

d. The coordinator shall annually review the performance of designated organizations.

e. The coordinator shall require each designated organization to identify the geographic areas for which such organization will provide legal services. For each such geographic area, the coordinator shall maintain a list of such organizations that provide such legal services.

f. Any legal services performed by a designated organization pursuant to this chapter shall not supplant, replace, or satisfy any obligations or responsibilities of such designated organization pursuant to any other program, agreement, or contract.

g. Nothing in this chapter or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official, or employee thereof.

§ 26-1303 Public hearing. a. Following the establishment of the programs described by section 26-1302, the coordinator shall hold one public hearing each year to receive recommendations and feedback about such programs.

b. Such hearing shall be open to the public, and the coordinator shall provide notice of such hearing, no less than 30 days before such hearing, by:

1. posting in *any location where covered proceedings are held* [the housing court] in the designated citywide languages;

2. posting in public offices of the department of social services/human resources administration in the designated citywide languages; and

3. outreach through local media and to each designated organization, local elected officials, the supervising judges of *any location where covered proceedings are held* [the housing court], and community-based organizations.

c. At such hearing, written and oral testimony may be provided.

d. The coordinator shall cause a transcript of such hearing to be produced and shall post such transcript online no later than 45 days after the meeting.

§ 26-1304 Reporting. a. No later than September 1, 2018 and annually by each September 1 thereafter, the coordinator shall submit to the mayor and the speaker of the council, and post online, a review of the program established pursuant to subdivision a of section 26-1302 and information regarding its implementation, to the extent such information is available, including, but not limited to:

1. the estimated number of covered individuals;

2. the number of individuals receiving legal services, disaggregated by the following characteristics of such individuals:

i. borough and postal code of residence;

ii. age of head of household;

iii. household size;

iv. estimated length of tenancy;

v. approximate household income;

vi. receipt of ongoing public assistance at the time such legal services were initiated;

vii. tenancy in rent-regulated housing; and

viii. tenancy in housing operated by the New York city housing authority;

3. outcomes immediately following the provision of full legal representation, as applicable and available, including, but not limited to, the number of:

i. case dispositions allowing individuals to remain in their residence;

ii. case dispositions requiring individuals to be displaced from their residence; and

iii. instances where the attorney was discharged or withdrew.

4. non-payment and holdover petitions filed in *any location where covered proceedings are held* [housing court], warrants of eviction issued in *any location where covered proceedings are held* [housing court], and residential evictions conducted by city marshals, disaggregated by borough.

b. No later than September 1, 2018 and annually by each September 1 thereafter, the coordinator shall submit to the mayor and the speaker of the council, and post online, a review of the program established pursuant to subdivision b of section 26-1302 and information regarding its implementation, to the extent such information is available, including, but not limited to:

1. the number of tenants of buildings operated by the New York City housing authority that received legal services pursuant to the program described in such subdivision, disaggregated:

i. borough and postal code of residence;

ii. age of head of household;

iii. household size;

iv. estimated length of tenancy;

v. approximate household income;

vi. receipt of ongoing public assistance at the time such legal services were initiated; and

vii. type of legal service provided.

2. the outcomes of the proceedings immediately following the provision of such legal services, subject to privacy and confidentiality restrictions, and without disclosing personally identifiable information, disaggregated by the type of legal service provided; and

3. the expenditures for the program described by such subdivision.

§ 26-1305 Rules. The coordinator may promulgate such rules as may be necessary to carry out the purposes of this chapter.

§ 2. Chapter 13 of title 26 of the administrative code of the city of New York, as added by chapter 308 of the laws of 2017, is renumbered as chapter 14 of title 26 of the administrative code of the city of New York.

§ 3. Section 26-1301 of the administrative code of the city of New York, as added by chapter 308 of the laws of 2017, is renumbered 26-1401.

§ 4. This local law takes effect 180 days after it becomes law.

Referred on the Committee on Housing and Buildings.

Res. No. 511

Resolution calling on the New York State Department of Labor to eliminate the tipped minimum wage for workers in impacted industries, such as restaurants, nail salons, and car washes, and provide tipped workers with New York State's full minimum wage.

By Council Members Moya, Kallos, Adams, Salamanca, Torres, and Barron.

Whereas, The tipped minimum wage in New York State allows for employers in tipping industries to satisfy the minimum wage by combining a “cash wage” with a credit or allowance for tips that the employees receive from customers; and

Whereas, According to the National Organization for Women New York City (NOW NYC), the tipped minimum wage causes workers to be paid a subminimum wage and results in low annual earnings, rampant sexual harassment, wage theft, exploitation of immigrant workers, and dangerous work conditions; and

Whereas, The National Employment Law Project (NELP) reports that poverty rates are higher in states where there is a tipped minimum wage, while in states that have eliminated the tipped minimum wage, poverty rates among workers in tipped occupations are about one-quarter lower: 10.8% versus 14.5%; and

Whereas, NOW NYC substantiates this claim of increased poverty rates with examples in New York industries: restaurant servers, 61% of whom are women, experience poverty at more than double the statewide rate, making an annual median income of just \$22,000 a year, including tips; nail salon workers, who at times, can be expected to work 84 hours a week, make an annual median income of just \$21,200; and car wash workers may take home as little as \$125 a week with a lack of breaks and a reliance on weather for work; and

Whereas, According to the Center for American Progress, the restaurant industry (about 81% of all tipped employees) and the hospitality industry account for the largest source of sexual harassment charges filed by women through the Equal Employment Opportunity Commission, with many workers experiencing harassment and racial bias due to their dependence on tips; and

Whereas, In addition, many tipped industries operate primarily in cash, a practice that, when combined with poor bookkeeping practices, a complex tipped wage system, and a large immigrant workforce, contributes to increased opportunities for wage theft and exploitation; and

Whereas, According to the U.S. Department of Labor (DOL), in Fiscal Year 2017, the Wage and Hour Division found more than \$270 million in back wages for more than 240,000 workers, of which included more than 21,000 cases with violations regarding minimum wage and overtime; and

Whereas, Also, in tipped industries, like car washes and nail salons, there is no customary tipping practice, and often customers do not tip at all, further reducing worker pay; and

Whereas, Eliminating the tipped minimum wage in New York State and raising tipped workers' wages to the full state minimum wage will ensure employees in tipped industries earn a stable, livable wage, on top of any tips received for quality service; and

Whereas, Restaurant Opportunities Centers United notes that in the seven states that have eliminated the tipped minimum wage, poverty rates and sexual harassment claims are lower than the rest of the country, tipping rates in the restaurant industry are the same or better, and the restaurant industry is thriving; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Department of Labor to eliminate the tipped minimum wage for workers in impacted industries, such as restaurants, nail salons, and car washes, and provide tipped workers with New York State's full minimum wage.

Referred to the Committee on Civil Service and Labor.

Int. No. 1105

By Council Members Richards, Ampry-Samuel and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit reports on complaints of police misconduct

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-177 to read as follows:

§ 14-177 Police misconduct report. Within 10 days from the end of each calendar month, the commissioner shall submit to the council and the mayor, and post on the department's website, a report on the number of complaints of police misconduct, including, but not limited to, misuse of force, harassment, and use of offensive language, received by the department in the prior calendar month, disaggregated by patrol precinct. The report shall include any action taken by the department in response to each such complaint, including any resulting investigation or disciplinary action. Nothing in this section shall require the sharing of or access to information considered confidential pursuant to section 50-a of the civil rights law.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 1106

By Council Members Richards, Ampry-Samuel and Ayala.

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 relating to truncated investigations

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.

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. The semi-annual report shall include, but need not be limited to, the following information:

a. For investigations truncated as the result of an uncooperative complainant, witness or victim:

1. A summary of the efforts made by the board to engage the uncooperative complainant, witness or victim; and
2. A summary of the reasons for the failure or refusal of a complainant, witness or victim to cooperate in a board investigation, when known.
 - b. For investigations truncated as the result of the withdrawal of the complaint:
 1. The number of complaints that are known to be withdrawn by reason of pending litigation;
 2. The number of complaints that are withdrawn for a known reason other than pending litigation, and the reason; and
 3. The number of complaints that are withdrawn for an unknown reason.
 - c. For investigations truncated as the result of an unidentifiable victim:
 1. A summary of the efforts made by the board to identify the victim; and
 2. The reason for the board's inability to identify the victim.
 - d. For investigations truncated as the result of the unavailability of a complainant, witness or victim:
 1. A summary of the efforts made by the board to make the complainant, witness or victim available; and
 2. The reason for the unavailability of the complainant, witness or victim, when known.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1107

By Council Members Rosenthal and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to requiring contractors to prepare and submit tenant protection plans, and to repeal section 28-104.8.4 of the administrative code of the city of New York, relating to requiring architects or engineers to prepare such plans

Be it enacted by the Council as follows:

Section 1. Section 28-104.8.4 of the administrative code of the city of New York, as amended by local law number 154 for the year 2017, is REPEALED and a new section 28-104.8.4 is added to read as follows:

§ 28-104.8.4 Reserved.

§ 2. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-105.13, 28-105.13.1, 28-105.13.2 and 28-105.13.3 to read as follows:

§ 28-105.13 Tenant protection plan. *An application for a permit to alter a building in which any dwelling unit will be occupied during construction shall include a tenant protection plan prepared by the applicant alone or in cooperation with the subcontractor retained to perform the work. Such plan shall contain a statement that the building contains dwelling units that will be occupied during construction and shall indicate in sufficient detail the specific units that are or may be occupied during construction, the means and methods to be employed to safeguard the safety and health of the occupants throughout the construction, including, where applicable, details such as temporary fire-rated assemblies, opening protectives, or dust containment procedures. Such means and methods shall be described with particularity and in no case shall terms such as "code compliant," "approved," "legal," "protected in accordance with law" or similar terms be used as a substitute for such description. The elements of the tenant protection plan may vary depending on the nature and scope of the work but at a minimum shall make detailed and specific provisions for:*

1. **Egress.** *At all times in the course of construction provision shall be made for adequate egress as required by this code and the tenant protection plan shall identify the egress that will be provided. Required egress shall not be obstructed at any time except where approved by the commissioner.*
2. **Fire safety.** *All necessary laws and controls, including those with respect to occupied dwellings, as well as additional safety measures necessitated by the construction shall be strictly observed.*
3. **Health requirements.** *Specification of means and methods to be used for control of dust, disposal of construction debris, pest control and maintenance of sanitary facilities, and limitation of noise to acceptable levels shall be included.*
 - 3.1. *There shall be included a statement of compliance with applicable provisions of law relating to lead and asbestos, and such statement shall describe with particularity what means and methods are being undertaken to meet such compliance.*
4. **Compliance with housing standards.** *The requirements of the New York city housing maintenance code, and, where applicable, the New York state multiple dwelling law shall be strictly observed.*
5. **Structural safety.** *No structural work shall be done that may endanger the occupants.*
6. **Noise restrictions.** *Where hours of the day or the days of the week in which construction work may be undertaken are limited pursuant to the New York city noise control code, such limitations shall be stated.*
7. **Maintaining essential services.** *Where heat, hot water, cold water, gas, electricity, or other utility services are provided in such building or in any dwelling unit located therein, the tenant protection plan shall specify the means and methods to be used for maintaining such services during such work in accordance with the requirements of the New York city housing maintenance code. If a disruption of any such service is anticipated during the work, then such plan shall specify the anticipated duration of such disruption and the means and methods to be employed to minimize such disruption, including the provision of sufficient alternatives for such service during such disruption.*
8. **Certification of preparation.** *The plan must contain a certification by the applicant that the applicant prepared the plan and must state whether the applicant prepared the plan alone or in cooperation with a subcontractor retained to perform the work. Any plan prepared with the cooperation of a subcontractor must contain a certification of preparation by the applicant and the subcontractor.*

§ 28-105.13.1 Public availability of tenant protection plan. *Upon issuance of a permit for work containing a tenant protection plan, the department shall make the tenant protection plan publicly available on its website.*

§ 28-105.13.2 Provision of copy of tenant protection plan to occupants upon request. *The owner of a building undergoing work for which a tenant protection plan is required by section 28-105.13 shall, upon request from an occupant of a dwelling unit within such building, provide such occupant with a paper copy of the tenant protection plan approved by the department.*

§ 28-105.13.3 Notice to occupants. *Upon issuance of a permit for work requiring a tenant protection plan, the owner shall (i) distribute a notice regarding such plan to each occupied dwelling unit and (ii) post a notice regarding such plan in a conspicuous manner in the building lobby, as well as on each floor within ten feet of the elevator, or in a building where there is no elevator, within ten feet of or in the main stairwell on such floor. The notice shall be in a form created or approved by the department and shall include:*

1. *A statement that occupants of the building may obtain a paper copy of such plan from the owner and may access such plan on the department website;*
2. *The name and contact information for the site safety manager, site safety coordinator or superintendent of construction required by section 3301.3 of the New York city building code, as applicable, or, if there is no site safety manager, site safety coordinator or superintendent of construction, the name and contact information of the owner of the building or such owner's designee; and*
3. *A statement that occupants of the building may call 311 to make complaints about the work.*

§ 3. Section 110.3.7 of the New York city building code, as added by local law number 154 for the year 2017, is amended to read as follows:

§ 110.3.7 Tenant protection plan compliance inspections. For buildings undergoing work for which a tenant protection plan is required by section [28-104.8.4] 28-105.13 of the [administrative code] *Administrative Code*, inspections shall be made by the department to determine compliance with the tenant protection plan.

§ 4. This local law takes effect 120 days after it becomes law, except that this local law shall not apply to applications for permits filed before such effective date or to work related thereto, and 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, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1108

By Council Members Rosenthal and Constantinides.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the implementation of technology to allow traffic enforcement agents to issue idling tickets through their handheld computers

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-118.3 to read as follows:

§ 14-118.3 Handheld computers. Handheld computers used by the department to enforce laws, rules and regulations relating to parking violations shall be capable of issuing notices of violation returnable to the office of administrative trials and hearings alleging violations of the engine idling restrictions of section 24-163 of this code and rules promulgated thereto.

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

Referred to the Committee on Public Safety.

Res. No. 512

Resolution calling on New York State to require medical schools to train all students about "implicit bias".

By Council Members Rosenthal and Rivera.

Whereas, In recent years, the health care community has shifted its focus to further address health inequity and its impact on individuals from traditionally marginalized communities, including people of color, people who are lesbian, gay, bisexual, transgender, queer/questioning, and/or gender non-conforming (LGBTQ/TGNC), and those who are female; and

Whereas, According to Cornell University, implicit bias is defined as an unconscious, unintentional bias that, unlike explicit bias, exists when an individual does not have direct control or understanding of their perceptions and motivations; and

Whereas, Research has shown that people have implicit attitudes towards many different topics, such as race, gender, age, disability, and sexual orientation, and several general patterns of bias have repeatedly been shown in the research, such as socially-dominant groups often having implicit bias against subordinate groups; and

Whereas, Research shows that racial disparities can have an impact on a person's health outcomes and care in New York City, which is illustrated by the City's maternal mortality and morbidity rates; and

Whereas, Statistics show that about 30 women in the City die each year of a pregnancy-related cause and approximately 3,000 women “almost die” or experience morbidity during childbirth; and

Whereas, Black, non-Latina women are the most likely to experience maternal mortality or maternal morbidity; and

Whereas, According to the Brookings Institution, childbirth-related deaths disproportionately affect Black women, regardless of their income or education; and

Whereas, There are many other examples of health inequities potentially resulting from implicit bias; and

Whereas, National surveys of individuals who are transgender reveal that one-third of those who saw a health care provider had at least one negative experience related to being transgender, and nearly one-quarter reported that they did not seek the health care they needed due to fear of being mistreated as a transgender person; and

Whereas, According to the Gay Men’s Health Crisis, despite the declining rate of new infections per year, New York leads the nation in the number of new HIV cases, and 20% of people do not know they are infected; and

Whereas, In 2016, 77 percent of new HIV diagnoses and AIDS-related deaths in NYC were among African Americans and Hispanics; and

Whereas, As of now, not all medical students in the state of New York receive implicit bias training, which could hamper the goal of health equity for all; and

Whereas, All implicit bias trainings must include an explicit bias component, because medical professionals may also possess explicit biases which can result in the harm of a patient; and

Whereas, It is critical to have well-trained and culturally competent providers who are educated about implicit bias to ensure the fairer treatment of all individuals, and to ensure medical outcomes are not skewed because of bias, whether implicit or explicit; now, therefore, be it

Resolved, The Council of the City of New York calls on New York State to require medical schools to train all students about "implicit bias"

Referred to the Committee on Hospitals.

Preconsidered Res. No. 513

Resolution calling upon the U.S. Congress to pass, and the President to sign, the Establishing a Humane Immigration Enforcement System Act (H.R. 6361), legislation that would abolish the U.S. Immigration and Customs Enforcement.

By Council Members Rosenthal, Rivera, Menchaca, Kallos, Lander, Dromm and Levin.

Whereas, The U.S. Immigration and Customs Enforcement (ICE) was formed in 2002 under the Homeland Security Act, which transferred critical immigration enforcement functions from the U.S. Department of Justice (DOJ) under the guise of national security; and

Whereas, According to the DOJ, at inception the primary goals of ICE were to prevent acts of terrorism by “targeting the people, money, and materials that support terrorist and criminal activities;” and

Whereas, Instead of using its resources to prevent terrorism, ICE has allocated most of its \$7.1 billion budget to focus primarily on the detention and removal of immigrants; and

Whereas, On January 25, 2017, President Trump signed the executive order “Enhancing Public Safety in the Interior of the U.S.” essentially altering ICE enforcement priorities from mainly focusing on individuals who committed serious felonies for deportation and removal purposes to any undocumented immigrant; and

Whereas, Through this executive order, President Trump further exacerbated ICE’s ability to abuse its power and deviate further from its original responsibilities; and

Whereas, One ICE function is to improve public safety and homeland security, but lack of proper oversight has resulted in a rogue agency whose practices have proven to be overall detrimental; and

Whereas, ICE agents routinely engage in deceptive practices, like posing as police officers, creating unnecessary distrust between communities and other law enforcement agencies; and

Whereas, ICE often appears in courtrooms to detain those who have not been convicted of a crime, and has apprehended immigrants outside schools, houses of worship and other public spaces; and

Whereas, Several federal oversight agencies, such as the Government Accountability Office and the Department of Homeland Security Office of Inspector General (DHS-OIG), have documented a disregard for congressional oversight, substandard conditions, and inhumane treatment of persons in ICE detention; and

Whereas, In December 2017, DHS-OIG issued a report categorizing violations of compliance with ICE detention standards regarding conditions for detainees “that undermine [their] protections, rights, humane treatment, and provisions of safe and healthy environments”; and

Whereas, In June 2018, DHS-OIG issued another report titled “ICE’s Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systematic Improvements” where the department found that ICE did not follow-up on identified deficiencies or hold facilities accountable for correcting them; and

Whereas, Other independent analyses of ICE detention centers found inadequate medical care contributed or led to several deaths, and rampant sexual and physical abuse; and

Whereas, On July 12, 2018, U.S. Representative Mark Pocan (D-WI) introduced H.R. 6361, the Establishing a Humane Immigration Enforcement System Act; and

Whereas, The bill would establish a commission to review the essential enforcement functions of ICE, make recommendations to Congress for these functions to be transferred to pre-existing federal agencies, and terminate ICE one year from enactment; and

Whereas, No government agency or entity should act with a disregard to proper oversight mechanisms or the fundamental rights granted by the U.S Constitution; and

Whereas, ICE, under the direction of President Trump, has demonstrated an inability to fulfil its duties without violating due process, human rights, transparency, public accountability, or an adherence to domestic and international law; and

Whereas, The United States of America does not need an opaque and rogue agency operating in our communities, dehumanizing our neighbors, and acting without consequence; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the U.S Congress to pass, and the President to sign, the Establishing a Humane Immigration Enforcement System Act (H.R. 6361), legislation that would abolish the U.S. Immigration and Customs Enforcement.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Immigration).

Int. No. 1109

By Council Members Salamanca and Holden.

A Local Law in relation to establishing a task force to examine reckless driving by tow truck operators

Be it enacted by the Council as follows:

Section 1. Task force to examine reckless driving by tow truck operators. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Reckless driving. The term “reckless driving” has the same meaning as is ascribed to such term in section 1212 of the vehicle and traffic law.

Tow truck. The term “tow truck” means a vehicle that is equipped with a crane, winch, tow bar, push plate or other device designed to pull or push a vehicle or to raise a vehicle or the front or rear end thereof.

Vehicle. The term “vehicle” means a motor vehicle as defined in section 125 of the vehicle and traffic law, a tractor as defined in section 151-a of the vehicle and traffic law or a trailer as defined in section 156 of the vehicle and traffic law.

b. There shall be a task force to examine reckless driving by tow truck operators consisting of the commissioner of consumer affairs, the commissioner of transportation and the police commissioner, or the designee of each such commissioner; one member to be appointed by the mayor; and one member to be appointed by the speaker of the council. The commissioner of consumer affairs shall serve as chairperson of the task force.

c. Each member of the task force shall serve without compensation. All members shall be appointed within 60 days after the effective date of this local law.

d. No appointed member of the task force shall be removed except for cause by the appointing authority. In the event of a vacancy on the task force during the term of an appointed member, a successor shall be selected in the same manner as the original appointment to serve the balance of the unexpired term.

e. Each member of the task force may designate a representative who shall be counted as a member for the purpose of determining the existence of a quorum and who may vote on behalf of such member, provided that such representative is an officer or employee from the same agency as the designating member. The designation of a representative shall be made by a written notice of the member delivered to the chairperson of the task force prior to the designee participating in any meeting of the task force, but such designation may be rescinded or revised by the member at any time.

f. The mayor may designate one or more agencies to provide staffing and other administrative support to the task force.

g. The task force shall meet at least quarterly and shall submit a report of its recommendations to the mayor and the speaker of the council no later than 12 months after the final member of the task force is appointed. Such report shall include recommendations to address reckless driving and speeding by tow truck operators, including proposed changes to laws, agency rules, agency enforcement practices and traffic safety strategies.

h. The task force shall dissolve upon submission of the report required pursuant to subdivision g of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1110

By Council Members Salamanca, Cumbo, Ampry-Samuel and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to housing specialists within the human resources administration and department of homeless services

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-142 to read as follows:

§ 21-142 **Definition.** *a. For purposes of this section, the following terms have the following meanings:*

Domestic violence emergency shelter. The term “domestic violence emergency shelter” means time-limited housing for domestic violence survivors managed by or under a contract or similar agreement with the department and subject to section 459-b of the social services law.

Domestic violence tier II shelter. The term “domestic violence tier II shelter” means housing for domestic violence survivors managed by or under a contract or similar agreement with the department and subject to the provisions of part 900 of title 18 of the New York codes, rules, and regulations.

HASA shelter. The term “HASA shelter” means single room occupancy hotels or congregate facilities managed by a provider under contract or similar agreement with the department.

Housing specialist. The term “housing specialist” means department staff assigned to work in domestic violence emergency shelters, domestic violence tier II shelters, or HASA shelters, in order to help clients in those shelters secure appropriate housing.

Temporary shelter. The term “temporary shelter” means domestic violence emergency shelters, domestic violence tier II shelters, and HASA shelters managed, used, owned, operated or contracted for, by or on behalf of the department or under similar agreement with the department.

b. Training and supervision of housing specialists. *Housing specialists shall be designated to serve in temporary shelters. Where housing specialists are placed in temporary shelters and are employed by not-for-profit or for-profit operators of such facilities, the commissioner shall establish a training program for such housing specialists that shall include, but not be limited to, establishing expertise in the various housing programs to which eligible homeless persons may be referred and proper case management techniques. The commissioner shall develop definite program goals and timetables by which he or she shall assess the performance of housing specialists in matching as expeditiously as possible eligible homeless persons with available housing resources.*

c. Reporting on housing specialists. *No later than January 15, 2019, and no later than January 15 annually thereafter, the department shall submit to the speaker of the council and post on its website an annual report regarding information on housing specialists. Such report shall include, but not be limited to: (i) the number of all temporary shelters, disaggregated by district and type of shelter; (ii) the number of housing specialists within all temporary shelters, disaggregated by district and type of shelter; (iii) the average caseload of housing specialists within each temporary shelter; and (iv) the goals and timetables by which the commissioner shall assess the performance of housing specialists.*

§ 2. Section 21-303 of the administrative code of the city of New York, as added by local law number 51 for the year 1993, is amended to read as follows:

§ 21-303 **Definition.** *a. For purposes of this section, the following terms have the following meanings:*

Housing specialist. The term “housing specialist” means department staff assigned to work in transitional housing facilities, in order to help clients in those facilities secure appropriate housing.

Transitional housing facility. The term “transitional housing facilities” means a shelter placement for families with children, adult families, single adult women, single adult men, and veterans managed, used, owned, operated or contracted for, by or on behalf of the department or under similar agreement with the department.

b. Training and supervision of housing specialists. *Housing specialists shall be [available] designated to serve in each transitional housing facility [used, owned, operated, managed or contracted for, by or on behalf of the department]. Where housing specialists are placed in transitional housing facilities and are employed by not-for-profit or for-profit operators of such facilities, the commissioner shall establish a training program for such housing specialists which shall include, but not be limited to, establishing expertise in the various housing programs to which eligible homeless persons may be referred and proper case management techniques. The commissioner shall develop definite program goals and timetables by which he or she shall assess the performance of housing specialists in matching as expeditiously as possible eligible homeless persons with available housing resources [and, on or before December 31, 1995, shall report to the speaker of the city council in writing on such goals and timetables by which he or she shall assess the performance of housing specialists].*

c. Reporting on housing specialists. *No later than January 15, 2019, and no later than January 15 annually thereafter, the department shall submit to the speaker of the council and post on its website a report regarding information on housing specialists. Such report shall include, but not be limited to: (i) the number of transitional housing facilities, disaggregated by district and type of transitional housing facility; (ii) the number of housing specialists within all transitional housing facilities, disaggregated by district and type of transitional housing facility; (iii) the average caseload of housing specialists within each transitional housing facility; and (iv) the goals and timetables by which the commissioner shall assess the performance of housing specialists.*

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

Referred to the Committee on General Welfare.

Int. No. 1111

By Council Members Salamanca, Yeger and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on case processing times for grand larceny investigations

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-177 to read as follows:

§ 14-177 Grand larceny case processing report.

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

Case investigator. The term “case investigator” means the member of service assigned to identify the perpetrator of a crime after a complaint is received.

Close the investigation. The term “close the investigation” means make an arrest or determine that no further investigative steps are appropriate.

Grand larceny. The term “grand larceny” has the same meaning as set forth in article 155 of the penal law.

b. Sixty days after January 1, 2019 and sixty days after the beginning of every quarter thereafter, the department shall post on its website a report indicating the average amount of time between a grand larceny complaint and a response to the victim by a case investigator regarding the progress of the investigation; the average amount of time required to close the investigation for the preceding year, and the percentage of grand larceny complaints that lead to an arrest.

c. The information in subdivision b of this section shall be permanently accessible from the department’s website and shall be provided in a format that permits automated processing. Each report shall include a comparison of the current quarter with the prior four quarters, where such information is available.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1112

By Council Members Torres, Constantinides, Yeger and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to report certain information concerning the valuation and taxation of real property

Be it enacted by the Council as follows:

Section 1. Section 11-140 of the administrative code of the city of New York, as added by local law 252 for the year 2017, is renumbered section 11-141.

§2. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-142 to read as follows:

§11-142 Information on real property tax rates. a. Definitions. For purposes of this section:

The term “effective tax rate” means the actual taxes billed to the property including any exemption or abatement divided by the property’s market value as determined by the department.

The term “building type” means apartment buildings that are rentals, cooperatives, or condominiums within tax class two; office, factory, warehouse, hotels, or retail within tax class four; vacant land, and any other tax type that the department deems appropriate.

The term “sales-based effective tax rate” means the actual taxes billed to the property including any exemption or abatement divided by the property’s sales price as recorded by the city register or the office of the Richmond county clerk; except that, for cooperatives, the sales-based effective tax rate shall be calculated by multiplying a fraction, the numerator of which shall be the actual taxes billed to the tax lot containing the applicable cooperative unit including any exemption or abatement and the denominator of which shall be the market value of such tax lot as determined by the department, by a second fraction, the numerator of which shall be the total number of cooperative shares and the denominator of which shall be the total number of cooperative shares associated with such tax lot.

The term “sales-based unexempted effective tax rate” means the actual taxes billed to a property excluding any exemption or abatement divided by the property’s sales price as recorded by the city register or the office of the Richmond county clerk; except that, for cooperatives, the sales-based unexempted effective tax rate shall be calculated by multiplying a fraction, the numerator of which shall be the actual taxes billed to the tax lot containing the applicable cooperative unit excluding any exemption or abatement and the denominator of which shall be the market value of such tax lot as determined by the department, by a second fraction, the numerator of which shall be the total number of cooperative shares and the denominator of which shall be the total number of cooperative shares associated with such tax lot.

The term “sales ratio” means a property’s sales price as recorded by the city register or the office of the Richmond county clerk divided by such property’s market value as determined by the department; except that, for cooperatives, the sales ratio shall be calculated by multiplying a fraction, the numerator of which shall be the sales price of the applicable cooperative unit and the denominator of which shall be the market value of such tax lot as determined by the department, by a second fraction, the numerator of which shall be the total number of cooperative shares and the denominator of which shall be the total number of cooperative shares associated with such tax lot.

The term “unexempted effective tax rate” means the taxes assessed against real property exclusive of any tax exemption or abatement divided by the property’s market value as determined by the department.

b. Tax rate of assessed properties. The department shall, no later than September 1 of each year, deliver to the council and publish on its website the effective tax rate and unexempted effective tax rate for all properties included on the assessment rolls delivered to the council pursuant to section 1514 of the charter.

c. Tax rate of recently sold properties. The department shall, no later than September 1 of each year, deliver to the council and publish on its website the sales-based effective tax rate, the sales-based unexempted effective tax rate, and the sales ratio for each property sold in an arm’s length transaction and recorded by the city register or the office of the Richmond county clerk during the calendar year immediately preceding the taxable status date of the assessment roll of the prior fiscal year or any other twelve month period that the department may deem appropriate.

d. Report on median effective tax rates and sales ratios. No later than September 1 of each year, the department shall deliver to the council, and shall publish on its website, a report with the following citywide information for the prior fiscal year, disaggregated by tax class and subclass, and further disaggregated by borough, council district, and building type:

- 1. the median and coefficient of dispersion for the effective tax rate;*
- 2. the median and coefficient of dispersion for the unexempted effective tax rate;*
- 3. the median and coefficient of dispersion for the sales-based effective tax rate;*
- 4. the median and coefficient of dispersion for the sales-based unexempted effective tax rate; and*
- 5. the median and coefficient of dispersion for the sales ratio.*

§3. Chapter 1 of title 11 of the administrative code of the city of New York is amended by adding a new section 11-143 to read as follows:

§11-143 Additional information related to property valuation. Within ten days following the delivery of the assessment rolls to the council or city clerk as required by section 11-218, the commissioner of finance shall publish a report on its website containing, for each assessed property, the information required to be included in the notice of property value pursuant to subdivision b of section 11-207.1.

§4. Subdivision b of section 11-207.1 of the administrative code of the city of New York, as added by local law 53 for the year 2013, is amended to read as follows:

b. The notice of property value sent by the department to an owner of real property at least thirty days prior to the final date for filing any appeal shall [inform such owner how to access additional information on the

website of the department regarding valuation of the subject real property, including the factors used by the department to determine the market value of such real property. The notice of property value shall include the address of such website.] *include, but not be limited to, the following information:*

1. *The method used by the department to determine the property's market value; and*
2. *Where such method used the property's estimated income and/or expenses, the property's estimated income, expenses, and capitalization rates or multipliers, as well as a link to the department's website where the owner can access additional information about the specific formulas, data sources, and values used to determine such capitalization rate.*

[Such information shall be made available at least thirty days prior to the final date for filing any appeal.]

§5. This local law takes effect immediately.

Referred to the Committee on Finance.

Int. No. 1113

By Council Members Treyger, Kallos, Rose, Ampry-Samuel and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on after school programs

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 section 21-410 to read as follows:

§ 21-410 Reporting on after school programs a. Definitions. For the purposes of this section, the term "after school program" means any organized program, under the jurisdiction of either the department or the department of education, that occurs outside the traditional school day which allows students to participate in expanded learning activities that include, but are not limited to, academic support, arts and cultural enrichment, recreation, sports, nutrition, youth development, and mentoring.

b. Not later than September 1, 2018, and annually thereafter on or before September 1, the department, in consultation with the department of education, shall submit to the mayor and speaker, conspicuously post to its website and make available to students and parents, an annual report regarding all after school programs that are available and the funding allocated for such programs.

c. The annual report shall include, but not be limited to, the following information:

1. *The number and percentage of after school programs available and a description of each program, including the capacity of each program and number of hours each program is available on a daily basis;*
2. *The eligibility criteria for each after school program;*
3. *The application methods made available for each after school program;*
4. *For each school that hosts an after school program, the number and percentage of students enrolled in that school taking part in such after school program;*
5. *The demographic information for students in each after school program including, but not limited to grade, age, race, ethnicity, gender, special education status, and English language learner status; and*
6. *The amount of funding allocated to each program, the source of such funding, and the length of time each after school program has been funded.*

d. All information required by this section shall be aggregated citywide, as well as disaggregated by borough, council district, community school district, and school.

§ 2. This local law takes effect immediately.

Referred to the Committee on Youth Services.

Res. No. 514

Resolution calling upon the Department of Education to provide one full-time guidance counselor and social worker for every 250 students and to ensure that all schools have at least one full-time guidance counselor and social worker.

By Council Members Treyger, Chin, Constantinides, Ampry-Samuel, Reynoso, Richards and King.

Whereas, Pursuant to the requirements of Local Law 56 of 2014, in February 2018, the Department of Education (DOE) reported that there are 4,173 guidance counselors and social workers combined across all DOE schools, and yet, as reported by the New York Police Department (NYPD), there are currently more than 5,000 School Safety Agents (SSAs) in DOE schools; and

Whereas, The American Civil Liberties Union reported that the presence of police officers in schools, lead to students feeling criminalized for conduct that should be addressed by school staff; and

Whereas, While SSAs are not police officers, as indicated by the Center for Public Integrity, SSAs are employed by the NYPD, wear a police uniform and a shield, and have handcuffs on their belts; and

Whereas, As stated in a 2018 report released by New York City Comptroller Scott Stringer, during school year (SY) 2016-17, SSAs and NYPD officers issued more than 2,000 summonses or arrests in DOE schools, and suspensions in DOE schools increased by more than 20 percent during the first half of SY 2017-18 in comparison to the first half of the year prior; and

Whereas, The Comptroller also reported that during SY 2017-18 students were handcuffed in more than 1,800 incidents, including students as young as age five; and

Whereas, According to New York University, students with disabilities and students of color are disproportionately removed from their classes; and

Whereas, Numerous advocates, such as the Urban Youth Collaborative, argue that many DOE schools perpetuate the “school-to-prison-pipeline,” by which students are pushed into the juvenile and criminal justice systems through school policing and student suspensions; and

Whereas, At a March 2018 town hall meeting convened by Mayor de Blasio to discuss school safety, many students indicated that SSAs did not make them feel safer in schools, and they advocated for fewer SSAs and more school guidance counselors; and

Whereas, Research shows that guidance counselors and social workers are beneficial for students social, emotional, and academic wellbeing as well as their safety; and

Whereas, As reported by the National Association of Social Work (NASW), school social workers are prepared to understand warning signs of threatening behavior and work to prevent school violence; and

Whereas, A study by professor Anderson-Butcher of Ohio State University shows that students who received school social work services experienced an increase in their satisfaction with their school, their self-confidence, and their perceptions of their academic achievement; and

Whereas, According to research published by the American Counseling Association, counseling in schools reduces classroom disruptions, and school counselors can help prevent student suicide; and

Whereas, According to NASW, there should be a social worker-to-general education student ratio of 1:250, and the American School Counselor Association (ASCA) also recommends a school counselor-to-student ratio of 1:250; and

Whereas, DOE’s 2018 Report on Guidance Counselors shows that, during SY 2015-16, while DOE schools had a guidance counselor and social worker to student ratio of 1:241, DOE schools had a 1:348 student-to-guidance counselor ratio, which is significantly above ASCA’s recommended ratio; and

Whereas, DOE’s report also shows that some schools had just one guidance counselor for over 1,000 students, and 41 DOE schools did not have a single guidance counselor or social worker; and

Whereas, Regulations of New York State Commissioner of Education do not currently require school counselors in elementary schools, although the State will require that students in these schools have access to a certified school counselor beginning in SY 2019-20; and

Whereas, Research shows the harms of policing in schools and the benefits of providing students with school guidance counselors and social workers; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Department of Education to provide one full-time guidance counselor and social worker for every 250 students and to ensure that all schools have at least one full-time guidance counselor and social worker.

Referred to the Committee on Education.

Res. No. 515

Resolution calling on New York State's Metropolitan Transportation Authority to make automated external defibrillators available at every subway and Staten Island Railway station.

By Council Members Ulrich, Borelli, Constantinides and Yeger.

Whereas, According to the Department of Health and Mental Hygiene (DOHMH), New York City experiences higher than average instances of death by diseases of the heart, accounting for 17,125 deaths, or 31.6% of total deaths, in 2015; and

Whereas, According to the American Red Cross, an automated external defibrillator (AED) is the only effective treatment for restoring a regular heart rhythm during sudden cardiac arrest and is an easy to operate tool for someone with no medical background; and

Whereas, For each minute defibrillation is delayed, the chance of survival is reduced by approximately 10 percent, and more than 95 percent of patients who receive defibrillation shock in the first minute of cardiac arrest survive; and

Whereas, To increase the likelihood of survival for those who experience cardiac arrest, New York State implemented legislation ensuring AEDs are available in public schools, locations hosting public school-sponsored athletic contests or practices, places of public assembly with a capacity of at least 1,000 people, and health clubs with 500 or more members; and

Whereas, New York City requires AEDs to be kept in many publicly-accessible locations, including public buildings maintained by the Department of Citywide Administrative Services, at least six parks under the jurisdiction of the Department of Parks and Recreation in each borough, ferry terminals owned and operated by the City of New York served by ferry boats with a passenger capacity of one thousand or more persons, nursing homes, senior centers, golf courses, stadia, arenas, and health clubs that have a membership of at least 250 people; and

Whereas, Local Law 57 of 2016, as amended by Local Law 104 of 2016, created a requirement for AEDs to be present at youth baseball games and practices; and

Whereas, Local Law 57 was amended in May 2018 to include youth softball leagues; and

Whereas, According to the Metropolitan Transit Authority (MTA), in 2017 New York City Transit, which includes the subways, had an average weekday ridership of 7.76 million and an annual ridership of 2.35 billion, while the Staten Island Railway had an annual ridership of 4.6 million; and

Whereas, According to a 2013 New York Daily News article the New York Police Department's (NYPD) Transit Bureau, which patrols subway stations, had only 60 defibrillators while the MTA police, which patrols the Long Island Rail Road, Metro-North Rail Road, and the Staten Island Railway, only had 65 defibrillators total; and

Whereas, Under Briana's Law, every police officer in New York State is trained to operate an AED, yet not every station houses an AED; and

Whereas, In February 2017, two NYPD Transit officers were able to save the life of an unconscious woman by performing cardiopulmonary resuscitation (CPR), yet had to wait minutes for Emergency Medical Services (EMS) to provide an AED; and

Whereas, Other jurisdictions within the United States, such as the city of Atlanta, ensure AEDs are available at every train station; and

Whereas, New York State should ensure that all passengers on every subway line and at all 472 station stops have access to lifesaving AEDs, as well as passengers on the Staten Island Railway which is composed of 21 rail stations; now, therefore, be it

Resolved, That the Council of the City of New York calls on New York State's Metropolitan Transportation Authority to make automated external defibrillators available at every subway and Staten Island Railway station.

Referred to the Committee on Transportation

Preconsidered L.U. No. 196

By Council Member Dromm:

501 West 143rd Street, Block 2075, Lot 26; Manhattan, Community District No. 9, Council District No. 7.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 197

By Council Member Dromm:

Morningside Apartments, Block 1864, Lot 23; Manhattan, Community District No. 7, Council District No. 7.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 198

By Council Member Dromm:

9 Argyle Road, Block 5074, Lot 60; Brooklyn, Community District No. 14, Council District No. 40.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 199

By Council Member Salamanca:

Application No. C 170213 ZMK (57 Caton Place Rezoning) submitted by 57 Caton Partners, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 16d, changing from a C8-2 District to an R7A District and establishing within such proposed R7A District a C2-4 District property located at Block 5322, Lots 1 and 4, Borough of Brooklyn, Community District 7, Council District 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 200

By Council Member Salamanca:

Application No. N 170214 ZRK (57 Caton Place Rezoning) submitted by 57 Caton Partners, 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 Section 113-00 and Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 7, Council District 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 201

By Council Member Salamanca:

Application No. C 180029 ZMK (1881-1883 McDonald Avenue Rezoning) submitted by Quentin Plaza, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d changing from an R5 District to an R7A District and establishing within the proposed R7A District a C2-4 District property located at Block 6633, Lots 45 and 48 and Block 6658, Lots 1 and 86, Borough of Brooklyn, Community District 15, Council District 44.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 202

By Council Member Salamanca:

Application No. N 180030 ZRK (1881-1883 McDonald Avenue Rezoning) submitted by Quentin Plaza, 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 Brooklyn, Community District 15, Council District 44.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 203

By Council Member Salamanca:

Application No. N 170115 ZRM (27 East 4th Street) submitted by Kalodop II Park Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Section 74-712 (Developments in Historic Districts), concerning special permits within the NoHo Historic District Extension, Borough of Manhattan, Community District 2, Council District 2.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

L.U. No. 204

By Council Member Salamanca:

Application No. C 170116 ZSM (27 East 4th Street) submitted by Kalodop II Park Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(a) of the Zoning Resolution to modify the use regulations of Section 42-14(D)(2)(b) to allow Use Group 5 uses (transient hotel and accessory uses) and Use Group 6 uses (retail and office uses) below the floor level of the second story of a proposed 8-story commercial building on a zoning lot that, as of December 15, 2003, is improved with a one-story building, on property located at 27 East 4th Street (Block 544, Lot 72), in an M1-5B District, within the NoHo Historic District Extension, Borough of Manhattan, Community District 2, Council District 2.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 205

By Council Member Salamanca:

Application No. C 170117 ZSM (27 East 4th Street) submitted by Kalodop II Park Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b) of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to facilitate the development of an eight-story commercial building on a zoning lot that, as of December 15, 2003, is improved with a one-story building, on property located at 27 East 4th Street (Block 544, Lot 72), in an M1-5B District, within the NoHo Historic District Extension, Borough of Manhattan, Community District 2, Council District 2.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

Preconsidered L.U. No. 206

By Council Member Salamanca:

Application No. C 170178 ZMR (3122-3136 Victory Boulevard Rezoning) submitted by C & A Realty Holding LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20d, eliminating from within an existing R3X District a C2-2 District and changing from an R3X District to a C8-1 District, for property located at Block 2159, Lots 1, 10, 13, 15 and p/o Lot 18, Borough of Staten Island, Community District 2, Council District 50.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 207

By Council Member Salamanca:

Application No. C 180138 ZMQ (O' Neill's Rezoning) submitted by O'Neill's of Maspeth, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13c, changing from an R4 District to an R5D District, establishing within an existing R4 District a C2-2 District, and establishing within the proposed R5D District a C2-2 District for property located

at Block 2374, Lots 101, 106, 197, 198 and 199, and Block 2381, Lots 1, 2 and 3, Borough of Queens, Community District 5, Council District 30.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

L.U. No. 208

By Council Member Salamanca:

Application No. C 180304 ZMQ (Lefferts Boulevard Rezoning) submitted by Opos Sou Kapnisi, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 18a: establishing within an existing R4-1 District a C2-3 District; and establishing within an existing R6A District a C2-3 District, to facilitate development of a one-story commercial building at 104-12 Lefferts Boulevard (Block 9572, Lot 10), Borough of Queens, Community District 10, Council District 28.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 209

By Council Member Salamanca:

Application No. C 180386 PPQ (26-32 Jackson Avenue) submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Housing, Preservation and Development (HPD), pursuant to Section 197-c of New York City Charter, for the disposition pursuant to zoning of city-owned property located on the south side of Jackson Avenue between Purvis Street and Dutch Kills Street (Block 267, Lot 25), Borough of Queens, Community District 2, Council District 26.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 210

By Council Member Salamanca:

Application No. C 180384 ZSQ (26-32 Jackson Avenue) submitted by 2632 Jackson LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 117-533 to modify the street wall requirements of Section 117-531 (Street wall location) and the setback requirements of Section 117-532 (Setback regulations for buildings that exceed the maximum base height) to facilitate a proposed 49-story mixed-use development on property located at 26-32 and 26-46 Jackson Avenue (Block 267, Lots 21 & 25), in an M1-5/R9 District, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict - Area B), Borough of Queens, Community District 2, Council District 26).

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 211

By Council Member Salamanca:

Application No. C 180385 PPQ (27-01 Jackson Avenue) submitted by the Department of Citywide Administrative Services (DCAS) and the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of New York City Charter, for the disposition pursuant to zoning of city-owned property located on the north side of Jackson Avenue between 43rd Avenue and 42nd Road (Block 432, Lots 18 and 29), Borough of Queens, Community District 2, Council District 26.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 212

By Council Member Salamanca:

Application No. C 180382 ZSQ (27-01 Jackson Avenue) submitted by 2701 Jackson Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 117-533 to modify the street wall requirements of Section 117-531 (Street wall location) and the setback requirements of Section 117-532 (Setback regulations for buildings that exceed the maximum base height) to facilitate a proposed 27-story mixed-use development on property located at 27-01 Jackson Avenue (Block 432, Lots 18, 21 & 29), in M1-5/R9 and M1-5/R7-3 Districts, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict - Areas B and C), Borough of Queens, Community District 2, Council District 26.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 213

By Council Member Salamanca:

Application No. C 180383 ZSQ (27-01 Jackson Avenue) submitted by 2701 Jackson Avenue LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 16-352 and 74-52 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 91 spaces on portions of the ground floor, 2nd floor, and 3rd floor and to allow floor space on one or more stories and up to a height of 23 feet above curb level, to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), of a proposed 27-story mixed-use development on property located at 27-01 Jackson Avenue (Block 432, Lots 18, 21 & 29), in M1-5/R9 and M1-5/R7-3 Districts, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict - Areas B and C). Borough of Queens, Community District 2, Council District 26.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 214

By Council Member Salamanca:

Application No. C 180263 ZSM (110 East 16th Street) submitted by East 16th Street Owner LLC and Trinity Christian Center of Santa Ana, Inc. pursuant to Sections 197-c and 201 of the New York City

Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height and setback regulations of Section 23-662 (Maximum height of buildings and setback regulations), side yard regulations of Section 23-462 (Side yards for all other buildings containing residences), and distance between buildings regulations of Section 23-711 (Standard minimum distance between buildings) to facilitate the development of a 21-story mixed-use building, on property located at 110 East 16th Street (Block 871, Lot 74) on a zoning lot in a C6-2A District containing a landmark designated by the Landmarks Preservation Commission at 109-115 East 15th Street (Block 871, Lots 10 and 12), Borough of Manhattan, Community District 5, Council District 2.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 215

By Council Member Salamanca:

Application No. C 180264 ZSM (110 East 16th Street) submitted by East 16th Street Owner LLC and Trinity Christian Center of Santa Ana, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-45 (Special Permits for Additional Parking Spaces) and Section 13-451 (Additional parking spaces for residential growth) of the Zoning Resolution to allow an automated accessory off-street parking facility with a maximum capacity of 23 spaces on property located in a C6-2A District at 109-115 East 15th Street a.k.a. 110-112 East 16th Street (Block 871, Lots 10, 12, and 74), Borough of Manhattan, Community District 5, Council District 2.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 216

By Council Member Salamanca:

Application No. N 180188 ZRK (180 Myrtle Avenue Text Amendment) submitted by Red Apple Real Estate, pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying Article X, Chapter 1, Section 11 (Special Ground Floor Use Regulations within the Special Downtown Brooklyn District) and related Sections, Borough of Brooklyn, Community District 2, Council District 35.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 217

By Council Member Salamanca:

Application No. 20185544TCX pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of HK Kitchen Corp, for a revocable consent to establish maintain and operate an unenclosed sidewalk café located at 3599 East Tremont Avenue, Borough of Bronx, Community District 10, Council District 13. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and Section 20-226 of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 218

By Council Member Salamanca:

Application No. 20195035 HIM (N 190044 HIM) [DL 509, LP-2600] submitted by the New York City Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the landmark designation of the former AT&T Corporate Headquarters Building at 550 Madison Avenue, Tax Map Block 1291, Lot 10, Borough of Manhattan, Community District 5, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 219

By Council Member Salamanca:

Application No. 20195003 HKK (N190101HKK) [DL 508, LP-2599] submitted by the New York City Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York, concerning the designation of the Boerum Hill Historic District Extension as a historic district, Borough of Brooklyn, Community District 2.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 220

By Council Member Salamanca:

Application No. C 160161 PQX (LSSNY Early Life Child Center 2) submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 888 Westchester Avenue (Block 2696, Lot 30) for continued use as a child care facility, Borough of the Bronx, Community District 2, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 221

By Council Member Salamanca:

Application No. 20195045 HAQ (Hunters Point South Parcel C – North Tower) 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 for approval of a new real property tax exemption, for property located at Block 6, Lot 60, Borough of Queens, Community District 2, Council District 26.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 222

By Council Member Salamanca:

Application No. 20195046 HAQ (Hunters Point South) submitted by the New York City Department of Housing Preservation and Development pursuant to Sections 693, and 694 of the General Municipal Law for approval of an urban development action area and an urban development action area project for property located at Block 6, Lots 20, 30, 40, 50, 60, 130, 160, 165 (formerly Block 1, p/o Lots 1 and 10, Block 5, p/o Lot 1, Block 6, p/o Lots 2 and 14), Borough of Queens, Community District 2, Council District 26.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 223

By Council Member Salamanca:

Application No. 20195048 HAM (95 Lenox Ave Plan and Project) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 115 of the Private Housing Finance Law for the modification of the plan and project for Canaan IV Towers currently known as Block 1824, Lots 16 and 155 (f/k/a Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as Lot 16), Borough of Manhattan, dated July 17, 1980, and recorded in the Office of the City Register of New York County at Reel 550, Pages 2014-2062 ("Plan and Project"), by deleting from the areas described in such Plan and Project all references to that portion currently known as Block 1824, Lot 155 (f/k/a p/o Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as p/o Lot 16), Borough of Manhattan, Community District 10, Council District 9.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 224

By Council Member Salamanca:

Application No. 20195047 HAM (95 Lenox Ave Conveyance) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 122(1) of the Private Housing Finance Law for approval, contingent on the recordation of a restrictive covenant, of a conveyance of real property located at Block 1824, Lot 155 (f/k/a p/o Lots 16, 18, 22, 23, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, and 54 and then as p/o Lot 16), from Church Homes Associates L.P. to 115th Street Holdings LLC, Borough of Manhattan, Community District 10, Council District 9.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 225

By Council Member Salamanca:

Application No. 20195049 HAM (95 Lenox Ave Tax Exemption) 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 for the approval of a new exemption from real property taxes, pursuant

to Section 125 of the Private Housing Finance Law for approval of the termination of the prior exemption, pursuant to Section 123(4) of the Private Housing Finance Law for consent to the voluntary dissolution of the current owner, for property located at Block 1824, Lot 16, Borough of Manhattan, Community District 10, Council District 9.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 226

By Council Member Salamanca:

Application No. 20195063 HAK (Sunset Park IV) 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 the amendment of Resolution 1557 for the year 2017 to extend the duration of an existing exemption from real property taxes to 40 years, for property located at Block 792, Lot 24; and Block 821, Lots 71 and 72, Borough of Brooklyn, Community District 7, Council District 38.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 227

By Council Member Salamanca:

Application No. 20195062 HAK (Sunset Park III) 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 the amendment of Resolution 1556 for the year 2017 to extend the duration of an existing exemption from real property taxes to 40 years, for property located at Block 816, Lot 42, Borough of Brooklyn, Community District 7, Council District 38.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 228

By Council Member Salamanca:

Application No. 20195061 HAK (Sunset Park II) 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 the amendment of Resolution 1555 for the year 2017 to extend the duration of an existing exemption from real property taxes to 40 years, for property located at Block 723, Lot 67; Block 774, Lot 59, Block 775; Lots 65, 80; Block 783, Lot 21; Block 784, Lots 38, 39, 45, 47; and Block 814, Lot 20, Borough of Brooklyn, Community District 7, Council District 38.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 229

By Council Member Salamanca:

Application No. 20195060 HAK (Sunset Park I) 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 the amendment of Resolution 1554 for the year 2017 to extend the duration of an

existing exemption from real property taxes to 40 years, for property located at Block 764, Lot 36; Block 792, Lot 56; Block 799, Lot 25; Block 809, Lots 2, 3, 4, 5, 6, 7; Block 816, Lots 36, 37; Block 817, Lots 1,5; Block 821, Lot 12; Block 830, Lots 33, 35; Block 832, Lot 51; and Block 839, Lot 6, Borough of Brooklyn, Community District 7, Council District 38.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

<http://legistar.council.nyc.gov/Calendar.aspx>

A N N O U N C E M E N T S

Monday, September 17 2018

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor.....9:30 a.m.

[Committee on For-Hire Vehicles](#)

Ruben Diaz, Sr., Chairperson

Int 304 – By Council Members Rodriguez, Brannan and Gjonaj – **A Local Law** to create a task force to study taxicab medallion values.

Int 1052 – By The Speaker (Council Member Johnson) and Council Members Rodriguez and Lander – **A Local Law** to amend the administrative code of the city of New York, in relation to benefits for taxi and for-hire vehicle drivers.

Int 1062 – By Council Member Grodenchik – **A Local Law** to amend the administrative code of the city of New York, in relation to the risk of loss with respect to digital payments in the taxi and for-hire vehicle industries.

Int 1068 – By Council Member Levin – **A Local Law** to amend the administrative code of the city of New York, in relation to financial education for taxi and for-hire vehicle drivers.

Int 1069 – By Council Members Levine, Torres, Lander, Levin, Gjonaj and Diaz – **A Local Law** to amend the administrative code of the city of New York, in relation to addressing the problem of medallion owner debt.

Int 1070 – By Council Members Moya and Diaz – **A Local Law** to amend the administrative code of the city of New York, in relation to leasing, rental and conditional purchase of for-hire vehicles

Int 1079 – By Council Members Richards, Adams, Rose, Cumbo, Levin, Ampry-Samuel, Diaz and Miller – **A Local Law** to amend the New York city charter, in relation to creating an office of inclusion within the New York city taxi and limousine commission.

Int 1081 – By Council Member Salamanca – **A Local Law** to amend the administrative code of the city of New York, in relation to driver assistance centers.

Int 1096 - By Council Member Diaz - **A Local Law** to amend the administrative code of the city of New York, in relation to deductions from certain for-hire driver earnings.

Council Chambers – City Hall.....10:00 a.m.

[Committee on Technology](#)

Peter Koo, Chairperson

Int 986 - By Council Members Koo and Holden - **A Local Law** to amend the New York city charter, in relation to the format of data in agency reports.

Int 1094 - By The Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to oversight access to agency data.

Int 1098 - By Council Member Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to the digitization of historic data.

Int 1101 - By Council Member Koo (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to protecting cable provider customers’ personally identifiable information.

Int 1102 - By Council Member Koo (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to providing comprehensive protections to cable service subscribers.

Committee Room – 250 Broadway, 14th Floor.....10:00 a.m.

[Committee on Youth Services](#) jointly with the
[Committee on Immigration](#)

Deborah Rose, Chairperson
Carlos Menchaca, Chairperson

Oversight - LGBTQ Immigrant Youth in New York City.

Int 480 - By Council Members Dromm and Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of youth and community development to review strategies and create a plan of action to protect children who qualify for special immigrant juvenile status.

Committee Room – City Hall.....10:00 a.m.

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)

Adrienne Adams, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor.....12:00 p.m.

[Committee on Aging](#) jointly with the
[Committee on Civil & Human Rights](#)

Margaret Chin, Chairperson
Mathieu Eugene, Chairperson

Oversight - Age Discrimination in the Workplace.

Council Chambers – City Hall.....1:00 p.m.

[Committee on Fire and Emergency Management](#)

Joseph Borelli, Chairperson

Oversight - EMS Response to the Opioid Epidemic.

Int 1054 - By Council Members Borelli, Cornegy and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to creating online applications for fire alarm plan examinations.

Committee Room – City Hall1:00 p.m.

[Committee on Parks and Recreation](#)

Barry Grodenchik, Chairperson

Oversight - The State of the City’s Jointly Operated Playgrounds.

Committee Room – 250 Broadway, 14th Floor.....1:00 p.m.

[Subcommittee on Planning, Dispositions & Concessions](#)

Ben Kallos, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor.....2:00 p.m.

Thursday, September 20 2018

[Committee on Juvenile Justice](#)

Andy King, Chairperson

Oversight - Update on New York City’s Implementation of Raising the Age of Criminal Responsibility.

Committee Room – 250 Broadway, 16th Floor.....10:00 a.m.

[Committee on Sanitation and Solid Waste Management](#)

Antonio Reynoso, Chairperson

Oversight – Update on the City’s Organics Collection Program.

Committee Room – 250 Broadway, 14th Floor.....10:00 a.m.

Committee on Women

Helen Rosenthal, Chairperson

Oversight - Abortion and Reproductive Rights.

Res 84 - By the Public Advocate (Ms. James) and Council Members Brannan, Rosenthal, Ayala and Rivera - **Resolution** urging the New York State Legislature to pass and the Governor to sign the Reproductive Health Act.

Council Chambers – City Hall..... 10:00 a.m.

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall..... 11:00 a.m.

Committee on Mental Health, Disabilities & Addition jointly with the
Committee on General Welfare

Diana Ayala, Chairperson
Stephen Levin, Chairperson

Oversight - Shelter Accommodations and Services for Those with Disabilities.

Council Chambers - City Hall..... 1:00 p.m.

Committee on Public Safety jointly with the
Committee on Education

Donovan Richards, Jr., Chairperson
Mark Treyger, Chairperson

Oversight - School Emergency Preparedness and Safety.

Proposed Int 381-A - By Council Members Ulrich, Brannan, Holden and Vallone - **A Local Law** to amend the administrative code of the city of New York, in relation to door security in New York city public schools.

Proposed Int 639-B - By Council Members Eugene, Vallone, Moya, Cornegy, Kallos, Koo, Chin, Powers, Rose, Holden, Rivera, Borelli and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a school emergency preparedness task force to review distributing school emergency preparedness materials.

Proposed Int 866-A - By The Speaker (Council Member Johnson) and Council Members Vallone, Holden, Ampry-Samuel, Moya, Cornegy, Kallos, Koo, Chin, Adams, Rose, Gjonaj, Rivera, Borelli and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a school emergency preparedness task force to review NYPD, DOE and community collaboration on school emergency preparedness.

Proposed Int 869-A - By Council Members Ampry-Samuel, Vallone, Holden, Moya, Cornegy, Kallos, Koo, Chin, Powers, Rose, Rivera, Borelli and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a school emergency preparedness task force to review protocols for students experiencing a mental health crisis.

Proposed Int 872-A - By Council Members Brannan, Matteo, Torres, Rose, Vallone, Holden, Ampry-Samuel, Moya, Cornegy, Kallos, Koo, Chin, Adams, Powers, Rivera, Borelli and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a school emergency preparedness task force to review a public notification for school emergencies.

Proposed Int 876-A - By Council Members Constantinides, Van Bramer, Treyger, Vallone, Holden, Ampry-Samuel, Koslowitz, Moya, Cornegy, Kallos, Koo, Chin, Adams, Powers, Rose, Rivera, Borelli and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a school emergency preparedness task force to review evacuation plans and emergency response protocols at schools.

Int 880 - By Council Members Deutsch, Vallone, Holden and Ampry-Samuel - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to security cameras in New York city public schools.

Proposed Int 893-A - By Council Members Matteo, Vallone, Moya, Cornegy, Kallos, Koo, Chin, Powers, Rose, Holden, Borelli and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a school emergency preparedness task force to review the optimal security presence at schools.

Proposed Int 894-A - By Council Members Menchaca, Vallone, Holden, Koslowitz, Moya, Cornegy, Kallos, Koo, Chin, Adams, Powers, Rose, Rivera, Borelli and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a school emergency preparedness task force to review emergency preparedness training for school personnel.

Proposed Int 912-A - By Council Members Rose, Cabrera, Vallone, Ampy-Samuel, Holden, Moya, Cornegy, Kallos, Koo, Chin, Adams, Powers, Rivera, Borelli and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a school emergency preparedness task force to review infrastructure security technologies at schools.

Proposed Int 921-A - By Council Members Vallone, Chin, Koslowitz, Moya, Cornegy, Kallos, Koo, Adams, Powers, Rose, Holden, Gjonaj, Borelli and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to creating to a school emergency preparedness task force.

Proposed Int 922-A - By Council Members Vallone, Chin, Koslowitz, Moya, Cornegy, Kallos, Koo, Adams, Powers, Rose, Holden, Gjonaj, Borelli and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a school emergency preparedness task force to review emergency communication technologies at schools.

Proposed Int 923-A - By Council Members Vallone, Chin, Moya, Cornegy, Kallos, Koo, Adams, Powers, Rose, Holden, Gjonaj, Borelli and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring a school emergency preparedness task force to review emergency preparedness at nonpublic schools.

Committee Room – 250 Broadway, 16th Floor.....1:00 p.m.

Committee on Small Business

Mark Gjonaj, Chairperson

Oversight - Business Improvement Districts.

Committee Room – City Hall.....1:00 p.m.

Wednesday, September 26 2018

Committee on Finance

Daniel Dromm, Chairperson

Preconsidered Res_____ - By Council Member Dromm - **Resolution** approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....10:00 a.m.

Stated Council Meeting..... *Ceremonial Tributes – 1:00 p.m.*
..... *Agenda – 1:30 p.m.*

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 on Wednesday, September 26, 2018.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Preconsidered Int Nos. 1089, adopted by the Council at the August 29, 2018 Stated Meeting, was signed into law by the Mayor on September 4, 2018 as Local Law No. 160 of 2018.

Editor's Local Law Note: Int. Nos. 965-A and Preconsidered Int. No. 1087, both adopted at the August 8, 2018 Stated Meeting, were returned unsigned by the Mayor on September 12, 2018. These items had become law on September 8, 2018 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as, Local Laws Nos. 161 and 162 of 2018, respectively.

