

6-25-1989

# Charter of the City of New York (Draft)

New York City Charter Revision Commission

Follow this and additional works at: <https://brooklynworks.brooklaw.edu/trager>

---

## Recommended Citation

New York City Charter Revision Commission, "Charter of the City of New York (Draft)" (1989). *David G. Trager Papers from the NYC Charter Revision Commissions: Dec. 1986-Nov. 1988 & Dec. 1988-Nov. 1989*. 12.  
<https://brooklynworks.brooklaw.edu/trager/12>

This Article is brought to you for free and open access by the Special Collections at BrooklynWorks. It has been accepted for inclusion in David G. Trager Papers from the NYC Charter Revision Commissions: Dec. 1986-Nov. 1988 & Dec. 1988-Nov. 1989 by an authorized administrator of BrooklynWorks.

DRAFT

CHARTER LANGKONG  
TK AREA



6/25

## CHAPTER 1

### MAYOR

Sec. 3. Office powers. The mayor shall be the chief executive officer of the city.

Sec. 4. Election; term; salary. The mayor shall be elected at the general election in the year nineteen hundred sixty-five and every fourth year thereafter. The mayor shall hold office for a term of four years commencing on the first day of January after each such election. The salary of the mayor shall be one hundred thirty thousand dollars a year.

Sec. 5. Annual statement to council. The mayor shall communicate to the council at least once in each year a statement of the finances, government and affairs of the city with a summary statement of the activities of the agencies of the city.

Sec. 6. Heads of departments; appoint; remove. a. The mayor shall appoint the heads of administrations, departments, all commissioners and all other officers not elected by the people, except as otherwise provided by law.

b. The mayor, whenever in his judgment the public interest shall so require, may remove from office any public officer holding office by appointment from a mayor of the city, except officers for whose removal other provision is made by law. No public officer shall hold his office for any specific term; except as otherwise provided by law.

Sec. 7. Deputy mayors. The mayor shall appoint one or more

1 deputy mayors with such duties and responsibilities as the mayor  
2 determines

3 Sec. 8. General powers. The mayor, subject to this charter,  
4 shall exercise all the powers vested in the city, except as  
5 otherwise provided by law.

6 a. The mayor shall be responsible for the effectiveness and  
7 integrity of city government operations and shall establish and  
8 maintain such policies and procedures as are necessary and  
9 appropriate to accomplish this responsibility including the  
10 implementation of effective systems of internal control by each  
11 agency and unit under the jurisdiction of the mayor.

12 b. The mayor shall be a magistrate.

13 c. Notwithstanding any other provision of law, the mayor shall  
14 have the powers of a finance board under the local finance law and  
15 may exercise such powers without regard to any provision of law  
16 prescribing the voting strength required for a resolution or action  
17 of such finance board, provided, however, that whenever the mayor  
18 determines that obligations should be issued and the amount  
19 thereof, he shall certify such determination to the comptroller  
20 who shall thereupon determine the nature and term of such  
21 obligations and shall arrange for the issuance thereof.

22 d. The mayor shall establish a minimum per diem compensation  
23 for inspectors of election and clerks employed to assist the  
24 inspectors of election in polling places under the direction of  
25 the board of elections as follows: on registration and primary  
26 election days twenty dollars; on Election day thirty-five dollars,

1 except that the chairman of each election board shall receive an  
2 additional three dollars compensation per day. The minimum per diem  
3 rate for compensation for election inspectors attending classes of  
4 instruction shall be five dollars.

5 e. The mayor shall establish a professional internal audit  
6 function in the executive office of the mayor which is sufficient  
7 to provide the mayor with such information and assurances as the  
8 mayor, as the chief executive of the city, requires to ensure the  
9 proper administration of the city's affairs and the efficient  
10 conduct of its business.

11 f. Except as otherwise provided in section eleven, the mayor  
12 may, by executive order, at any time, create or abolish bureaus,  
13 divisions or positions within the executive office of the mayor as  
14 he or she may deem necessary to fulfill mayoral duties. The mayor  
15 may from time to time by executive order, delegate to or withdraw  
16 from any member of said office, specified functions, powers and  
17 duties, except the mayor's power to act on local laws or  
18 resolutions of the council, to act as a magistrate or to appoint  
19 or remove officials. Every such order shall be filed with the city  
20 clerk who shall forward them forthwith to the City Record for  
21 publication.

22 Sec. 9. Removal of mayor. The mayor may be removed from office  
23 by the governor upon charges and after service upon him of a copy  
24 of the charges and an opportunity to be heard in his defense.  
25 Pending the preparation and disposition of charges, the governor  
26 may suspend the mayor for a period not exceeding thirty days.

1       Sec. 10. Succession. a. In case of the suspension of the  
2       mayor from office, the mayor's temporary inability to discharge  
3       the powers and duties of the office of mayor by reason of sickness  
4       or otherwise, or the mayor's absence from the city, the powers and  
5       duties of the office of mayor shall devolve upon the president of  
6       the council or the comptroller in that order of succession until  
7       the suspension, inability or absence shall cease. While so acting  
8       temporarily as mayor neither the president of the council nor the  
9       comptroller shall exercise any power of appointment to or removal  
10      from office or any power lawfully delegated by the mayor to a  
11      deputy mayor before the commencement of such suspension or  
12      inability, or before or after the commencement of such absence; and  
13      shall not, until such suspension, inability or absence shall have  
14      continued nine days, sign, approve or disapprove any local law or  
15      resolution, unless the period during which the mayor can act  
16      thereon would expire during said nine days in which case the  
17      president of the council or the comptroller shall have the power  
18      to disapprove the same within forty-eight hours before the time to  
19      act expires.  
20      b. In the case of a failure of a person elected as mayor to  
21      qualify, or a vacancy in the office caused by the mayor's  
22      resignation, removal, death or permanent inability to discharge  
23      the powers and duties of the office of mayor, such powers and  
24      duties shall devolve upon the president of the council, the  
25      comptroller or a person selected pursuant to subdivision b of  
26      section twenty-seven, in that order of succession, until a new



mayor shall be elected as provided herein. If the vacancy shall occur before the twentieth day of September in any year, such vacancy shall be filled in the general election held in that year, otherwise it shall be filled in the general election held in the following year. The term of the person then elected mayor shall begin on January first after such election and shall expire on the date when the term of the mayor originally elected would have expired. Upon the commencement of the term of the thus elected mayor, the president of the council or the comptroller then acting as mayor shall complete the term of the office to which such person was elected if any remains.

c. Determination of mayoral inability.

1. Voluntary declaration of temporary inability. Whenever the mayor transmits to the official next in line of succession and to the city clerk, a written declaration that he or she is temporarily unable to discharge the powers and duties of the office of mayor, such powers and duties shall devolve upon the official next in line of succession, subject to the provisions of subdivision a of this section. Thereafter if the mayor transmits to the acting mayor and to the city clerk a written declaration that he or she is able to resume the discharge of the powers and duties of the office of mayor, the mayor shall resume the discharge of such powers and duties immediately upon the receipt of such declaration by the city clerk.

2. Inability committee. (a) There shall be a committee on mayoral inability consisting of: the corporation counsel, the

1 comptroller, the vice-chair of the council, a deputy mayor who  
2 shall be designated by the mayor, and the borough president with  
3 the longest consecutive service as borough president. If two or  
4 more borough presidents have served for an equal length of time,  
5 one of such borough presidents shall be selected by lot to be a  
6 member of such committee. If at any time there is no valid mayoral  
7 designation in force, the deputy mayor with the longest consecutive  
8 service as a deputy mayor shall be a member of such committee. The  
9 authority to act as a member of such committee shall not be  
10 delegable.

11 (b) Such committee by affirmative declaration of no fewer than  
12 four of its members shall have the power to make the declarations  
13 described in paragraphs four and five of this subdivision. No such  
14 declaration shall be effective unless signed by all the members  
15 making it.

16 3. Panel on mayoral inability. (a) There shall be a panel on  
17 mayoral inability. Unless otherwise provided by state law, such  
18 panel shall consist of all the members of the council.

19 (b) The panel shall have the power to make the determinations  
20 described in paragraphs four and five of this subdivision.

21 4. Temporary inability. (a) Whenever the committee on mayoral  
22 inability personally serves or causes to be personally served upon  
23 the mayor and transmits to the official next in line of succession,  
24 the members of the panel on mayoral inability and the city clerk,  
25 its written declaration that the mayor is temporarily unable to  
26 discharge the powers and duties of the office of mayor, together

1 with a statement of its reasons for such declaration, such  
2 declaration shall constitute a determination of temporary inability  
3 unless the mayor, within forty-eight hours after receipt of such  
4 declaration, transmits to the official next in line of succession,  
5 the members of the committee on mayoral inability, the members of  
6 the panel on mayoral inability and the city clerk, a written  
7 declaration that he or she is able to discharge the powers and  
8 duties of the office of mayor, together with responses to the  
9 statement by the committee on mayoral inability of its reasons for  
10 its declaration.

11 (b) If personal service of the committee's declaration upon the  
12 mayor cannot be accomplished, or if such service has been  
13 accomplished but the mayor has not transmitted a declaration that  
14 he or she is able to discharge the powers and duties of the office  
15 of mayor within forty-eight hours after receipt of such  
16 declaration, such powers and duties shall devolve upon the official  
17 next in line of succession, subject to the provisions of  
18 subdivision a of this section, unless and until the mayor resumes  
19 the authority to discharge such powers pursuant to the provisions  
20 of subparagraphs (e) or (f) of this paragraph.

21 (c) If within such forty-eight hours, the mayor transmits a  
22 declaration that he or she is able to discharge the powers and  
23 duties of the office of mayor, such powers and duties shall not  
24 devolve upon the official next in line of succession and the mayor  
25 shall continue to discharge the powers and duties of the office of  
26 mayor, unless and until the panel on mayoral inability, within

1 twenty-one days after its receipt of the mayor's declaration,  
2 determines by two-thirds vote of all its members that the mayor is  
3 temporarily unable to discharge the powers and duties of the office  
4 of mayor. If the panel determines that the mayor is unable to  
5 discharge the powers and duties of the office of mayor, such powers  
6 and duties shall devolve upon the official next in line of  
7 succession, subject to the provisions of subdivision a of this  
8 section, unless and until the mayor resumes the authority to  
9 discharge such powers and duties pursuant to the provisions of  
10 subparagraphs (e) or (f) of this paragraph.

11 (d) If, at any time prior to a final determination by the panel  
12 pursuant to subparagraph (c) of this paragraph the mayor transmits  
13 a voluntary declaration of temporary inability pursuant to the  
14 provisions of paragraph one of this subdivision, to the official  
15 next in line of succession, the members of the committee on mayoral  
16 inability, the members of the panel on mayoral inability, and the  
17 city clerk, then the procedures set forth in paragraph one of this  
18 subdivision shall be followed.

19 (e) If a determination of temporary inability has been made  
20 pursuant to the provisions of subparagraphs (a) or (c) of this  
21 paragraph, and if thereafter, the mayor transmits to the acting  
22 mayor, the members of the committee on mayoral inability, the  
23 members of the panel on mayoral inability and the city clerk, a  
24 written declaration that he or she is able to resume the discharge  
25 of the powers and duties of the office of mayor, then the mayor  
26 shall resume the discharge of such powers and duties four days



1 after the receipt of such declaration by the city clerk, unless  
2 the committee on mayoral inability, within such four days,  
3 personally serves or causes to be personally served upon the mayor  
4 and transmits to the acting mayor, the members of the panel on  
5 mayoral inability and the city clerk, its written declaration that  
6 the mayor remains unable to discharge the powers and duties of the  
7 office of mayor.

8 (f) If the committee transmits a declaration that the mayor  
9 remains unable to discharge the powers and duties of the office of  
10 mayor, the mayor shall not resume the discharge of the powers and  
11 duties of the office of mayor unless and until the panel on mayoral  
12 inability, within twenty-one days of its receipt of such  
13 declaration, determines by two-thirds vote of all its members that  
14 the inability has in fact ceased. Upon such a determination by the  
15 panel, or after the expiration of twenty-one days, if the panel  
16 has not acted, the mayor shall resume the discharge of the powers  
17 and duties of the office of mayor.

18 5. Permanent inability. (a) Whenever the committee on mayoral  
19 inability personally serves or causes to be personally served upon  
20 the mayor and transmits to the official next in line of succession,  
21 the members of the panel on mayoral inability and the city clerk,  
22 its declaration that the mayor is permanently unable to discharge  
23 the powers and duties of the office of mayor, together with its  
24 reasons for such declaration, the panel on mayoral inability shall,  
25 within twenty-one days after its receipt of such declaration,  
26 determine whether or not the mayor is permanently unable to

1 discharge the powers and duties of the office of mayor.

2 (b) If the panel determines by two-thirds vote of all its  
3 members that the mayor is permanently unable to discharge the  
4 powers and duties of the office of mayor, such powers and duties  
5 shall devolve upon the official next in line of succession as  
6 acting mayor pursuant to subdivision b of this section, and the  
7 office of mayor shall be deemed vacant.

8 6. Continuation of salary; disability allowance. (a) During the  
9 time that any official is acting as mayor pursuant to a  
10 determination of temporary inability, the mayor shall continue to  
11 be paid the salary of the office of mayor, and the acting mayor  
12 shall continue to be paid the salary of the office to which such  
13 person was elected.

14 (b) Any mayor who has been determined to be permanently unable  
15 to discharge the powers and duties of the office of mayor pursuant  
16 to paragraph five of this subdivision shall continue to receive  
17 from the city, a sum which together with the mayor's disability  
18 benefits and retirement allowance, if any, computed without  
19 optional modification, shall equal the annual salary which such  
20 mayor was receiving at the time of the determination of permanent  
21 inability. Such disability allowance shall begin to accrue on the  
22 date of the determination of permanent inability and shall be  
23 payable on the first day of each month until the expiration of the  
24 term for which such mayor had been elected or such mayor's death,  
25 whichever shall occur first. Such mayor shall apply for any  
26 retirement allowance or disability benefits to which he or she may

1 be entitled and the disability allowance provided for in this  
2 section shall not reduce or suspend such retirement allowance or  
3 disability benefits, notwithstanding any other provision of law.

4 Sec. 11. Reorganization of agencies under jurisdiction of  
5 mayor. a. The agencies existing on the effective date of this  
6 section are continued except as otherwise provided in the charter  
7 or as otherwise provided by state or local law enacted since that  
8 date or by any actions taken by the mayor pursuant to this section  
9 since that date. To achieve effective and efficient functioning  
10 and management of city government, the mayor may organize or  
11 reorganize any agency under his jurisdiction, including the  
12 authority to transfer functions from one agency to another; create  
13 new agencies; eliminate existing agencies; and consolidate or merge  
14 agencies. Any action by the mayor pursuant to this subdivision  
15 shall be termed a "reorganization plan" and shall be published in  
16 the City Record.

17 b. In preparing reorganization plans, the mayor shall eliminate,  
18 as appropriate, agencies or functions which duplicate or overlap  
19 similar agencies of, or functions performed by, other agencies of  
20 city, state or local government.

21 c. If any proposed reorganization plan involves a change of a  
22 provision of this charter, except as provided pursuant to  
23 subdivision f of this section, or local law now in effect, or  
24 otherwise involves reorganization of an agency created pursuant to  
25 a resolution of the board of estimate or executive order of the  
26 mayor, a copy of the reorganization plan first shall be submitted

1 to the council. Within a period of ninety days from the date of  
2 receipt, the council may adopt a resolution that approves or  
3 disapproves the reorganization plan. In the event the council takes  
4 no action within the ninety-day period, the reorganization plan  
5 shall be deemed approved as if the council had taken affirmative  
6 action, and is then effective.

7 d. The text of a reorganization plan approved pursuant to  
8 subdivision c of this section shall appear as a part of the  
9 administrative code.

10 e. The mayor may withdraw or modify a reorganization plan  
11 submitted to the council before any final action by the council  
12 with respect to it.

13 f. The authority of the mayor pursuant to this section shall  
14 not apply (1) to any matter which would otherwise require the  
15 submission of a local law for the approval of the electors pursuant  
16 to section thirty-nine, or (2) to any board or commission  
17 established pursuant to a provision of this charter.

18 Sec. 12. Mayor's management report. a. Not later than January  
19 thirtieth in each year the mayor shall make public and submit to  
20 the council [and to the board of estimate] a preliminary management  
21 report of the city and not later than September seventeenth in each  
22 year the mayor shall make public and submit to the council [and to  
23 the board of estimate] a management report.

24 b. The mayor shall include for all versions of the management  
25 report, an appendix indicating the linkages between the program  
26 performance goals and measures included in the management report



1 and the corresponding appropriations contained in the preliminary,  
2 executive and adopted budgets.

3 [b] c. The preliminary management report shall contain for each  
4 city agency

5 (1) a statement of actual performance for the first four months  
6 of the current fiscal year relative to goals and measures;

7 (2) proposed program and performance goals and measures for the  
8 next fiscal year reflecting budgetary decisions made as of the date  
9 of submission of the plan; and

10 (3) an explanation in narrative and/or tabular form of  
11 significant changes in performance goals and indicators from the  
12 adopted budget condition to the current budget as modified and from  
13 said modified budget to the preliminary budget statements.

14 [c] d. The management report shall contain for each agency

15 (1) program and performance goals for the current fiscal  
16 year and a statement and explanation of performance measures;

17 (2) a statement of actual performance for the entire  
18 previous fiscal year relative to goals; and

19 (3) a statement of the status of the agency's internal  
20 control environment and systems, including a summary of any actions  
21 taken during the previous fiscal year, and any actions being taken  
22 during the current fiscal year to strengthen the agency's internal  
23 control environment and system.

24 (4) a summary of rulemaking actions undertaken by the agency  
25 during the past fiscal year including

26 (a) the number of rulemaking actions taken,

1 (b) the number of such actions which were not noticed in the  
2 regulatory agenda prepared for such fiscal year, including a  
3 summary of the reasons such rules were not included in such  
4 regulatory agenda, and

5 (c) the number of such actions which were adopted under the  
6 emergency rulemaking procedures.

7 [d] e. For agencies with local service districts or programs  
8 within community districts and boroughs, the mayor's preliminary  
9 management report and management report insofar as practicable  
10 shall include schedules of agency service goals, performance  
11 measures and actual performance relative to goals for each such  
12 local service district or program.

13 [e] f. Prior to April eighth in each year the council shall  
14 conduct public hearings [jointly with the board of estimate] on the  
15 preliminary management report and on the proposed program and  
16 performance goals and measures of city agencies contained in such  
17 report. The council [and the board of estimate] shall submit to  
18 the mayor and make public not later than April eighth a report or  
19 reports of findings and recommendations.

20 Sec. 13. Coordinator of criminal justice. There is established  
21 in the executive office of the mayor a position of coordinator of  
22 criminal justice, to be appointed by the mayor. The coordinator  
23 shall:

24 (1) advise and assist the mayor in planning for increased  
25 coordination and cooperation among agencies under the  
26 jurisdiction of the mayor that are involved in criminal justice

1 programs and activities;

2 (2) review the budget requests of all agencies for programs  
3 related to criminal justice and recommend to the mayor budget  
4 priorities among such programs; and,

5 (3) perform such other duties as the mayor may assign.

6 Sec. 14. Office of veterans' affairs (a). There shall be an  
7 office of veterans' affairs, the head of which shall be the  
8 director of veterans' affairs, who shall be appointed by the mayor.

9 (b) Definition. The term "veteran" means a person who has  
10 served in the active military service of the United States and who  
11 has been released from such service otherwise than by dishonorable  
12 discharge.

13 (c) Powers and duties. The office: 1. shall have such powers  
14 as provided by the director of the state veterans' service agency  
15 and shall have the duty to inform military and naval authorities  
16 of the United States and assist members of the armed forces and  
17 veterans, who are residents of this state, and their families, in  
18 relation to (a) matters pertaining to educational training and  
19 retraining services and facilities, (b) health, medical and  
20 rehabilitation service and facilities, (c) provisions of federal,  
21 state and local laws and regulations affording special rights and  
22 privileges to members of the armed forces and veterans and their  
23 families, (d) employment and re-employment services, and (e) other  
24 matters of similar, related or appropriate nature. The office also  
25 shall perform such other duties as may be assigned by the state  
26 director of the division of veterans' affairs;

1        2. shall utilize, so far as possible, the services, commissions,  
2        boards, bureaus, institutions and other agencies of the state and  
3        of the political subdivisions thereof and all such officers and  
4        agencies shall cooperate with and extend such services and  
5        facilities to the office as it may require.

6        (d) Veterans' advisory board. There shall be a veterans'  
7        advisory board consisting of five members, three of whom shall be  
8        appointed by the mayor and two of whom shall be appointed by the  
9        vice-chairman of the council of the city of New York. All members  
10       shall serve for a term of three (3) years. The board shall advise  
11       the director on all matters concerning veterans.

12       Sec. 15 Office of Operations. a. There shall be, in the  
13       executive office of the mayor, an office of operations. The office  
14       shall be headed by a director, who shall be appointed by the mayor.

15       b. The director of the office of operations shall have the  
16       power and the duty to:

17       1. plan, coordinate and oversee the management of city  
18       governmental operations to promote the efficient and effective  
19       delivery of agency services;

20       2. review and report on the city's management organization  
21       including productivity and performance function and systems; and

22       3. review the city's operations and make recommendations,  
23       where appropriate, for improving productivity, measuring  
24       performance and reducing operating expenses.



6/25

## CHAPTER 2

### COUNCIL

Sec. 21. [Legislative power] The Council. There shall be a council which shall be the legislative body of the city. In addition to the other powers vested in it by this charter and other law, the council shall be vested with the legislative power of the city [, and shall be the local legislative body of the city]. Any enumeration of powers in this charter shall not be held to limit the legislative power of the council, except as specifically provided in this charter.

Sec. 22. Composition of council.

a. The council shall consist of the president of the council and of other members termed council members.

b. One council member shall be elected from each council district as now or hereafter constituted. The population of each such district shall be one hundred and forty thousand, or as close thereto as is practicable.

Sec. [33.]23 Council members not to be employees of agencies. No council member shall be an employee of any agency in any capacity whatever.

Sec. [23]24. President of the council. a. The president of the council shall be elected by the electors of the city at the same time and for the same term as in this charter prescribed for the mayor.

1       b. The president of the council may be removed or suspended in  
2       the same manner as provided in this charter with respect to the  
3       mayor.

4       c. Any vacancy in the office of council president shall be  
5       filled by popular election in the following manner:

6           1. Within three days of the occurrence of a vacancy in the  
7       office of the council president, the mayor shall proclaim the date  
8       for the election or elections required by this subdivision, provide  
9       notice of such proclamation to the city clerk and the board of  
10      elections and publish notice thereof in the City Record. After the  
11      proclamation of the date for an election to be held pursuant to  
12      paragraphs four or five of this subdivision, the city clerk shall  
13      publish notice thereof not less than twice in each week preceding  
14      the date of such election in newspapers distributed within the  
15      city, and the board of elections shall mail notice of such election  
16      to all registered voters within the city.

17          2. If a vacancy occurs during the first three years of the  
18      term, a general election to fill the vacancy for the remainder of  
19      the unexpired term shall be held in the year in which the vacancy  
20      occurs, unless the vacancy occurs after the last day on which an  
21      occurring vacancy may be filled at the general election in that  
22      same year with party nominations of candidates for such election  
23      being made at a primary election, as provided in section 6-116 of  
24      the election law. If such a vacancy occurs in any year after such  
25      last day, it shall be filled for the remainder of the unexpired  
26      term at the general election in the following year provided,

1 however, that no general election to fill a vacancy shall be held  
2 in the last year of the term, except as provided in paragraph nine  
3 of this subdivision. Party nominations of candidates for a general  
4 election to fill a vacancy for the remainder of the unexpired term  
5 shall be made at a primary election, except as provided in  
6 paragraph five of this subdivision.

7 3. If a special or general election to fill the vacancy on an  
8 interim basis has not been previously held pursuant to paragraphs  
9 four, six, seven and eight of this subdivision, the person elected  
10 to fill the vacancy for the remainder of the unexpired term at a  
11 general election shall take office immediately upon qualification  
12 and shall serve until the term expires. If a special or general  
13 election to fill the vacancy on an interim basis has been  
14 previously held, the person elected to fill the vacancy for the  
15 remainder of the unexpired term at a general election shall take  
16 office on January first of the year following such general election  
17 and shall serve until the term expires.

18 4. If a vacancy occurs during the first three years of the  
19 term and on or before the last day in the third year of the term  
20 on which an occurring vacancy may be filled for the remainder of  
21 the unexpired term at a general election with party nominations of  
22 candidates for such election being made at a primary election, as  
23 provided in section 6-116 of the election law, a special or general  
24 election to fill the vacancy on an interim basis shall be held,  
25 unless the vacancy occurs less than ninety days before the next  
26 primary election at which party nominations for a general election

1 to fill the vacancy may be made and on or before the last day on  
2 which an occurring vacancy may be filled for the remainder of the  
3 unexpired term at the general election in the same year in which  
4 the vacancy occurs with party nominations of candidates for such  
5 election being made at a primary election, as provided on section  
6 6-116 of the election law.

7 5. If a vacancy occurs after the last day in the third year  
8 of the term on which an occurring vacancy may be filled for the  
9 remainder of the unexpired term at a general election in such year  
10 with party nominations of candidates for such election being made  
11 at a primary election, as provided in section 6-116 of the election  
12 law, but not less than ninety days before the date of the primary  
13 election in the fourth year of such term, a special or general  
14 election to fill such vacancy for the remainder of the unexpired  
15 term shall be held.

16 6. Elections held pursuant to paragraph four or five of this  
17 subdivision shall be scheduled in the following manner: A special  
18 election to fill the vacancy shall be held on the first Tuesday at  
19 least forty-five days after the occurrence of the vacancy, provided  
20 that the mayor, in the proclamation required by paragraph one of  
21 this subdivision, may schedule such election for another day no  
22 more than ten days after such Tuesday and not less than forty days  
23 after such proclamation if the mayor determines that such  
24 rescheduling is necessary to facilitate maximum voter  
25 participation; except that

26 (a) if the vacancy occurs before September twentieth in any



1 year and the first Tuesday at least forty-five days after the  
2 occurrence of the vacancy is less than ninety days before a  
3 regularly scheduled general election or between a primary and a  
4 general election, the vacancy shall be filled at such general  
5 election;

6 (b) if the vacancy occurs before September twentieth in any  
7 year and the first Tuesday at least forty-five days after the  
8 occurrence of the vacancy is after a regularly scheduled general  
9 election, the vacancy shall be filled at such general election;  
10 and

11 (c) if the vacancy occurs on or after September twentieth in  
12 any year and the first Tuesday at least forty-five days after the  
13 occurrence of the vacancy is after, but less than thirty days  
14 after, a regularly scheduled general election, the vacancy shall  
15 be filled at a special election to be held on the first Tuesday in  
16 December in such year.

17 7. All nominations for elections to fill vacancies held  
18 pursuant to paragraphs four and five of this subdivision shall be  
19 by independent nominating petition. A signature on an independent  
20 nominating petition made earlier than the date of the proclamation  
21 required by paragraph one of this subdivision shall not be counted.

22 8. A person elected to fill a vacancy in the office of council  
23 president at an election held pursuant to paragraph four of this  
24 subdivision shall take office immediately upon qualification and  
25 serve until December thirty-first of the year in which the vacancy  
26 is filled for the remainder of the unexpired term pursuant to

1 paragraph two of this subdivision. A person elected to fill a  
2 vacancy in the office of council president at an election held  
3 pursuant to paragraph five of this subdivision shall take office  
4 immediately upon qualification and serve until the term expires.

5 9. If a vacancy occurs less than ninety days before the date  
6 of the primary election in the last year of the term, the person  
7 elected at the general election in such year for the next  
8 succeeding term shall take office immediately upon qualification  
9 and fill the vacancy for the remainder of the unexpired term.

10 d. The president of the council may, by written authority filed  
11 with the [board of estimate] appropriate board, body, or committee  
12 and with the city clerk, designate any two officers or employees  
13 appointed by the president to exercise the powers specified in this  
14 subdivision. Either such officer or employee, so designated, may  
15 act in the place of the president of the council [as a member of  
16 the board of estimate] on any board, body or committee, other than  
17 the council, of which the president of the council is a member  
18 whenever the president of the council[, although present in the  
19 city,] shall be absent from a meeting of said board, body or  
20 committee for any reason whatever.

21 e. The president of the council shall preside over the meetings  
22 of the council and shall have the right to participate in the  
23 discussion of the council but shall not have a vote except in case  
24 of a tie.

25 f. In addition to other duties and responsibilities, the  
26 president of the council shall serve as the citizen advocate and

1 shall (1) [oversee the coordination of city-wide] monitor the  
2 operation of the citizen information and service complaint programs  
3 of city agencies and make proposals to improve such programs, [and]  
4 (2) review complaints of a recurring and multiborough or city-wide  
5 nature relating to services and programs, and make proposals to  
6 improve the city's response to [and processing of] such complaints,  
7 and (3) receive, investigate and otherwise attempt to resolve  
8 individual complaints concerning city services and other  
9 administrative actions of city agencies except for those complaints  
10 which (i) another city agency is required by law to adjudicate, or  
11 (ii) may be resolved through a grievance mechanism established by  
12 collective bargaining agreement or contract. If the president of  
13 the council receives a complaint which is subject to a procedure  
14 described in items (i) or (ii) of this paragraph, the president of  
15 the council shall advise the complainant of such procedure.  
16 g. The president of the council shall establish procedures  
17 for receiving and processing complaints, responding to  
18 complainants, conducting investigations, and reporting findings,  
19 and shall inform the public about such procedures. Upon an initial  
20 determination that a complaint may be valid, the president of the  
21 council shall refer it to the appropriate agency. If such agency  
22 does not resolve the complaint within a reasonable time, the  
23 president of the council may conduct an investigation and make  
24 specific recommendations to the agency for resolution of the  
25 complaint. If, within a reasonable time after the president of the  
26 council has completed an investigation and submitted

recommendations to an agency, such agency has failed to respond in a satisfactory manner to the recommendations, the president of the council may issue a report to the council and the mayor. Such report shall describe the conclusions of the investigation and make such recommendations for administrative, legislative, or budgetary action, together with their fiscal implications, as the president of the council deems necessary to resolve the individual complaint or complaints or to address the underlying problems discovered in the investigation.

h. In addition to other duties and responsibilities, the president of the council may review the programs of city agencies. Such reviews shall include, but not be limited to, annual evaluations of: (1) the implementation of the requirements for coterminality of local services contained in all subdivisions of section twenty seven hundred four; (2) the effectiveness of the citizen information and service complaint programs of city agencies; and (3) the responsiveness of city agencies to individual and group requests for data or information regarding the agencies' structure, activities and operations. The president of the council shall submit any reports documenting or summarizing such reviews to the council, mayor and appropriate agency and shall include in such reports his or her recommendations for addressing the problems identified and the fiscal implications of such recommendations.

i. On the request of a resident, taxpayer, community board, council member or borough president, or on his or her own motion, the president of the council may inquire into any alleged failure



1 of a city officer or agency to comply with any provision of the  
2 charter. If as a result of such inquiry, the president of the  
3 council concludes that there is any substantial failure to comply  
4 with any provision of the charter, he or she shall submit a  
5 preliminary report documenting the conclusions of the inquiry to  
6 the officer or officers and the head of each agency involved.  
7 Within a reasonable time after submitting such preliminary report,  
8 the president of the council shall issue a final report to the  
9 council, mayor, and agency documenting the conclusions of the  
10 inquiry.

11 j. The president of the council shall have timely access to those  
12 records and documents of city agencies, for which a claim of  
13 privilege may not properly be raised, which the president of the  
14 council deems necessary to complete the investigations, inquiries  
15 and reviews required by this section. If a city agency does not  
16 comply with the president of the council's request for such records  
17 and documents, the president of the council may request an  
18 appropriate committee of the council to require the production of  
19 such records and documents pursuant to section twenty-nine.

20 k. If during the conduct of any investigation, inquiry, or review  
21 authorized by this section, the president of the council discovers  
22 that the matter may involve criminal conduct, he or she shall  
23 promptly refer such matter to the department of investigation or  
24 to the appropriate prosecuting attorney or other law enforcement  
25 agency. If the president of the council discovers that the matter  
26 may involve a conflict of interest, he or she shall promptly refer

1 such matter to the conflicts of interest board.

2 1. Before making public any portion of any draft, preliminary  
3 or final report relating to the operations or activities of a city  
4 agency, the president of the council shall send a copy of the draft  
5 report to any officer, and to the head of any agency, discussed in  
6 such report and provide the officer and agency, in writing, with  
7 a reasonable deadline for their review and response. The president  
8 of the council shall include in any report, or portion thereof,  
9 which is made public a copy of all such officer and agency  
10 responses to his or her findings and recommendations.

11 m. The president of the council may hold public hearings in the  
12 course of fulfilling the requirements of this section provided that  
13 a complete transcript of any such hearings shall be made available  
14 for public inspection free of charge within a reasonable time after  
15 the hearing. The president of the council shall also provide a copy  
16 of any requested pages of such transcript at a reasonable fee to  
17 cover copying and, if relevant, mailing costs.

18 n. Not later than the thirty-first day of October of each year,  
19 the president of the council shall present to the council a report  
20 on the activities of the office during the preceding fiscal year.  
21 The report shall include: (1) a statistical summary of the  
22 complaints received during such fiscal year, categorized by agency,  
23 type of complaint, agency response, mode of resolution, and such  
24 other factors as the president of the council deems appropriate;  
25 (2) an analysis of recurring complaints and the president of the  
26 council's recommendations for administrative, legislative, or

1 budgetary actions to resolve the underlying problems causing the  
2 complaints; (3) a summary of the findings and recommendations of  
3 the agency program reviews conducted during the fiscal year and a  
4 summary of the agency responses to such findings and  
5 recommendations; (4) a summary of the charter requirements which,  
6 in the opinion of the president of the council, are not being  
7 implemented by the city agencies and officers subject to them,  
8 including a description of the nature and extent of the failure to  
9 comply and a summary of the responses of the agencies or officers  
10 to the president of the council's conclusions; and (5) a summary  
11 of improvements in charter compliance since the president of the  
12 council's last annual report. The president of the council shall  
13 include an assessment of the fiscal implications of any  
14 recommendations presented in this report.

15 Sec. [24]25. Election; term; vacancies. a. The council members  
16 shall be elected at the general election in the year nineteen  
17 hundred seventy-seven and every fourth year thereafter[. The] and  
18 the term of office of each council member shall commence on the  
19 first day of January after the election and shall continue for four  
20 years thereafter; provided however that the council members elected  
21 at the general election in the year two thousand and one and at the  
22 general election in every twentieth year thereafter shall serve for  
23 a term of two years commencing on the first day of January after  
24 such election; and provided further that an additional election of  
25 council members shall be held at the general election in the year  
26 two thousand and three and at the general election in every



1 twentieth year thereafter and that the members elected at each such  
2 additional election shall serve for a term of two years beginning  
3 on the first day of January after such election.

4 b. Any vacancy which may occur among the council members shall  
5 be filled by popular election in the following manner.

6 1. Within three days of the occurrence of a vacancy in the  
7 council, the mayor shall proclaim the date for the election or  
8 elections required by this subdivision, provide notice of such  
9 proclamation to the city clerk and the board of elections and  
10 publish notice thereof in the City Record. After the proclamation  
11 of the date for an election to be held pursuant to paragraphs four  
12 or five of this subdivision, the city clerk shall publish notice  
13 thereof not less than twice in each week preceding the date of such  
14 election in newspapers distributed within the city, and the board  
15 of elections shall mail notice of such election to all registered  
16 voters within the district in which the election is to be held.

17 2. If a vacancy occurs during the first three years of the  
18 term, a general election to fill the vacancy for the remainder of  
19 the unexpired term shall be held in the year in which the vacancy  
20 occurs, unless the vacancy occurs after the last day on which an  
21 occurring vacancy may be filled at the general election in that  
22 same year with party nominations of candidates for such election  
23 being made at a primary election, as provided in section 6-116 of  
24 the election law. If such a vacancy occurs in any year after such  
25 last day, it shall be filled for the remainder of the unexpired  
26 term at the general election in the following year provided,

1 however, that no general election to fill a vacancy shall be held  
2 in the last year of the term, except as provided in paragraph nine  
3 of this subdivision. Party nominations of candidates for a general  
4 election to fill a vacancy for the remainder of the unexpired term  
5 shall be made at a primary election, except as provided in  
6 paragraph five of this subdivision.

7 3. If a special or general election to fill the vacancy on an  
8 interim basis has not been previously held pursuant to paragraphs  
9 four, six, seven and eight of this subdivision, the person elected  
10 to fill the vacancy for the remainder of the unexpired term at a  
11 general election shall take office immediately upon qualification  
12 and shall serve until the term expires. If a special or general  
13 election to fill the vacancy on an interim basis has been  
14 previously held, the person elected to fill the vacancy for the  
15 remainder of the unexpired term at a general election shall take  
16 office on January first of the year following such general election  
17 and shall serve until the term expires.

18 4. If a vacancy occurs during the first three years of the  
19 term and on or before the last day in the third year of the term  
20 on which an occurring vacancy may be filled for the remainder of  
21 the unexpired term at a general election with party nominations of  
22 candidates for such election being made at a primary election, as  
23 provided in section 6-116 of the election law, a special or general  
24 election to fill the vacancy on an interim basis shall be held,  
25 unless the vacancy occurs less than ninety days before the next  
26 primary election at which party nominations for a general election

1 to fill the vacancy may be made and on or before the last day on  
2 which an occurring vacancy may be filled for the remainder of the  
3 unexpired term at the general election in the same year in which  
4 the vacancy occurs with party nominations of candidates for such  
5 election being made at a primary election, as provided on section  
6 6-116 of the election law.

7 5. If a vacancy occurs after the last day in the third year  
8 of the term on which an occurring vacancy may be filled for the  
9 remainder of the unexpired term at a general election in each year  
10 with party nominations of candidates for such election being made  
11 at a primary election, as provided in section 6-116 of the election  
12 law, but not less than ninety days before the date of the primary  
13 election in the fourth year of such term, a special or general  
14 election to fill such vacancy for the remainder of the unexpired  
15 term shall be held.

16 6. Elections held pursuant to paragraph four or five of this  
17 subdivision shall be scheduled in the following manner: A special  
18 election to fill the vacancy shall be held on the first Tuesday at  
19 least forty-five days after the occurrence of the vacancy, provided  
20 that the mayor, in the proclamation required by paragraph one of  
21 this subdivision, may schedule such election for another day no  
22 more than ten days after such Tuesday and not less than forty days  
23 after such proclamation if the mayor determines that such  
24 rescheduling is necessary to facilitate maximum voter  
25 participation; except that

26 (a) if the vacancy occurs before September twentieth in any

1 year and the first Tuesday at least forty-five days after the  
2 occurrence of the vacancy is less than ninety days before a  
3 regularly scheduled general election or between a primary and a  
4 general election, the vacancy shall be filled at such general  
5 election;

6 (b) if the vacancy occurs before September twentieth in any  
7 year and the first Tuesday at least forty-five days after the  
8 occurrence of the vacancy is after a regularly scheduled general  
9 election, the vacancy shall be filled at such general election;  
10 and

11 (c) if the vacancy occurs on or after September twentieth in  
12 any year and the first Tuesday at least forty-five days after the  
13 occurrence of the vacancy is after, but less than thirty days  
14 after, a regularly scheduled general election, the vacancy shall  
15 be filled at a special election to be held on the first Tuesday in  
16 December in such year.

17 7. All nominations for elections to fill vacancies held  
18 pursuant to paragraphs four and five of this subdivision shall be  
19 by independent nominating petition. A signature on an independent  
20 nominating petition made earlier than the date of the proclamation  
21 required by paragraph one of this subdivision shall not be counted.

22 8. A person elected to fill a vacancy in the council at an  
23 election held pursuant to paragraph four of this subdivision shall  
24 take office immediately upon qualification and serve until December  
25 thirty-first of the year in which the vacancy is filled for the  
26 remainder of the unexpired term pursuant to paragraph two of this



subdivision. A person elected to fill a vacancy in the council at an election held pursuant to paragraph five of this subdivision shall take office immediately upon qualification and serve until the term expires.

9. If a vacancy occurs less than ninety days before the date of the primary election in the last year of the term, the person elected at the general election in such year for the next succeeding term shall take office immediately upon qualification and fill the vacancy for the remainder of the unexpired term.

Sec. [25]26. Salaries. a. The salary of the president of the council shall be one hundred five thousand dollars a year.

b. The salary of each council member shall be fifty-five thousand dollars a year. In addition any council member, while serving as a committee chairperson or other officer of the council, may also be paid, in addition to such salary, an allowance fixed by resolution, after a hearing, for the particular and additional services pertaining to the additional duties of such position.

Sec. 27. Local laws and resolutions increasing or decreasing salaries or allowances. Neither the salaries fixed by local law nor other allowances fixed by resolution in accordance with section twenty-six may be increased or decreased during the period between the general election day and the thirty-first day of December, both such days inclusive, in any year in which all of the council members are elected.

Sec. [27]28. Powers of council.

a. The council in addition to all enumerated powers shall have



1 power to adopt local laws [as to it may seem meet] which it deems  
2 appropriate, which are not inconsistent with the provisions of this  
3 charter or with the constitution or laws of the United States or  
4 this state, for the good rule and government of the city; for the  
5 order, protection and government of persons and property; for the  
6 preservation of the public health, comfort, peace and prosperity  
7 of the city and its inhabitants; and to effectuate the purposes and  
8 provisions of this charter or of the other laws relating to the  
9 city. The power of the council to act with respect to matters set  
10 forth in sections one hundred ninety-seven-c and two hundred of the  
11 charter shall be limited by the provisions of section one hundred  
12 and ninety seven-d.

13 b. The council shall have power to provide for the enforcement  
14 of local laws by legal or equitable proceedings, to prescribe that  
15 violations thereof shall constitute misdemeanors, offenses or  
16 infractions and to provide for the punishment of violations thereof  
17 by civil penalty, fine, forfeiture or imprisonment, or by two or  
18 more of such punishments.

19 [b]c. In the event that there exists no other provision of law  
20 for the filling of a vacancy in any elective office, resulting from  
21 removal or suspension from such office, or the death, resignation  
22 or inability of the incumbent to exercise the powers or to  
23 discharge the duties of the office, the council by a majority vote  
24 of all the council members shall elect a successor to fill the  
25 vacancy in such office.

26 [c]d. All local laws shall be general, applying either

1 throughout the whole city or throughout specified portions thereof.

2 [d]e. The council shall not pass any local law authorizing the  
3 placing or continuing of any encroachment or obstruction upon any  
4 street or sidewalk excepting temporary occupation thereof by  
5 commercial refuse containers or during and for the purpose of the  
6 erection, repairing or demolition of a building on a lot abutting  
7 thereon under revocable licenses therefor, and excepting the  
8 erection of booths, stands or displays or the maintenance of  
9 sidewalk cafes under licenses to be granted only with the consent  
10 of the owner of the premises if the same shall be located in whole  
11 or in part within stoop lines; any such commercial refuse  
12 containers thus placed or continued upon any street or sidewalk  
13 pursuant to such a revocable license shall be painted with a  
14 phosphorescent substance so that the dimensions thereof shall be  
15 clearly discernible at night.

16 [e]f. All local laws in relation to licenses shall fix the  
17 license fees to be paid, if any, and shall provide that all  
18 licenses shall be according to an established form and shall be  
19 regularly numbered and duly registered.

20 [f]g. The council shall hold a public hearing prior to the  
21 consideration of any resolution requesting the state legislature,  
22 in accordance with the provisions of section two of article nine  
23 of the Constitution of the state of New York, to pass any bill,  
24 the substance of which, if adopted by the council as a local law,  
25 would require its approval by the electorate voting thereon at a  
26 referendum. Notice of such public hearing shall be published in

1 the City Record for at least five days immediately preceding the  
2 commencement of such a hearing.

3 Sec. [41]29 Power of investigation and oversight.

4 a. The council, acting as a committee of the whole, and [Each]  
5 each standing or special committee [of the council], through  
6 hearings or otherwise:

7 1. may investigate any matters within its jurisdiction  
8 relating to the property, affairs, or government of the city or of  
9 any county within the city, or to any other powers of the council,  
10 or to the effectuation of the purposes or provisions of this  
11 charter or any laws relating to the city or of any county within  
12 the city. [ The council may from time to time appoint a special  
13 committee to investigate any matters relating to the property,  
14 affairs or government of the city or of any county within the  
15 city.]

16 2. [Sec. 44. Council review of city agencies. The council,  
17 through its standing committees and as an exercise of its  
18 legislative authority,] shall review on a regular and continuous  
19 basis the activities of the agencies of the city, including their  
20 [the] service goals and performance and management efficiency [of  
21 the agencies of the city]. Each unit of appropriation in the  
22 adopted budget of the city shall be assigned to a standing  
23 committee. Each standing committee of the council shall hold at  
24 least one hearing each year relating to the activities of each of  
25 the agencies under its jurisdiction.

26 b. Any [such] standing or special committee shall have power

1 to require the attendance and examine and take testimony under oath  
2 of such persons as it may deem necessary and to require the  
3 production of books, accounts, papers and other evidence relative  
4 to the inquiry. Copies of all reports or studies received by the  
5 council pursuant to sections 1134 and 93(c) shall be assigned to  
6 the appropriate standing committees for review and action, as  
7 necessary.

8 Sec.30. Council review of city procurement policies and  
9 procedures.

10 a. The council shall periodically review all city procurement  
11 policies and procedures, including:

12 1. the rules and procedures adopted by the procurement policy  
13 board, all rules relating to the participation of minority and  
14 women owned business enterprises in the city's procurement process  
15 and the implementation of those rules and procedures by city  
16 agencies;

17 2. patterns of contractual spending by city agencies,  
18 including determinations of the need to contract made by agencies  
19 in accordance with rules of the procurement policy board;

20 3. access to and fairness in city procurement opportunities  
21 and the fair distribution of contract awards and the fair  
22 employment practices of city contractors;

23 4. procedures for evaluating contractor performance; and

24 5. procedures for declaring bidders not responsible and for  
25 debarring contractors.

26 Sec. [46]31. Power of [A]dvice and consent. Appointment by



1 the mayor of the commissioner of investigation and of the members  
2 of the art commission, board of health (other than the chairman),  
3 board of standards and appeals, city planning commission (other  
4 than the chairman), civil service commission, landmarks  
5 preservation commission, tax commission, taxi and limousine  
6 commission and the public members of the environmental control  
7 board shall be made with the advice and consent of the council  
8 after a public hearing. Within thirty days after the first stated  
9 meeting of the council after receipt of a nomination, the council  
10 shall hold a hearing and act upon such nomination and in the event  
11 it does not act within such period, the nomination shall be deemed  
12 to be confirmed.

13  
14 Sec. [26]32. Local laws. Except as otherwise provided by law,  
15 all legislative action by the council shall be by local law. The  
16 style of local law shall be "Be it enacted by the council as  
17 follows." [Sec. 36. Local laws; subject and title.] Every local  
18 law shall embrace only one subject. The title shall briefly refer  
19 to the subject-matter.

20 Sec. 33. Local laws and budget modifications; fiscal impact  
21 statements.

22 a. No local law or budget modification shall be passed unless  
23 it contains a fiscal impact statement.

24 b. A fiscal impact statement shall contain an estimate of the  
25 fiscal impact of the law or modification on the revenues and  
26 expenditures of the city during the fiscal year in which the law

1 or modification is to first become effective and during each of  
2 the succeeding four fiscal years. If the full fiscal impact of a  
3 law or modification is not expected to occur during such five year  
4 period, such fiscal impact statement shall also cover to first year  
5 in which such full fiscal impact is expected to occur.

6 c. An agency head shall promptly provide any information  
7 requested by the council in preparing a fiscal impact statement.

8 d. Each fiscal impact statement shall identify the sources of  
9 information used in its preparation.

10 e. If the estimate or estimates contained in a fiscal impact  
11 statemtn are inaccurate, such inaccuracies shall not affect, impari  
12 or invalidate the local law or budget modification.

13 Sec. [34]34. Vote required for local law or resolution. Except  
14 as otherwise provided by law, no local law or resolution shall be  
15 passed except by at least the majority affirmative vote of all the  
16 council members.

17 Sec. [35]35. Ayes and noes. On the final passage of a local  
18 law or resolution the question shall be taken by ayes and noes,  
19 which shall be entered in the journal of proceedings.

20 Sec. [37]36. Local laws; passage. No local law shall be passed  
21 until it shall have been in its final form and upon the desks of  
22 the council members at least seven calendar days, exclusive of  
23 Sundays, prior to its final passage, unless the mayor shall have  
24 certified as to the necessity for its immediate passage and such  
25 local law be passed by the affirmative vote of two-thirds of all  
26 the council members.

1       Sec. [38]37. Local laws; action by mayor.

2       a. Every local law certified by the clerk of the council,  
3 after its passage by the council, shall be presented to the mayor  
4 for approval.

5       b. If the mayor approves the local law, he shall sign it and  
6 return it to the clerk; it shall then be deemed to have been  
7 adopted. If he disapproves it, he shall return it to the clerk with  
8 his objections stated in writing and the clerk shall present the  
9 same with such objections to the council at its next regular  
10 meeting and such objections shall be entered in its journal. The  
11 council within thirty days thereafter may reconsider the same. If  
12 after such reconsideration the votes of two-thirds of all the  
13 council members be cast in favor of repassing such local law, it  
14 shall be deemed adopted, notwithstanding the objections of the  
15 mayor. Only one vote shall be had upon such reconsideration. The  
16 vote shall be taken by ayes and noes, which shall be entered in the  
17 journal. If within thirty days after the local law shall have been  
18 presented to him, the mayor shall neither approve nor return the  
19 local law to the clerk with his objections, it shall be deemed to  
20 have been adopted in like manner as if he had signed it. At any  
21 time prior to the return of a local law by the mayor, the council  
22 may recall the same and reconsider its action thereon.

23       Sec. [39]38. Local laws; referendum. A local law shall be  
24 submitted for the approval of the electors at the next general  
25 election held not less than sixty days after the adoption thereof,  
26 and shall become operative as prescribed therein only when approved

1 at such election by the affirmative vote of a majority of the  
2 qualified electors of the city voting upon the proposition, if it:

3  
4 1. Abolishes or changes the form or composition of the council  
5 [or the board of estimate] or increases or decreases the number of  
6 votes any member is entitled to cast.

7 2. Changes the veto power of the mayor.

8 3. Changes the law of succession to the mayoralty.

9 4. Abolishes an elective office, or changes the method of  
10 nominating, electing or removing an elective officer, or changes  
11 the term of an elective officer, or reduces the salary of an  
12 elective officer during his term of office.

13 5. Abolishes, transfers or curtails any power of an elective  
14 officer.

15 6. Creates a new elective office.

16 7. Changes a provision of law relating to public utility  
17 franchises.

18 8. Changes a provision of law relating to the membership or  
19 terms of office of the city civil service commission.

20 9. Reduces the salary or compensation of a city officer or  
21 employee or increases his hours of employment or changes his  
22 working conditions if such salary, compensation, hours or  
23 conditions have been fixed by a state statute and approved by the  
24 vote of the qualified electors of the city; and no provision  
25 effecting such reductions, increases or changes contained in any  
26 local law or proposed new charter shall become effective unless



1 the definite question with respect to such reductions, increases  
2 or changes shall be separately submitted and approved by the  
3 affirmative vote of a majority of the qualified electors voting  
4 thereon.

5 10. Provides a new charter for the city.

6 11. Transfers powers vested by this charter in an agency the  
7 head of which is appointed by the mayor to an agency the head of  
8 which is not so appointed or vice versa, other than transfers of  
9 power authorized by this charter from an agency the head of which  
10 is appointed by the mayor to a community board, borough president  
11 or a borough board.

12 12. Dispenses with a provision of this charter requiring a  
13 public notice and hearing as a condition precedent to official  
14 action.

15 13. Dispenses with a requirement of this charter for public  
16 bidding or for public letting of contracts except as otherwise  
17 provided pursuant to chapter thirteen of this charter.

18 14. Changes a provision of this charter governing the classes  
19 or character of city bonds or other obligations, the purposes for  
20 which or the amount in which any class of obligations may be  
21 issued.

22 15. Removes restrictions in this charter on the sale, lease or  
23 other disposition of city property.

24 16. Curtails the powers of the city planning commission, or  
25 changes the vote in the council [or the board of estimate] required  
26 to take action without or contrary to the recommendation of the

city planning commission.

17. Repeals or amends this section or any of the following sections of this charter; sections [forty-two] forty, one hundred ninety-one, one hundred ninety-two, one hundred ninety-three, one hundred ninety-nine, two hundred, two hundred twenty-five, eleven hundred ten, eleven hundred eleven, eleven hundred fifteen, eleven hundred sixteen, eleven hundred seventeen, eleven hundred eighteen, and eleven hundred twenty-three.

18. Repeals or amends sections eleven hundred sixteen, twenty-six hundred one, twenty-six hundred four, twenty-six hundred five, and twenty-six hundred six insofar as they relate to elected officials and section twenty-six hundred two.

Sec. [40]39. Reconsideration. At any time prior to the election at which a local law is to be submitted to the electors for approval pursuant to this charter, the council, not later than fifteen days prior to the election, may reconsider its action thereon and repeal such local law without submission to the mayor, whereupon the proposition for its approval shall not be submitted at such election, or if submitted the vote of the electors thereon shall be without effect.

Sec. [42]40. Amendment of charter. Amendments to this charter may be adopted by any of the following methods:

1. By local law adopted in accordance with the provisions of this charter.

2. By vote of the electors of the city upon the petition of electors of the city, an amendment may be adopted

1 (a) in relation to the manner of voting for the elective  
2 officers of the city or any of them, or

3 (b) abolishing any elective office or offices or creating a  
4 new office or offices, including if so provided a transfer of  
5 powers to the newly created office or offices or a disposition of  
6 the powers of any office abolished, but no such amendment shall  
7 repeal or change any limitations contained in this charter on any  
8 power.

9 (c) such amendment may be adopted in the manner following:

10 (1) Not less than fifty thousand qualified electors of the city  
11 may file in the office of the city clerk a petition for the  
12 submission to the electors of the city at the next general election  
13 therein held not less than sixty days after filing of such petition  
14 of such a proposed amendment or amendments to the charter to be set  
15 forth in full in the petition. The petition may be made upon  
16 separate sheets and the signatures of each shall be authenticated  
17 in the manner provided by the Election Law for the authentication  
18 of designating petitions. The several sheets so signed and  
19 authenticated when fastened together and offered for filing shall  
20 be deemed to constitute one petition. A signature made earlier  
21 than one hundred twenty days before the filing of the petition  
22 shall not be counted. If within ten days after the filing of such  
23 petition a written objection thereto be filed with the office of  
24 the city clerk, the Supreme Court or any justice thereof of the  
25 first, second or eleventh judicial district shall determine any  
26 question arising thereunder and make such order as justice may

1 require. Such proceedings shall be heard and determined in the  
2 manner prescribed by the Election Law in relation to judicial  
3 proceedings thereunder.

4 (2) If such proposed amendment or amendments receive the  
5 affirmative vote of the majority of the qualified electors of the  
6 city voting thereon, it or they shall take effect as prescribed  
7 therein.

8 3. In such other manner as may be provided by law.

9 Sec. [43]41. Submission of local laws or amendments. A  
10 proposition for the submission of a local law or an amendment to  
11 this charter for the approval of the electors pursuant to this  
12 charter shall contain the title of such local law or a brief  
13 statement of the subject of such amendment. The city clerk with  
14 the advice of the corporation counsel shall prepare an abstract of  
15 such local law or amendment concisely stating the title or subject  
16 and the purpose and effect thereof in clear language, and forthwith  
17 shall transmit such proposition and such abstract to the election  
18 officers charged with the duty of publishing the notice of and  
19 furnishing the supplies for such election. A sufficient number of  
20 copies of such abstract shall be printed, in such manner that the  
21 abstract shall appear with the question to appear on the ballot in  
22 bold type and separately from the text of the proposition, and  
23 shall be delivered with the other election supplies and distributed  
24 to the electors at the time of the registration of voters and at  
25 the election. If there be more than one such proposition to be  
26 voted upon at such election, each such proposition shall be



separately, consecutively and consistently numbered on the ballot and on the abstract. In case of a conflict between two local laws or two amendments adopted at the same election, the one receiving the largest affirmative vote shall control.

Sec. [28]42. Meetings. The first meeting of the council in each year shall be held on the first Wednesday after the first Monday of January at noon. [The stated and occasional] all meetings of the council shall be held as provided by its rules; provided, however, that at least two stated meetings shall be held each month, except in its discretion in July and August. A majority of the council members shall constitute a quorum. At least thirty six hours prior to a stated meeting of the council, or as soon as practicable prior to a special meeting, the council shall publish and make publically available a proposed agenda for such meeting, including a list of all proposed local laws or resolutions to be considered at such meetings.

Sec. [29]43. Special meetings. The mayor may at any time call special meetings of the council. He shall also call a special meeting when a requisition for that purpose signed by five council members has been presented to him. Not less than one day before a special meeting is held, notice of the time thereof and of the business proposed to be transacted, signed by the mayor, shall be published in the City Record, and at the same time the city clerk shall cause a copy of such notice to be left at or sent by post to the usual place of abode or of business of each council member; but want of service of a notice upon any council member shall not

1 affect the validity of the meeting. No business shall be  
2 transacted at such special meetings other than that specified in  
3 the notice relating thereto.

4 Sec. [30]44. Vice-Chairman. The council shall elect from among  
5 the council members a vice-chairman, who shall temporarily possess  
6 the powers and perform the duties of the president of the council  
7 when the president is absent or while the president is acting as  
8 mayor, or when a vacancy occurs in the office of the president, and  
9 the vice-chairman shall, during such times, retain the right to  
10 vote in the council, except that during the time when filling a  
11 vacancy in the office of the president the vice-chairman shall have  
12 the right to vote only in case of a tie, and shall be a member of  
13 every board of which the president of the council is a member by  
14 virtue of his office, [, except that such vice-chairman shall not  
15 be a member of the board of estimate unless the president of the  
16 council is acting as mayor under subdivision b of section ten or  
17 in case of the failure of a person elected as president of the  
18 council to qualify or a vacancy in the office caused by the  
19 president's resignation, removal, death or permanent inability to  
20 discharge powers and duties. In any such event, the vice-chairman  
21 shall act as president of the council with all powers and duties  
22 of said office.]

23 Sec. [31]45. Sergeant-at-arms; procedure; expulsion of members.  
24 The council may elect a sergeant-at-arms and such research,  
25 drafting, clerical and other assistants as are needful to its  
26 purposes, within the appropriation provided therefor. [The council

1 shall determine the rules of its own proceedings at the first  
2 organizational meeting of the council in each year and shall file  
3 a copy with the city clerk;] [i]It may appoint committees and shall  
4 appoint a finance committee properly staffed to consider budgetary  
5 and related matters and a land use committee; shall be the judge  
6 of the election returns and qualifications of its own members,  
7 subject, however, to review by any court of competent jurisdiction;  
8 shall keep a public journal of its proceedings; shall make a  
9 complete transcript of each of its meetings and committee hearings  
10 available for public inspection and review within a reasonable time  
11 following such meeting or hearing and provide a copy of any  
12 requested pages of such transcript at a reasonable fee to cover  
13 copying and, if relevant, mailing costs; shall sit with open doors;  
14 shall have authority to compel the attendance of absent members and  
15 to punish its members for disorderly behavior, and to expel any  
16 member, after charges and a hearing, with the concurrence of  
17 two-thirds of all the council members.

18 Sec. 46. Rules of the council. The council shall determine the  
19 rules of its own proceedings at the first stated meeting of the  
20 council in each year and shall file a copy with the city clerk.  
21 Such rules shall include, but not be limited to, rules that the  
22 chairpersons of all standing committees be elected by the council  
23 as a whole; that the sponsor of a proposed local law or resolution  
24 be able to require a committee vote on such proposed local law or  
25 resolution; that a majority of the members of the council be able  
26 to discharge a proposed local law or resolution from committee;

1 that committees shall provide reasonable advance notice of  
2 committee meetings to the public; that all committee votes be  
3 recorded and made available to the public.

4 Sec. [45]47. Legislative professional staff. Within  
5 appropriations for such purpose, the council shall establish a  
6 structure within the City Council and retain professional staff to  
7 review and analyze proposed budgets and departmental estimates,  
8 requests for new taxes or changes in taxes, budget modifications,  
9 capital borrowings and mayoral management reports. Such staff shall  
10 assist the committees of the council and Council Members in their  
11 analysis of proposed legislation and in review of the performance  
12 and management of city agencies.

13 Sec. [32]48. City clerk; duties. a. The council shall appoint  
14 a clerk, who shall perform such duties as may be prescribed by law.  
15 The clerk so appointed shall be the city clerk and the clerk of the  
16 council, and shall hold his office for six years and until his  
17 successor shall be appointed and has qualified. The city clerk  
18 shall have charge of all the papers and documents of the city,  
19 except such as are by law committed to the keeping of the several  
20 departments or of other officers. He shall keep the record of the  
21 proceedings of the council. He shall also keep a separate record  
22 of all the local laws of the city in a book to be provided for that  
23 purpose, with proper indices, which book shall be deemed a public  
24 record of such local laws, and each local law shall be attested by  
25 said clerk. [He shall also keep a separate and public record which  
26 shall be known as the "street franchise book." In such record he



shall forthwith file a copy duly certified by or under the authority of the board of estimate granting, making or adopting the same, of every grant, franchise, contract or resolution in the nature of a franchise which shall hereafter be granted, made or adopted by said board, together with copies of all formalities of the execution or verification thereof, and shall forthwith, after so filing the same, transmit to the board a copy of such record, with a minute of the date and volume thereof, duly certified by him.] Copies of all papers duly filed in his office, and transcripts thereof and of the records of proceedings of the council and copies of the laws, ordinances and local laws of the city, certified by him under the corporate seal of the city, shall be admissible in evidence in all courts and places in the same manner and for the same purposes as papers or documents similarly authenticated by the clerk of a county. The city clerk may be removed on charges by a two-third vote of all the council members, subject, however, to judicial review. He shall collect such fees as shall be fixed by law.

b. It shall be the duty of the city clerk to keep open for inspection at all reasonable times the records and minutes of the proceedings of the council. He shall keep the seal of the city, and his signature shall be necessary to all grants and other documents, except as otherwise provided by law. In the absence of the clerk by sickness or otherwise, his first deputy shall be vested with and possessed of all the rights and powers and be charged with all the duties by law imposed upon the clerk. In the

1 absence of the first deputy clerk, the city clerk by an instrument  
2 in writing may designate one of his clerks, who shall be vested  
3 with and possessed of all the rights and powers and charged with  
4 all the duties by law imposed upon said clerk. The signature of  
5 the person so designated shall be in place of and of the same force  
6 and effect as the signature of the city clerk. Such designation  
7 shall be made in triplicate and shall be duly filed and remain of  
8 record in the city clerk's office and in the offices of the mayor  
9 and of the comptroller, but the designation shall be for a period  
10 not exceeding three months and shall not extend beyond the city  
11 clerk's term of office and shall be at all times revocable by the  
12 city clerk.

CHAPTER 2-A

DISTRICTING COMMISSION

Sec. 50. Districting Commission; composition; appointment; terms; vacancies; compensation.

a. There shall be a districting commission consisting of [nine] ten members appointed [by the mayor] as provided in this section. [The two political parties receiving the largest number of votes in the most recent mayoral election shall each have its city council delegation submit a list of ten nominations to the mayor. If such a party does not have any members sitting on the city council,]

1. The council delegation of the political party which has the largest delegation in the council shall, by majority vote, appoint four members of the commission, no more than one of whom may be a resident of the same borough.

2. The council delegation of the political party which has the second largest delegation in the council, shall, by majority vote, appoint three members of the commission, no more than one of whom may be a resident of the same borough.

3. If only one political party has a council delegation then the chairpersons of [its] the county committees of the political party which, at the time of the general election last preceding the

1 time at which such appointments are required to be made, had the  
2 largest number of enrolled voters in the city but no council  
3 delegation, shall [each] submit two nominations to the mayor, in  
4 order to provide a list of ten nominations from that party. The  
5 mayor shall appoint two members from [each of the two lists] such  
6 list, no more than one of whom may be a resident of the same  
7 borough.

8 4. The mayor shall appoint [five]four additional members, but  
9 the party enrollment of these additional members [no more than two  
10 may be enrolled in the same] shall be such that individuals  
11 enrolled in a single political party shall not be a majority of the  
12 total number of members of the commission.

13 5. Officers and employees of the city or any city agency,  
14 lobbyists required to file a statement of registration under  
15 federal, state or local law, the employees of such lobbyists,  
16 federal, state and local elected officials, and officers of any  
17 political party shall not be eligible to be members of the  
18 commission.

19 6. The mayor shall designate one of the [nine] members to  
20 serve as the chair of the commission.

21 7. For purposes of this section, a member of the council who  
22 was elected to the council upon the nomination of more than one  
23 political party shall be considered to be a member of the council  
24 delegation of the political party on whose ballot line he or she  
25 received the largest number of votes in his or her last election  
26 to the council.



1     b. 1. The commission shall have among its members (a) at least  
2     one resident of each borough, and (b) members of the racial and  
3     language minority groups in New York City which are protected by  
4     the United States Voting Rights Act of 1965, as amended.

5             2. The mayor, no later than two years before the general  
6     election of the council to be held in the year nineteen hundred and  
7     ninety-three, and every ten years thereafter, shall convene one or  
8     more meetings of all of the appointing and recommending authorities  
9     specified in subdivision a of this section for the purpose of  
10    establishing a screening and selection process for ensuring that  
11    the racial and language minority groups in New York City which are  
12    protected by the United States Voting Rights Act of 1965, as  
13    amended, will be fairly represented on the commission.

14    c. Each council delegation authorized by subdivision a of this  
15    section to make appointments to the commission shall make such  
16    appointments no earlier than one year and eight months before and  
17    no later than one year and six months before the general election  
18    of the council to be held in the year nineteen hundred and ninety-  
19    three, and every ten years thereafter. In any case in which the  
20    chairpersons of the county committees of a political party are  
21    authorized to submit nominations to the mayor, such nominations  
22    shall be submitted no earlier than one year and eight months  
23    before, and no later than one year and six months before, the  
24    general election of the council to be held in the year two thousand  
25    and three, and every ten years thereafter. The mayor shall  
26    [appoint] not make any appointments to the comission until each

1 council delegation authorized to make appointments has done so but  
2 no later than one year and five months before [the first] such a  
3 general election of the [city] council [after each federal  
4 decennial census]. The commission's term shall end upon adoption  
5 of a districting plan, as set forth in section fifty-one.

6 d. In the event of a vacancy by death, resignation or  
7 otherwise, [the mayor shall appoint] a new member [enrolled in the  
8 same political party from which his or her predecessor was selected  
9 shall be appointed in the same manner as the member whose departure  
10 from the commission created the vacancy to serve the balance of  
11 the term remaining.

12 e. No member of the districting commission shall be removed  
13 from office [by the mayor] except by the person or persons who  
14 appointed such member and only for cause and upon notice and  
15 hearing.

16 f. The members of the commission shall serve without  
17 compensation except that each member shall be allowed actual and  
18 necessary expenses to be audited in the same manner as other city  
19 charges.

20 g. The commission may hire or contract for necessary staff  
21 assistance and may require agencies of city government to provide  
22 technical assistance. The commission shall have a budget as  
23 provided by the mayor.

24 Sec. 51. Powers and duties of the Commission; hearings;  
25 submissions and approval of plan.

26 a. Following each decennial census, the commission shall

1 [consult the city council and shall] prepare a plan for dividing  
2 the city into districts for the election of council members in  
3 accordance with section \_\_\_\_. In preparing the plan, the commission  
4 shall be guided by the criteria set forth in section fifty-two.

5 b. The commission shall hold one or more public hearings not  
6 less than one month before it submits the plan to the city council.  
7 The commission shall make its plan available to the public for  
8 inspection and comment not less than one month before its first  
9 public hearing.

10 c. The commission shall submit its plan to the city council not  
11 less than one year before the [first] general election of the city  
12 council [after each decennial census] to be held in the year  
13 nineteen hundred and ninety-three and every ten years thereafter.

14 d. The plan shall be deemed adopted [by the city council] unless  
15 [disapproved], within three weeks, the council by the vote of the  
16 majority of all [the] of its members [of the city council,] objects  
17 to such plan. If the city council [fails to adopt] objects to the  
18 plan in this manner, it shall return the plan to the commission  
19 with its objections, and with the objections of [the] any  
20 individual members of the council.

21 e. Upon the [rejection of its plan] receipt of such objections,  
22 the commission shall prepare a revised plan and shall [submit such  
23 revised plan to the city council], no later than [nine] ten months  
24 before the [first] general election of the city council, [after  
25 each decennial census. Such revised plan shall be deemed adopted  
26 by the city council unless disapproved within two weeks by the vote

1 of two thirds of all the members of the city council and unless,  
2 by a vote of two thirds of all of its members, the city council  
3 votes to file a petition in the Supreme Court, New York County, for  
4 a determination that the plan fails to meet the requirements of the  
5 Charter. The city council shall file its petition no later than ten  
6 days after its disapproval of the plan. Upon a final determination,  
7 including a final determination upon appeal, if any, that the plan  
8 meets the requirements of the Charter, the plan shall be deemed  
9 adopted by the city council and the commission shall deliver the  
10 plan to the city clerk.

11 f. The mayor shall not approve or veto the districting plan.

12 g. If in any year population figures are not available at least  
13 one year and five months before the first general election  
14 following the decennial census, the city council may by local law  
15 shorten the time periods providing for districting commission  
16 action in subsections (b), (c), (d), and (e) of this section.] make  
17 such plan available to the council and the public for inspection  
18 and comment. The commission shall hold public hearings and seek  
19 public comment on such revised plan.

20 f. Following its consideration of the comments received  
21 pursuant to subdivision e of this section, the commission shall,  
22 no later than eight months before the general election of the  
23 council, prepare and submit a final plan for the redistricting of  
24 the council and a statement signed by at least six members of the  
25 commission certifying that, within the constraint of subdivision  
26 a of section fifty-two, the criteria set forth in the other



1 subdivisions of such section have been applied in the order in  
2 which they are listed and that such criteria have been implemented,  
3 in such order, to the maximum extent possible. Such certification  
4 shall also set forth the manner in which the commission implemented  
5 the requirements of subdivision b of section fifty-two. Such plan  
6 shall be deemed adopted upon the commission's filing, with the city  
7 clerk, of such plan and such certification.

8       Sec. 52. District plan; criteria. In the preparation of its  
9 plan for dividing the city into districts for the election of  
10 council members the commission shall apply the following criteria.  
11 To the maximum extent [practicable,] the criteria shall be applied  
12 and given priority in the order in which they are listed.

13       a. The difference in population between the least populous and  
14 the most populous districts shall not exceed ten percentum (10%)  
15 of the average population for all districts, according to figures  
16 available from the most recent decennial census. Any such  
17 differences in population must be justified by the other criteria  
18 set forth in this section.

19       b. Such districting plan shall be established in a manner that  
20 ensures the fair and effective representation of the racial and  
21 language minority groups in New York City which are protected by  
22 the United States Voting Rights Act of 1965, as amended.

23       [e]c. To the extent practicable, district lines shall keep  
24 intact neighborhoods and communities with established ties of  
25 common interest and association, whether historical, racial,  
26 economic, ethnic, religious or other.

1 [b]d. Each district shall be contiguous, and whenever a part of  
2 a district is separated from the rest of the district by a body of  
3 water, there shall be a connection by a bridge, a tunnel, a tramway  
4 or by regular ferry service.

5 [c]e. Each district shall be compact. To the extent practicable,  
6 each district shall be no more than twice as long as it is wide.

7 [d]f. To the extent practicable, a district shall not cross  
8 borough or county boundaries and its boundaries shall coincide with  
9 the boundaries of community districts. If any district includes  
10 territory in two boroughs then no other district may also include  
11 territory from the same two boroughs.

12 [e. To the extent practicable, district lines shall keep intact  
13 neighborhoods and communities with established ties of common  
14 interest and association, whether historical, racial, economic,  
15 ethnic, or religious.]

6/25/89

A (5)

CHAPTER 2-A

DISTRICTING COMMISSION

Sec. 50. Districting Commission; composition; appointment; terms; vacancies; compensation.

a. There shall be a districting commission consisting of [nine] ten members appointed [by the mayor] as provided in this section. [The two political parties receiving the largest number of votes in the most recent mayoral election shall each have its city council delegation submit a list of ten nominations to the mayor. If such a party does not have any members sitting on the city council,]

1. The council delegation of the political party which has the largest delegation in the council shall, by majority vote, appoint three members of the commission, no more than one of whom may be a resident of the same borough.

2. The council delegation of the political party which has the second largest delegation in the council, shall, by majority vote, appoint two members of the commission, no more than one of whom may be a resident of the same borough.

3. If only one political party has a council delegation then the chairpersons of [its] the county committees of the political party which, at the time of the general election last preceding the

1 time at which such appointments are required to be made, had the  
2 largest number of enrolled voters in the city but no council  
3 delegation, shall [each] submit two nominations to the mayor, in  
4 order to provide a list of ten nominations from that party. The  
5 mayor shall appoint two members from [each of the two lists] such  
6 list, no more than one of whom may be a resident of the same  
7 borough.

8 4. The mayor shall appoint five additional members, but the  
9 party enrollment of these additional members. [no more than two may  
10 be enrolled in the same] shall be such that individuals enrolled  
11 in a single political party shall not be a majority of the total  
12 number of members of the commission.

13 5. Officers and employees of the city or any city agency,  
14 lobbyists required to file a statement of registration under  
15 federal, state or local law, the employees of such lobbyists,  
16 federal, state and local elected officials, and officers of any  
17 political party shall not be eligible to be members of the  
18 commission.

19 6. The mayor shall designate one of the [nine] members to  
20 serve as the chair of the commission.

21 7. For purposes of this section, a member of the council who  
22 was elected to the council upon the nomination of more than one  
23 political party shall be considered to be a member of the council  
24 delegation of the political party on whose ballot line he or she  
25 received the largest number of votes in his or her last election  
26 to the council.



1        b. 1. The commission shall have among its members (a) at least  
2        one resident of each borough, and (b) members of the racial and  
3        language minority groups in New York City which are protected by  
4        the United States Voting Rights Act of 1965, as amended.

5        2. The mayor, no later than two years before the general  
6        election of the council to be held in the year nineteen hundred and  
7        ninety-three, and every ten years thereafter, shall convene one or  
8        more meetings of all of the appointing and recommending authorities  
9        specified in subdivision a of this section for the purpose of  
10       establishing a screening and selection process for ensuring that  
11       the racial and language minority groups in New York City which are  
12       protected by the United States Voting Rights Act of 1965, as  
13       amended, will be fairly represented on the commission.

14       c. Each council delegation authorized by subdivision a of this  
15       section to make appointments to the commission shall make such  
16       appointments no earlier than one year and eight months before and  
17       no later than one year and six months before the general election  
18       of the council to be held in the year nineteen hundred and ninety-  
19       three, and every ten years thereafter. In any case in which the  
20       chairpersons of the county committees of a political party are  
21       authorized to submit nominations to the mayor, such nominations  
22       shall be submitted no earlier than one year and eight months  
23       before, and no later than one year and six months before, the  
24       general election of the council to be held in the year two thousand  
25       and three, and every ten years thereafter. The mayor shall  
26       [appoint] not make any appointments to the comission until each

1 council delegation authorized to make appointments has done so but  
2 no later than one year and five months before [the first] such a  
3 general election of the [city] council [after each federal  
4 decennial census]. The commission's term shall end upon adoption  
5 of a districting plan, as set forth in section fifty-one.

6 d. In the event of a vacancy by death, resignation or  
7 otherwise, [the mayor shall appoint] a new member [enrolled in the  
8 same political party from which his or her predecessor was selected  
9 shall be appointed in the same manner as the member whose departure  
10 from the commission created the vacancy to serve the balance of  
11 the term remaining.

12 e. No member of the districting commission shall be removed  
13 from office [by the mayor] except by the person or persons who  
14 appointed such member and only for cause and upon notice and  
15 hearing.

16 f. The members of the commission shall serve without  
17 compensation except that each member shall be allowed actual and  
18 necessary expenses to be audited in the same manner as other city  
19 charges.

20 g. The commission may hire or contract for necessary staff  
21 assistance and may require agencies of city government to provide  
22 technical assistance. The commission shall have a budget as  
23 provided by the mayor.

24 Sec. 51. Powers and duties of the Commission; hearings;  
25 submissions and approval of plan.

26 a. Following each decennial census, the commission shall

1 [consult the city council and shall] prepare a plan for dividing  
2 the city into districts for the election of council members in  
3 accordance with section \_\_\_\_. In preparing the plan, the commission  
4 shall be guided by the criteria set forth in section fifty-two.

5 b. The commission shall hold one or more public hearings not  
6 less than one month before it submits the plan to the city council.  
7 The commission shall make its plan available to the public for  
8 inspection and comment not less than one month before its first  
9 public hearing.

10 c. The commission shall submit its plan to the city council not  
11 less than one year before the [first] general election of the city  
12 council [after each decennial census] to be held in the year  
13 nineteen hundred and ninety-three and every ten years thereafter.

14 d. The plan shall be deemed adopted [by the city council] unless  
15 [disapproved], within three weeks, the council by the vote of the  
16 majority of all ~~the~~ of its members ~~of the city council,~~ objects  
17 to such plan. If the city council [fails to adopt] objects to the  
18 plan in this manner, it shall return the plan to the commission  
19 with its objections, and with the objections of [the] any  
20 individual members of the council.

21 e. Upon the [rejection of its plan] receipt of such objections,  
22 the commission shall prepare a revised plan and shall [submit such  
23 revised plan to the city council], no later than [nine] ten months  
24 before the [first] general election of the city council, [after  
25 each decennial census. Such revised plan shall be deemed adopted  
26 by the city council unless disapproved within two weeks by the vote

1 of two thirds of all the members of the city council and unless,  
2 by a vote of two thirds of all of its members, the city council  
3 votes to file a petition in the Supreme Court, New York County, for  
4 a determination that the plan fails to meet the requirements of the  
5 Charter. The city council shall file its petition no later than ten  
6 days after its disapproval of the plan. Upon a final determination,  
7 including a final determination upon appeal, if any, that the plan  
8 meets the requirements of the Charter, the plan shall be deemed  
9 adopted by the city council and the commission shall deliver the  
10 plan to the city clerk.

11 f. The mayor shall not approve or veto the districting plan.

12 g. If in any year population figures are not available at least  
13 one year and five months before the first general election  
14 following the decennial census, the city council may by local law  
15 shorten the time periods providing for districting commission  
16 action in subsections (b), (c), (d), and (e) of this section.] make  
17 such plan available to the council and the public for inspection  
18 and comment. The commission shall hold public hearings and seek  
19 public comment on such revised plan.

20 f. Following its consideration of the comments received  
21 pursuant to subdivision e of this section, the commission shall,  
22 no later than eight months before the general election of the  
23 council, prepare and submit a final plan for the redistricting of  
24 the council and a statement signed by at least six members of the  
25 commission certifying that, within the constraint of subdivision  
26 a of section fifty-two, the criteria set forth in the other



1 subdivisions of such section have been applied in the order in  
2 which they are listed and that such criteria have been implemented,  
3 in such order, to the maximum extent possible. Such certification  
4 shall also set forth the manner in which the commission implemented  
5 the requirements of subdivision b of section fifty-two. Such plan  
6 shall be deemed adopted upon the commission's filing, with the city  
7 clerk, of such plan and such certification.

8       Sec. 52. District plan; criteria. In the preparation of its  
9 plan for dividing the city into districts for the election of  
10 council members the commission shall apply the following criteria.  
11 To the maximum extent [practicable,] the criteria shall be applied  
12 and given priority in the order in which they are listed.

13       a. The difference in population between the least populous and  
14 the most populous districts shall not exceed ten percentum (10%)  
15 of the average population for all districts, according to figures  
16 available from the most recent decennial census. Any such  
17 differences in population must be justified by the other criteria  
18 set forth in this section.

19       b. Such districting plan shall be established in a manner that  
20 ensures the fair and effective representation of the racial and  
21 language minority groups in New York City which are protected by  
22 the United States Voting Rights Act of 1965, as amended.

23       [e]c. To the extent practicable, district lines shall keep  
24 intact neighborhoods and communities with established ties of  
25 common interest and association, whether historical, racial,  
26 economic, ethnic, religious or other.

1 [b]d. Each district shall be contiguous, and whenever a part of  
2 a district is separated from the rest of the district by a body of  
3 water, there shall be a connection by a bridge, a tunnel, a tramway  
4 or by regular ferry service.

5 [c]e. Each district shall be compact. To the extent practicable,  
6 each district shall be no more than twice as long as it is wide.

7 [d]f. To the extent practicable, a district shall not cross  
8 borough or county boundaries and its boundaries shall coincide with  
9 the boundaries of community districts. If any district includes  
10 territory in two boroughs then no other district may also include  
11 territory from the same two boroughs.

12 [e. To the extent practicable, district lines shall keep intact  
13 neighborhoods and communities with established ties of common  
14 interest and association, whether historical, racial, economic,  
15 ethnic, or religious.]

CHAPTER 2-A

DISTRICTING COMMISSION

Sec. 50. Districting Commission; composition; appointment; terms; vacancies; compensation.

a. There shall be a districting commission consisting of [nine] twelve members appointed [by the mayor] as provided in this section. [The two political parties receiving the largest number of votes in the most recent mayoral election shall each have its city council delegation submit a list of ten nominations to the mayor. If such a party does not have any members sitting on the city council,]

1. The council delegation of the political party which has the largest delegation in the council shall, by majority vote, appoint four members of the commission, no more than one of whom may be a resident of the same borough.

2. The council delegation of the political party which has the second largest delegation in the council, shall, by majority vote, appoint two members of the commission, no more than one of whom may be a resident of the same borough.

3. If only one political party has a council delegation then the chairpersons of [its] the county committees of the political party which, at the time of the general election last preceding the

1 time at which such appointments are required to be made, had the  
2 largest number of enrolled voters in the city but no council  
3 delegation, shall [each] submit two nominations to the mayor, in  
4 order to provide a list of ten nominations from that party. The  
5 mayor shall appoint two members from [each of the two lists] such  
6 list, no more than one of whom may be a resident of the same  
7 borough.

8 4. The mayor shall appoint six additional members, but the  
9 party enrollment of these additional members. [no more than two may  
10 be enrolled in the same] shall be such that individuals enrolled  
11 in a single political party shall not be a majority of the total  
12 number of members of the commission.

13 5. Officers and employees of the city or any city agency,  
14 lobbyists required to file a statement of registration under  
15 federal, state or local law, the employees of such lobbyists,  
16 federal, state and local elected officials, and officers of any  
17 political party shall not be eligible to be members of the  
18 commission.

19 6. The mayor shall designate one of the [nine] members to  
20 serve as the chair of the commission.

21 7. For purposes of this section, a member of the council who  
22 was elected to the council upon the nomination of more than one  
23 political party shall be considered to be a member of the council  
24 delegation of the political party on whose ballot line he or she  
25 received the largest number of votes in his or her last election  
26 to the council.



1       b. 1. The commission shall have among its members (a) at least  
2       one resident of each borough, and (b) members of the racial and  
3       language minority groups in New York City which are protected by  
4       the United States Voting Rights Act of 1965, as amended.

5       2. The mayor, no later than two years before the general  
6       election of the council to be held in the year nineteen hundred and  
7       ninety-three, and every ten years thereafter, shall convene one or  
8       more meetings of all of the appointing and recommending authorities  
9       specified in subdivision a of this section for the purpose of  
10       establishing a screening and selection process for ensuring that  
11       the racial and language minority groups in New York City which are  
12       protected by the United States Voting Rights Act of 1965, as  
13       amended, will be fairly represented on the commission.

14       c. Each council delegation authorized by subdivision a of this  
15       section to make appointments to the commission shall make such  
16       appointments no earlier than one year and eight months before and  
17       no later than one year and six months before the general election  
18       of the council to be held in the year nineteen hundred and ninety-  
19       three, and every ten years thereafter. In any case in which the  
20       chairpersons of the county committees of a political party are  
21       authorized to submit nominations to the mayor, such nominations  
22       shall be submitted no earlier than one year and eight months  
23       before, and no later than one year and six months before, the  
24       general election of the council to be held in the year two thousand  
25       and three, and every ten years thereafter. The mayor shall  
26       [appoint] not make any appointments to the comission until each

1 council delegation authorized to make appointments has done so but  
2 no later than one year and five months before [the first] such a  
3 general election of the [city] council [after each federal  
4 decennial census]. The commission's term shall end upon adoption  
5 of a districting plan, as set forth in section fifty-one.

6 d. In the event of a vacancy by death, resignation or  
7 otherwise, [the mayor shall appoint] a new member [enrolled in the  
8 same political party from which his or her predecessor was selected  
9 shall be appointed in the same manner as the member whose departure  
10 from the commission created the vacancy to serve the balance of  
11 the term remaining.

12 e. No member of the districting commission shall be removed  
13 from office [by the mayor] except by the person or persons who  
14 appointed such member and only for cause and upon notice and  
15 hearing.

16 f. The members of the commission shall serve without  
17 compensation except that each member shall be allowed actual and  
18 necessary expenses to be audited in the same manner as other city  
19 charges.

20 g. The commission may hire or contract for necessary staff  
21 assistance and may require agencies of city government to provide  
22 technical assistance. The commission shall have a budget as  
23 provided by the mayor.

24 Sec. 51. Powers and duties of the Commission; hearings;  
25 submissions and approval of plan.

26 a. Following each decennial census, the commission shall

1 [consult the city council and shall] prepare a plan for dividing  
2 the city into districts for the election of council members in  
3 accordance with section \_\_\_\_. In preparing the plan, the commission  
4 shall be guided by the criteria set forth in section fifty-two.

5 b. The commission shall hold one or more public hearings not  
6 less than one month before it submits the plan to the city council.  
7 The commission shall make its plan available to the public for  
8 inspection and comment not less than one month before its first  
9 public hearing.

10 c. The commission shall submit its plan to the city council not  
11 less than one year before the [first] general election of the city  
12 council [after each decennial census] to be held in the year  
13 nineteen hundred and ninety-three and every ten years thereafter.

14 d. The plan shall be deemed adopted [by the city council] unless  
15 [disapproved], within three weeks, the council by the vote of the  
16 majority of all ~~[[the]]~~ of its members ~~[[of the city council,]]~~ objects  
17 to such plan. If the city council [fails to adopt] objects to the  
18 plan in this manner, it shall return the plan to the commission  
19 with its objections, and with the objections of [the] any  
20 individual members of the council.

21 e. Upon the [rejection of its plan] receipt of such objections,  
22 the commission shall prepare a revised plan and shall [submit such  
23 revised plan to the city council], no later than [nine] ~~ten~~ months  
24 before the [first] general election of the city council, [after  
25 each decennial census. Such revised plan shall be deemed adopted  
26 by the city council unless disapproved within two weeks by the vote

1 of two thirds of all the members of the city council and unless,  
2 by a vote of two thirds of all of its members, the city council  
3 votes to file a petition in the Supreme Court, New York County, for  
4 a determination that the plan fails to meet the requirements of the  
5 Charter. The city council shall file its petition no later than ten  
6 days after its disapproval of the plan. Upon a final determination,  
7 including a final determination upon appeal, if any, that the plan  
8 meets the requirements of the Charter, the plan shall be deemed  
9 adopted by the city council and the commission shall deliver the  
10 plan to the city clerk.

11 f. The mayor shall not approve or veto the districting plan.

12 g. If in any year population figures are not available at least  
13 one year and five months before the first general election  
14 following the decennial census, the city council may by local law  
15 shorten the time periods providing for districting commission  
16 action in subsections (b), (c), (d), and (e) of this section.] make  
17 such plan available to the council and the public for inspection  
18 and comment. The commission shall hold public hearings and seek  
19 public comment on such revised plan.

20 f. Following its consideration of the comments received  
21 pursuant to subdivision e of this section, the commission shall,  
22 no later than eight months before the general election of the  
23 council, prepare and submit a final plan for the redistricting of  
24 the council and a statement signed by at least six members of the  
25 commission certifying that, within the constraint of subdivision  
26 a of section fifty-two, the criteria set forth in the other



1 subdivisions of such section have been applied in the order in  
2 which they are listed and that such criteria have been implemented,  
3 in such order, to the maximum extent possible. Such certification  
4 shall also set forth the manner in which the commission implemented  
5 the requirements of subdivision b of section fifty-two. Such plan  
6 shall be deemed adopted upon the commission's filing, with the city  
7 clerk, of such plan and such certification.

8       Sec. 52. District plan; criteria. In the preparation of its  
9 plan for dividing the city into districts for the election of  
10 council members the commission shall apply the following criteria.  
11 To the maximum extent [practicable,] the criteria shall be applied  
12 and given priority in the order in which they are listed.

13       a. The difference in population between the least populous and  
14 the most populous districts shall not exceed ten percentum (10%)  
15 of the average population for all districts, according to figures  
16 available from the most recent decennial census. Any such  
17 differences in population must be justified by the other criteria  
18 set forth in this section.

19       b. Such districting plan shall be established in a manner that  
20 ensures the fair and effective representation of the racial and  
21 language minority groups in New York City which are protected by  
22 the United States Voting Rights Act of 1965, as amended.

23       [e]c. To the extent practicable, district lines shall keep  
24 intact neighborhoods and communities with established ties of  
25 common interest and association, whether historical, racial,  
26 economic, ethnic, religious or other.

1 [b]d. Each district shall be contiguous, and whenever a part of  
2 a district is separated from the rest of the district by a body of  
3 water, there shall be a connection by a bridge, a tunnel, a tramway  
4 or by regular ferry service.

5 [c]e. Each district shall be compact. To the extent practicable,  
6 each district shall be no more than twice as long as it is wide.

7 [d]f. To the extent practicable, a district shall not cross  
8 borough or county boundaries and its boundaries shall coincide with  
9 the boundaries of community districts. If any district includes  
10 territory in two boroughs then no other district may also include  
11 territory from the same two boroughs.

12 [e. To the extent practicable, district lines shall keep intact  
13 neighborhoods and communities with established ties of common  
14 interest and association, whether historical, racial, economic,  
15 ethnic, or religious.]

CHAPTER 3

BUDGET PROCESS

Sec. 55. Budgetary responsibilities of the mayor, the director of management and budget and the comptroller.

a. The mayor shall each year, in accordance with the provisions of this chapter, prepare and submit to the council a preliminary budget and an executive budget each of which shall present a complete financial plan for the city and its agencies for the ensuing fiscal year, setting forth proposed operating and capital expenditures, proposed interfund transfers, anticipated revenues and any other anticipated sources and uses of funds. Each such budget shall consist of three parts, one of which shall be known as the expense budget and which shall set forth proposed appropriations for the operating expenses of the city including debt service, one of which shall be known as the capital budget and program and which shall set forth proposed appropriations for capital projects for the ensuing fiscal year and the three succeeding fiscal years, and one of which shall be known as the revenue budget and which shall set forth the estimated revenues and receipts of the city.

[Sec. 111. Office of management and budget. a.] b. There shall be an office of management and budget in the executive office of the mayor, the head of which shall be director of

1 management and budget who shall be appointed by the mayor. [b.]  
2 It shall be the duty of the director to [prepare each year an  
3 executive budget for the ensuing fiscal year and to] perform all  
4 such duties in regard [thereto] to the budget and related matters  
5 as the mayor may direct. [He] The director of management and  
6 budget shall have the power, personally or [by his] through  
7 representatives, to survey each agency for the purpose of  
8 ascertaining its budgetary requirements. [He] The director may  
9 require any agency, or any officer or employee, to furnish data  
10 and information and to answer inquiries pertinent [to such  
11 survey] to the exercise of any of the director's duties in regard  
12 to the budget and related matters.

13  
14  
15 c. The comptroller shall produce timely analyses of the  
16 preliminary and executive expense and capital budgets including  
17 evaluations of the recommendations of the borough presidents, as  
18 well as those of the mayor and of the assumptions and  
19 methodologies used by the mayor in making the revenue estimates  
20 contained in such budgets.



1 Sec. [110.] 57. Fiscal year. The fiscal year of the city shall  
2 commence on the first day of July in each year and shall  
3 terminate at midnight on the ensuing thirtieth day of June.

statutory authorization, and no city money shall be paid from  
any fund under the management of any entity under the control of  
one or more city agencies or officers, except in pursuance of an  
appropriation by the council or other specific statutory  
authorization] provided, however, that

(1) if at any time the council shall fail to make an  
appropriation for the payment of debt service on any debts of the  
city as they fall due, or for the payments to the several sinking  
funds, the commissioner of finance shall set apart, from the  
first revenues thereafter received applicable to the general fund  
of the city, a sum sufficient to pay such amounts and shall so  
apply such sum; and

(2) money, the ownership and equitable title of which  
belongs to an individual, corporation, organization or government  
other than the city and which is being held by any agency or  
officer of the city pending transfer of such money to such  
individual, corporation, organization or government in accordance  
with the terms and conditions pursuant to which it was placed in  
the custody of such agency or officer, may be transferred to such  
individual, corporation, organization or government by such  
agency or officer without an appropriation by law provided such  
transfers are made in accordance with such terms and conditions.

1 Sec. 58. Spending pursuant to appropriations. No money shall be  
2 paid from any fund under the management of the city, or any fund  
3 under the management of any agency or officer of the city, except  
4 in pursuance of an appropriation by the council or other specific  
5 statutory authorization, [and no city money shall be paid from  
6 any fund under the management of any entity under the control of  
7 one or more city agencies or officers, except in pursuance of an  
8 appropriation by the council or other specific statutory  
9 authorization] provided, however, that

10 (1) if at any time the council shall fail to make an  
11 appropriation for the payment of debt service on any debts of the  
12 city as they fall due, or for the payments to the several sinking  
13 funds, the commissioner of finance shall set apart, from the  
14 first revenues thereafter received applicable to the general fund  
15 of the city, a sum sufficient to pay such amounts and shall so  
16 apply such sum; and

17 (2) money, the ownership and equitable title of which  
18 belongs to an individual, corporation, organization or government  
19 other than the city and which is being held by any agency or  
20 officer of the city pending transfer of such money to such  
21 individual, corporation, organization or government in accordance  
22 with the terms and conditions pursuant to which it was placed in  
23 the custody of such agency or officer, may be transferred to such  
24 individual, corporation, organization or government by such  
25 agency or officer without an appropriation by law provided such  
26 transfers are made in accordance with such terms and conditions.

1       (3) no money or other financial resources shall be  
2       transferred from one fund to another without specific statutory  
3       authorization for such a transfer except that money or other  
4       financial resources of a fund may be loaned temporarily to  
5       another fund if an accurate accounting and reporting of the  
6       balance of financial resources in each fund and of the amount due  
7       by each fund to each other fund is made at the end of each month.  
8

1 Sec. 59. Draft ten-year capital strategy. Not later than the  
2 fifteenth day of September in each even-numbered year, the  
3 director of management and budget and the director of city  
4 planning shall jointly submit to the mayor, the council and the  
5 city planning commission a draft ten-year capital strategy  
6 prepared in-accordance with the provisions of section two hundred  
7 and fifteen.



1 Sec. [129.] 60. Revenue [estimation report] reports of the  
2 comptroller and mayor.

3  
4 a. Not later than the [thirtieth] thirty-first day of [September]  
5 October, the comptroller shall certify to the mayor the actual  
6 revenues for the previous fiscal year.

7  
8 b. Not later than the fifteenth day of [October] November, the  
9 mayor shall issue a report comparing actual revenues to estimated  
10 revenues in the budget as adopted for [such] the previous fiscal  
11 year, accompanied by a detailed listing and an explanation of any  
12 variances between actual revenues and estimated revenues. This  
13 report shall be published in the City Record.

14  
15 Note: The change in reporting dates is being made in accordance  
16 with a proposal of the comptroller.

1 Sec. 61. Community board budget priorities.

2  
3 a. Not later than such date as the mayor may direct, each  
4 community board shall submit to the mayor a statement of its  
5 expense budget priorities and a statement of its capital budget  
6 priorities for the ensuing fiscal year, in such form and  
7 containing such information as the mayor shall prescribe. The  
8 form prescribed by the mayor shall include a method by which  
9 continuing support may be expressed by a community board for  
10 existing programs and capital projects and it shall set  
11 reasonable limitations on the total number of expense and capital  
12 budget priorities which a community board may propose. The mayor  
13 shall set the date for the submission of such priorities so as to  
14 ensure that such priorities shall be available to the head of  
15 each agency for a sufficient amount of time to allow for the  
16 effective consideration of such priorities in the preparation of  
17 the departmental estimates required by section sixty-two of this  
18 chapter. The mayor shall ensure that representatives of each  
19 agency that delivers local services, or is responsible for  
20 capital projects, within any community district shall be  
21 available for consultation with the community board for such  
22 community district in the preparation of its statements of budget  
23 priorities.

24  
25 b. Each community board in the preparation of its statements of  
26 budget priorities, shall, upon adequate public notice, hold a

1 public hearing at which residents of the community district and  
2 other interested individuals may express their opinions as to the  
3 service and capital needs of the district.

4  
5 c. Copies of each statement of budget priorities shall be  
6 provided expeditiously by the mayor to each agency head affected.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

1 Sec. 62. Departmental estimates.

2  
3 a. Not later than such date as the mayor may direct, the head of  
4 each agency shall submit to the mayor, in such form and  
5 containing such information as the mayor shall require, a  
6 detailed estimate of the expense and capital budget requirements  
7 of such agency for the ensuing fiscal year, prepared in  
8 accordance with the provisions of section one hundred and section  
9 two hundred and twelve, respectively, and a detailed estimate of  
10 all receipts, from sources other than taxes, which the agency  
11 anticipates collecting during the ensuing fiscal year. Such  
12 estimates shall be known collectively as departmental estimates  
13 and shall be known respectively as expense budget departmental  
14 estimates, capital budget departmental estimates and revenue  
15 budget departmental estimates. Copies of such departmental  
16 estimates shall be provided expeditiously by the mayor to each  
17 borough president.

18  
19 b. In the preparation of such departmental estimates, the head  
20 of each agency that delivers local services, or is responsible  
21 for capital projects, within any community district (1) shall  
22 consult with the community board for such community district  
23 through appropriate officers and employees of the agency, and (2)  
24 consider the community board statements of expense and capital  
25 budget priorities submitted in accordance with section sixty-one  
26 of this chapter.



1 Sec. [212.] 63. Report of the comptroller on capital debt and  
2 obligations. Not later than the first day of December in each  
3 year, the comptroller shall submit to the mayor, [the board of  
4 estimate,] the council and the city planning commission a report,  
5 which shall be published forthwith in the City Record, setting  
6 forth the amount and nature of all obligations authorized on  
7 account of each pending capital project and the liabilities  
8 incurred for each such project outstanding on the first day of  
9 July and setting forth and commenting in detail upon the city's  
10 financial condition and advising as to the maximum amount and  
11 nature of debt and reserves which in [his] the comptroller's  
12 opinion the city may soundly incur for capital projects during  
13 each of the four succeeding fiscal years, and containing such  
14 other information relevant to this subject as may be required by  
15 local law, by the mayor by executive order, or which the  
16 comptroller deems necessary and relevant.

1 Sec 64. Report of the comptroller on the state of the city's  
2 finances. No later than fifteenth day of December, the  
3 comptroller shall report to the council, at a stated meeting of  
4 the council, on the state of the city's economy and finances,  
5 including evaluations of the city's financial plan, as most  
6 recently updated by the mayor in accordance with section eighty-  
7 five and the assumptions on which the revenue and expenditure  
8 forecasts contained therein are based.

1 Sec. [214-a.

2 d.] 65. City planning commission hearing and statement on the  
3 draft ten-year capital strategy. Not later than the fifteenth day  
4 of [March] December in each even numbered year, the city planning  
5 commission shall submit to the mayor, [board of estimate,] the  
6 borough presidents and the council a report containing [a  
7 statement of the city's capital needs and priorities, including  
8 recommended dollar allocations for general categories of programs  
9 and on explanation of recommended priorities among such  
10 categories of programs and their likely impact on the orderly  
11 growth and development of the city] its comments on the draft  
12 ten-year capital strategy submitted in accordance with section  
13 fifty-nine of this chapter, including such recommendations as it  
14 deems appropriate. The city planning commission, in the  
15 preparation of such report, shall, upon adequate public notice,  
16 hold a public hearing at which interested organizations and  
17 individuals may express their opinions regarding the draft ten-  
18 year capital strategy.

1    Sec. [213.] 66. [Certificate] Preliminary certificate of the  
2    mayor on capital debt and obligations. No later than the  
3    [fifteenth] sixteenth day of January, the mayor shall [issue]  
4    submit to the council, the comptroller and the borough presidents  
5    and publish [his] a preliminary [statement] certificate [and no  
6    later than the twenty-sixth day of April the mayor shall issue  
7    and publish his certificate as to] setting forth the maximum  
8    amount of debt and reserves which, in [his] the mayor's opinion,  
9    the city may soundly incur for capital projects [and all projects  
10   to be financed by capital debt] during the ensuing fiscal year  
11   and during each of the following three fiscal years, and the  
12   maximum amount of appropriations and expenditures for capital  
13   projects which the city, given such maximum amount of debt and  
14   reserves, may soundly make during each such fiscal year [with any  
15   recommendations he may wish to make as to capital projects to be  
16   included in the capital budget]. At any time up to the  
17   submission of [his] the executive capital budget to [the board of  
18   estimate and to] the council, the mayor may amend such  
19   preliminary [statement] certificate. Any such amendments shall be  
20   submitted to the council, the comptroller and the borough  
21   presidents and published forthwith in the City Record.



1 Sec. 67. Submission of the preliminary budget. Not later than  
2 the sixteenth day of January, the mayor shall submit to the  
3 council and publish a preliminary budget for the ensuing fiscal  
4 year. Copies of such budget shall be provided to the council,  
5 borough presidents, each community board and borough board, the  
6 city planning commission, and the department of city planning.

1 Sec. 68. Ten-year capital strategy. Not later than the  
2 sixteenth day of January in each odd-numbered year, the mayor  
3 shall issue and publish a ten-year capital strategy, prepared in  
4 accordance with the provisions of section two hundred and fifteen  
5 of this charter.

[Sec. 112-a.

b.] 69. Community board review of preliminary budget. Not later than the fifteenth day of February, each community board shall [(1) hold a public hearing on the preliminary budget statements with respect to the service needs and priorities of the community district and (2)] submit [a statement of its budget priorities and recommendations] to the mayor, [board of estimate,] the council, [director of management and budget,] and [the respective borough board] each member of the borough board of the borough in which the community board is located, a statement containing the community board's assessment of the responsiveness of the preliminary budget to its statements of budget priorities submitted pursuant to section sixty-one and any other comments or recommendations which it wishes to make in regard to the preliminary budget.

[Sec. 214-a.

b. Not later than the fifteenth day of February each community board shall (1) hold a public hearing on the preliminary budget statements with respect to the capital needs and priorities of the community district, and (2) submit a statement of its budget priorities and capital improvement needs for the ensuing fiscal year and the three succeeding fiscal years to the mayor, board of estimate, council, city planning commission, department of city planning, and the respective borough board.]

1     Sec. [113.] 70.   Statement of debt service by the comptroller.

2  
3     [a.] Not later than the fifteenth day of February in each year,  
4     the comptroller shall submit to the mayor[, to the board of  
5     estimate] and to the council a certified statement which shall be  
6     published forthwith in the City Record and which shall contain:

7  
8         1. A schedule of the appropriations required during the  
9         ensuing fiscal year for debt service, including appropriations to  
10        the several sinking funds as required by law.

11        2. [An itemized statement of the condition of the street and  
12        park openings fund and of the street improvement fund, and any  
13        appropriation therefor required by law.

14        3.] Such other information as may be required by law.

15  
16     [b. At such times as the mayor, the board of estimate or the  
17     council shall request, the comptroller shall submit to them a  
18     certified statement showing as of a specified date:

19         1. An itemized statement of all taxes due and uncollected.

20         2. Such other information as may be requested by the mayor,  
21         the board of estimate or the council.]

22  
23     Note: The itemized statement of taxes due and uncollected will  
24     be prepared by the commissioner of finance pursuant to section  
25     seventy-one.



1 Sec. [114.] 71. Statement of assessed valuation, statement of  
2 taxes due and uncollected, and report on tax benefits of the  
3 commissioner of finance.

4  
5 a. Not later than the fifteenth day of February in each year, the  
6 commissioner of finance shall submit to the mayor[, to the board  
7 of estimate] and to the council a tentative estimate of the  
8 assessed valuation of real property subject to taxation for the  
9 ensuing fiscal year, which shall be published forthwith in the  
10 City Record.

11  
12 b. At such times as the mayor or the council shall request, the  
13 commissioner of finance shall submit to them a certified  
14 statement showing as of a specified date the amount of all taxes  
15 due and uncollected by such categories and classifications as  
16 will facilitate understanding of such information.

17  
18 c. Not later than the fifteenth day of February the commissioner  
19 of finance shall submit to the mayor and the council a tax  
20 benefit report which shall include

21 1. a listing of all exclusions, exemptions, credits or  
22 other benefits allowed against city tax liability, whether  
23 against the base or the rate of, or the amount due pursuant to, a  
24 particular city tax, provided however that such listing need not  
25 include any benefits which are applicable without any city action

1 to such city tax because they are available in regard to a  
2 federal or state tax on which such city tax is based.

3 2. a description of each tax benefit included in such  
4 listing, providing the following information:

5 (a) the legal authority for such tax benefit;

6 (b) the objectives of, and eligibility requirements  
7 for, such tax benefit;

8 (c) such data and supporting documentation as are  
9 available and meaningful regarding the number and kind of  
10 taxpayers claiming, using and carrying forward benefits pursuant  
11 to such tax benefit and the total amount of benefits pursuant to  
12 such tax benefit claimed, used, and carried forward, and the  
13 median, mean and distribution of benefits pursuant to such tax  
14 benefit for such of the following taxable and/or fiscal years for  
15 which such information is available, to the extent such  
16 information is available, beginning during nineteen hundred  
17 eighty-five, and each subsequent year up to and including the  
18 most recently completed taxable and/or fiscal year;

19 (d) such data and supporting documentation as are  
20 available and meaningful regarding the economic and social impact  
21 and other benefits of such tax benefit during each of such years;  
22 and

23 (e) a listing and summary of all evaluations and  
24 audits of such tax benefit issued during the previous two years.

1 Sec. [112-a.

2 c.] 72. Borough board preliminary budget hearings. Not later  
3 than the twenty-fifth day of February each borough board shall  
4 [submit a comprehensive statement on the budget priorities of the  
5 borough to the mayor, board of estimate, council, and director of  
6 management and budget.], upon adequate public notice, hold one or  
7 more public hearings on the preliminary budget, to obtain the  
8 views and recommendations of the community boards within the  
9 borough, residents of the borough and others with substantial  
10 interests in the borough, on the proposals contained in the  
11 preliminary budget and on the capital and service needs of the  
12 borough. Officers of agencies, when requested by the borough  
13 board, shall appear and be heard.

14  
15 [Sec 214-a.

16 c. Not later than the twenty-fifth day of February, each borough  
17 board shall submit a comprehensive statement of the budget  
18 priorities and needs of the borough for the fiscal year and three  
19 succeeding years to the mayor, board of estimate, council, city  
20 planning commission, and department of city planning.]

1 Section 73. The operating budget of the council. Not later than  
2 the tenth day of March the council shall submit to the mayor  
3 detailed itemized estimates of the financial needs of the council  
4 for the ensuing fiscal year. Such estimates shall be comprised  
5 of at least one personal service unit of appropriation and at  
6 least one other than personal service unit of appropriation for  
7 each standing committee of the council and for each  
8 organizational unit established pursuant to section forty-five of  
9 this charter. The mayor shall include such estimates in the  
10 executive budget without revision, but with such recommendations  
11 as the mayor may deem proper.



1 Sec. 74. Borough president's draft recommendations and hearings  
2 on the preliminary budget.

3  
4 a. Not later than the tenth day of March, but at least ten days  
5 prior to the public hearing required by subdivision c of this  
6 section, each borough president shall submit to the mayor, the  
7 council and the other members of the borough board, for their  
8 review and consideration draft version of the recommendations  
9 which the borough president intends to submit to the mayor  
10 pursuant to the provisions of subdivision a section seventy-five  
11 of this chapter.

12  
13 b. The mayor shall ensure that representatives of the director  
14 of management and budget, the director of city planning and the  
15 head of each agency shall be available for consultation with each  
16 borough president in the preparation of such draft  
17 recommendations.

18  
19 c. Each borough president shall consult with the mayor and the  
20 director of management and budget in the preparation of such  
21 draft recommendation.

22  
23 d. Not later than the twenty-fifth day of March, each borough  
24 president shall, upon adequate public notice, hold one or more  
25 public hearings on such draft recommendations. Officers of  
26 agencies, representatives of community boards and other

interested parties, shall have the right to appear and be heard  
in regard to such draft recommendations.

1 Sec. 75. Borough president recommendations to mayor.

2  
3 a. Not later than the twenty-fifth day of March, each borough  
4 president shall submit to the mayor and council, in such form and  
5 containing such information as the mayor shall prescribe,

6 1. any proposed modifications of the budget which the  
7 borough president recommends in accordance with the provisions of  
8 subdivision b of this section;

9 2. the proposed appropriations which the borough president  
10 recommends for inclusion in the executive capital budget pursuant  
11 to the capital budget borough allocation process established by  
12 section two hundred and eleven of this charter; and

13 3. the proposed appropriations which the borough president  
14 recommends for inclusion in the executive expense budget pursuant  
15 to the expense budget borough allocation process established by  
16 section one hundred and two of this charter, provided that such  
17 amount shall be based on the assumption that such expense budget  
18 borough allocation for the ensuing fiscal year will be the same  
19 as the expense budget borough allocation for the current fiscal  
20 year as established pursuant to subdivision b of section one  
21 hundred and two of this charter.

22  
23 b. Each borough president shall propose such modifications to  
24 the preliminary budget as the borough president deems to be in  
25 the best interest of the borough, taking into consideration  
26 community and borough board priorities and testimony received at

1 public hearings held pursuant to sections seventy-two and  
2 seventy-four of this chapter. The net effects of any such  
3 modifications recommended by the borough president may not result  
4 in an increase in the total amount of expenditures proposed in  
5 the preliminary budget. If increases in spending within the  
6 borough are recommended, offsetting reductions in other spending  
7 within the borough must also be recommended. Any proposed  
8 increases and any proposed reductions in spending must be stated  
9 separately and distinctly and refer each to a single object or  
10 purpose.



1     Sec. [216.]   76. Council[Preliminary capital] preliminary budget  
2     hearings and recommendations.

3  
4     a. Not later than the twenty-fifth day of March, [the board of  
5     estimate and] the council through its committees, shall hold  
6     [joint] hearings on the program objectives and fiscal  
7     implications of the preliminary budget [statements], the  
8     community boards statements of budget priorities [of community  
9     boards and], the borough [boards, the report of the city planning  
10    commission on the long range capital needs of the city,]  
11    president's draft recommendations submitted pursuant to section  
12    seventy-four to the extent that such recommendations are  
13    available at the time of these hearings, the ten-year capital  
14    strategy, and the status of capital projects and expense  
15    appropriations previously authorized. The public and  
16    representatives of community boards and borough boards may attend  
17    and be heard in regard to all such matters. Representatives of  
18    the director of management and budget and the director of city  
19    planning may attend the hearings and ask questions. Officials of  
20    agencies, when requested by the [board of estimate or] committees  
21    of the council shall appear and be heard. [The public and  
22    representatives of community boards and borough boards may attend  
23    and be heard.]

24  
25    b. Findings and recommendations of [the board of estimate and]  
26    the council, or its committees, [as to capital projects proposed

1 to be included in the budget] including recommendations for any  
2 changes in the unit of appropriation structure which the council  
3 deems appropriate, shall be submitted to the mayor not later than  
4 the twenty-fifth day of March. The [total dollar amount of such  
5 recommendations shall not exceed] net effect of the changes  
6 recommended by the council in the capital budget shall not result  
7 in a capital budget which exceeds the maximum amount [of debt]  
8 set forth in the [mayor's] preliminary [statement] certificate  
9 pursuant to section [two hundred thirteen] sixty-six of this  
10 chapter.

11  
12 [Sec. 115. Preliminary hearings.

13 Not later than the twenty-fifth day of March, the board of  
14 estimate and the council through its committees shall hold joint  
15 hearings on the preliminary budget statements, recommendations of  
16 community boards, recommendations of borough boards, and such  
17 other information as may be available to them, and submit any  
18 findings and recommendations to the mayor. The public and  
19 representatives of the director of management and budget may  
20 participate in the hearings. Officers of agencies, when  
21 requested by the board of estimate or the council, shall appear  
22 and be heard. Representatives of community boards and borough  
23 boards may appear and be heard.]

1 Sec. [116.] 77. Submission of the executive budget.

2 a. Not later than the twenty-sixth day of April the mayor  
3 [simultaneously] shall submit to [the board of estimate and] the  
4 council (1) a proposed executive budget for the ensuing fiscal  
5 year, and (2) a budget message, both of which, and any  
6 accompanying reports and schedules, [shall be public records and]  
7 shall be printed forthwith.

8  
9 b. Concomitantly with the submission of the executive budget,  
10 the mayor shall submit to the council an expense budget bill and  
11 a capital budget bill containing all the appropriations and  
12 reappropriations proposed in the executive budget.

13  
14 c. As soon after the submission of the executive budget as is  
15 practicable, the mayor shall submit to the council copies of all  
16 proposed local laws and all proposed home rule requests necessary  
17 to implement the recommendations made in the executive budget.

18  
19 d. Adjustment of expense budget borough allocation. If the  
20 executive expense budget submitted by the mayor in accordance  
21 with this section includes an expense budget borough allocation  
22 which is greater or lesser than the expense budget borough  
23 allocation for the previous fiscal year, the mayor shall  
24 concomitantly with the submission of the executive expense budget  
25 notify each borough president of the difference between such  
26 amounts and of the portion of such difference allocable to each

1 borough pursuant to the provisions of section one hundred and  
2 two. Within seven days of receiving such notification, each  
3 borough president shall submit to the mayor and the council, in  
4 such form as the mayor shall prescribe, proposed additional  
5 appropriations or proposed reductions in appropriations equaling  
6 such portion of such difference. If a borough president fails to  
7 submit any proposed reductions required to be submitted pursuant  
8 to subdivision e of this section, proposed appropriations, not  
9 exceeding such adjusted amount, shall be considered in the  
10 priority order in which they were submitted pursuant to  
11 subdivision c of section one hundred and two.

12  
13 e. Adjustments of capital budget borough allocations. If the  
14 executive capital budget submitted by the mayor in accordance  
15 with this section includes a capital budget borough allocation  
16 which is greater or lesser than the capital budget borough  
17 allocation that was included in the preliminary capital budget  
18 for such year, the mayor shall concomitantly with the submission  
19 of such executive capital budget, notify each borough president  
20 of the difference between such amounts and of the portion of such  
21 difference allocable to each borough pursuant to the provisions  
22 of subdivision a of this section. Within seven days of receiving  
23 such notification, each borough president shall submit to the  
24 mayor and the council, in such form as the mayor shall prescribe,  
25 proposal additional appropriations or proposed reductions in  
26 appropriations equaling such portion of such difference. If a



1 borough president fails to submit any proposed reductions  
2 required to be submitted pursuant to subdivision e of this  
3 section, proposed appropriations, not exceeding such adjusted  
4 amount, shall be considered in the priority order in which they  
5 were submitted pursuant to paragraph one of subdivision c of  
6 section two hundred and eleven of this charter.  
7

1 [Sec. 219.

2 a. Not later than the twenty-sixth day of April in each year,  
3 the mayor shall submit to the board of estimate and to the  
4 council with an explanatory message, a proposed executive capital  
5 budget for the ensuing fiscal year, the aggregate amount of which  
6 shall not exceed the amount in the mayor's certificate, and a  
7 proposed executive capital program for the three succeeding  
8 fiscal years].

9  
10 [Sec. 219.

11 d. The proposed executive capital budget, executive capital  
12 program, and message from the mayor and any accompanying reports  
13 and schedules shall be public records and shall be published forthwith.]

1 Sec. [117.

2 b.] 78. The budget message. The budget message, which shall not  
3 be deemed a part of the budget, shall include:

4 1. An explanation, in summary terms, of the major programs,  
5 projects, emphases and objectives of the budget, the general  
6 fiscal and economic condition of the city, the tax and fiscal  
7 base of the city, and intergovernmental fiscal relations.

8 2. Itemized information and supporting schedules of positions,  
9 salaries and other[-]than[-]personal service expenses,  
10 anticipated for the ensuing fiscal year[, accompanied by  
11 comparison with the amounts appropriated in the current expense  
12 budget as originally adopted and as modified through the first  
13 nine months of the fiscal year, and with the amounts actually  
14 expended in the previous year and through the first nine months  
15 of the current fiscal year].

16 3. [Estimates of all revenue receipts and recommendations]  
17 Recommendations for any changes in the revenue sources and fiscal  
18 [sources and] operations of the city, including intergovernmental  
19 revenue and fiscal arrangements.

20 4. An itemized statement of the [revenue] actual revenues and  
21 receipts and accruals of the general fund and of all other  
22 revenue sources, including state and federal aid and revenues for  
23 specified purposes, for each of the four preceding fiscal years,  
24 and for the first [nine] eight months of the current fiscal year,  
25 and the estimated [receipts] amount of such items for the balance  
26 of the current fiscal year, and for the ensuing fiscal year. In

1 preparing such information the mayor shall consult with the  
2 comptroller.

3 5. A listing of the sources and amounts of all revenues and  
4 other monies of a nonrecurring nature that are being proposed to  
5 be utilized during the ensuing fiscal year and that are not  
6 expected to be available or used in subsequent fiscal years.

7 6. [For] A four-year financial plan, containing, (a) for each  
8 agency, for all existing programs, forecasts of [expenses]  
9 expenditures for the ensuing fiscal year and the succeeding three  
10 fiscal years at existing levels of service; (b) forecasts of  
11 revenue by source from existing sources of revenue for the  
12 ensuing fiscal year and the succeeding three fiscal years; and  
13 (c) for each new or expanded program, [a three year] an  
14 indication of when such program is projected to be fully  
15 implemented and a forecast of the annual recurring costs [after]  
16 for such program or program expansion after it is fully  
17 implemented.

18 7. For each [existing program] agency, a comparison of the  
19 [expenses] proposed appropriations for the ensuing fiscal year  
20 with (i) the amounts appropriated in the current expense budget  
21 as originally adopted and as modified through the first eight  
22 months of the current fiscal year, (ii) the amounts actually  
23 expended in the previous fiscal year and (iii) the amounts  
24 actually expended through the first eight months of the current  
25 fiscal year and the estimated expenditures for the balance of the



1 current fiscal year [with the prior year's forecast for the  
2 current year].

3 8. For each agency that has local service districts within  
4 community districts and boroughs, a statement of proposed direct  
5 [expenses] expenditures in each service district for each unit of  
6 appropriation and a statement of the basis for the allocation of  
7 direct [expenses] expenditures to local service districts of each  
8 such agency.

9 9. An explanation of principal changes in performance goals  
10 and indicators from the date of submission of the preliminary  
11 management report to the submission of the proposed executive  
12 budget[s].

13 10. An itemized statement, covering the city's entire capital  
14 plant, except for those portions of the capital plant which have  
15 been committed to the care and control of the board of education  
16 or officers or employees thereof, by agency and project type and,  
17 within project type, by personal services and other[-]than[-]personal  
18 services, of the amounts appropriated for maintenance of such  
19 capital plant in the previous and current fiscal years as  
20 originally adopted and as modified through the first nine months  
21 of the current fiscal year, and of the amounts actually expended  
22 for such maintenance in the previous fiscal year and through the  
23 first nine months of the current fiscal year and the amounts  
24 estimated to be expended for such purpose during the balance of  
25 the current fiscal year; and, for each agency, an explanation of  
26 the substantive differences, if any, between the amounts actually

1 expended for such maintenance in the previous fiscal year or  
2 projected to be expended for such purpose in the current fiscal  
3 year and the amounts originally appropriated for such purpose for  
4 such years.

5 11. A presentation of the maintenance activities proposed by  
6 the mayor to be completed during the ensuing fiscal year for all  
7 major portions of the capital plant, as such terms are defined in  
8 subdivision a of section eleven hundred ten-a, categorized by  
9 agency and project type; an explanation of the differences, if  
10 any, between such proposed activities and the activities  
11 scheduled to be undertaken during such fiscal year pursuant to  
12 subdivision c of such section; an explanation of the differences,  
13 if any, between the proposed appropriations for such activities  
14 and the estimates of the amounts submitted, pursuant to  
15 subdivision f of such section, as necessary to maintain such  
16 portions of the capital plant; and a presentation and explanation  
17 of the differences, if any, between the maintenance activities  
18 for all major portions of the capital plant proposed by the  
19 mayor, in the budget message for the previous fiscal year, to be  
20 completed during such fiscal year and the activities actually  
21 completed during such fiscal year.

22 12. A statement of the extent to which the executive budget  
23 incorporates the revisions of the preliminary budget suggested by  
24 the borough presidents, in accordance with paragraph one of  
25 subdivision a of section seventy-five and the reasons why any

1 other suggested revisions were not incorporated in the executive  
2 budget.

3 13. A statement of the modifications, if any, which the mayor  
4 recommends that the council make in the appropriations submitted  
5 by the borough presidents pursuant to paragraph two and three of  
6 subdivision a of section seventy-five.

7 14. A detailed statement of the methodology and assumptions  
8 used to determine the revenue estimates presented pursuant  
9 subdivision four, five and six of this section.

10 15. A statement of the implications for the orderly  
11 development of the city, its community districts and boroughs of  
12 the capital projects included in or contemplated by the capital  
13 budget and the capital program.

14 16. A certificate setting forth the maximum amount of debt  
15 and reserves which, in the mayor's opinion, the city may soundly  
16 incur for capital projects during the ensuing fiscal year and  
17 during each of the following three fiscal years, and the maximum  
18 amount of appropriations and expenditures for capital projects  
19 which the city, given such maximum amount of debt and reserves,  
20 may soundly make during each such fiscal year.

21

[Sec. 220. Recommendations of comptroller and city planning  
commission.

Not later than the sixth day of May, the comptroller and the city  
planning commission shall submit to the board of estimate and to  
the council reports, which shall be published forthwith in the  
City Record, containing such comments and recommendations with  
respect to the proposed executive capital budget and capital  
program as they may deem advisable.]



1 Sec. 79. Borough president recommendations on the executive  
2 budget. Not later than the sixth day of May, each borough  
3 president shall submit to the mayor and the council a response to  
4 the mayor's executive budget. Such response shall indicate which  
5 of the recommended appropriations submitted to the borough  
6 president pursuant to paragraph one of subdivision a of section  
7 seventy-five, which were not included by the mayor in the  
8 executive budget, should be formally considered by the council  
9 for inclusion in the budget. Any appropriations recommended in  
10 this manner for inclusion in the budget shall be accompanied by  
11 recommendations for offsetting reductions in other appropriations  
12 within the borough. Any such increases or reductions or must be  
13 stated separately and distinctly and refer each to a single  
14 object or purpose.

1     Sec. [119.] 80. [Budget] Executive budget hearings.

2     Between the sixth day of May and the twenty-fifth day of May in  
3     each year, the [board of estimate and the] council shall hold  
4     public hearings on the budget as presented by the mayor. The  
5     council may hold such hearings\_ either as a body or by its finance  
6     committee or other committees. [The hearings may be held jointly  
7     by consent of both bodies.] Officers of agencies and  
8     representatives of community boards and borough boards shall have  
9     the right, and it shall be their duty when requested by the  
10    [board of estimate or the] council, to appear and be heard in  
11    regard to the executive budget and to the capital and service  
12    needs of the communities, boroughs and the city.

13  
14    [Sec. 221. Executive capital budget; hearings.

15  
16    Between the sixth day of May and the twenty-fifth day of May in  
17    each year, the board of estimate and the council shall hold  
18    public hearings on the proposed executive capital budget and  
19    executive capital program. The council may hold hearings as a  
20    body or by its finance committee or other committees. Such  
21    hearings may be held jointly by consent of both bodies. Officers  
22    of agencies and representatives of community boards and borough  
23    boards shall have the right, and it shall be their duty when  
24    requested by the board of estimate or the council, to appear and  
25    be heard.]

1 Sec. [120. The budget; approval.] 81. Amendment and adoption of  
2 the executive budget.

3  
4 a. The [board of estimate and the] council may not alter any  
5 appropriation bill submitted by the mayor pursuant to section  
6 seventy-seven except to increase, decrease, add or omit any unit  
7 of appropriation [in the budget as submitted by the mayor,] for  
8 personal service or other than personal service or any  
9 appropriation for any capital project or add, omit or change any  
10 terms or conditions [of it] related to any or all such  
11 appropriations; provided, however, that any such increases or  
12 additions must be stated separately and distinctly from any items  
13 of the bill or program and refer each to a single object or  
14 purpose.

15  
16 b. The council shall formally consider all recommendations made  
17 by the borough presidents pursuant to section seventy-nine of  
18 this chapter and all recommendations made by the mayor pursuant  
19 to paragraph thirteen of section seventy-eight of this chapter.

20  
21 c. Such an appropriation bill or such a capital program when  
22 passed by the council shall become law immediately without  
23 further action by the mayor, except that appropriations for the  
24 council or appropriations added to the mayor's bill or program by  
25 the council shall be subject to the approval of the mayor.

1 [b. Except as otherwise provided by law, and subject to the veto  
2 of the mayor pursuant to section one hundred twenty-one, the  
3 board of estimate and the council, by separate concurrent vote of  
4 each body, shall adopt a single budget, and it shall be returned  
5 to the mayor not later than the fifth day of June. In the event  
6 of a disagreement between the two bodies, each shall appoint  
7 members to a conference committee to reconcile differences and to  
8 make recommendations to the respective bodies for concurrent vote  
9 of each body.]

10  
11 [c.] d. If [a single budget] an expense budget appropriations  
12 bill has not been adopted by the fifth day of June pursuant to  
13 [subdivision] subdivisions a and b of this section, the budget  
14 and tax rate adopted as modified for the current fiscal year  
15 shall be deemed to have been extended for the new fiscal year  
16 until such time as a new expense budget [is] appropriations bill  
17 has been adopted.

18  
19 [d. The mayor shall not participate in any action or vote of the  
20 board of estimate on the budget.

21  
22 e. The actions and votes of the board of estimate and the  
23 council shall be certified to the mayor by the secretary of the  
24 board of estimate and the president of the council,  
25 respectively.]



1 [Sec. 222. Capital budget; adoption.

2  
3 a. The board of estimate and the council, by separate concurrent  
4 vote of each body, may increase, decrease or omit the amount of  
5 the appropriation for any capital project in the proposed  
6 executive capital budget or executive capital program, or add any  
7 new capital project to such proposed budget or program or add,  
8 omit, or change any term or condition of such proposed budget or  
9 program. Except as otherwise provided by law, and subject to the  
10 veto of the mayor pursuant to section two hundred twenty-three,  
11 the board of estimate and the council, by separate concurrent  
12 vote of each body, shall adopt a single capital budget and a  
13 single capital program, and they shall be returned to the mayor  
14 not later than the fifth day of June In the event of a  
15 disagreement between the two bodies, each shall appoint members  
16 to a conference committee to reconcile differences and make  
17 recommendations to the respective bodies.

18  
19 b.] d. If a [single] capital budget appropriations bill and a  
20 [single] capital program have not been adopted by the fifth day  
21 of June pursuant to [subdivision] subdivisions a and b of this  
22 section, [they shall be deemed adopted so far as acted on by both  
23 bodies with the lower amount of any item in dispute between the  
24 two bodies in effect] the unutilized portion of all prior capital  
25 appropriations shall be deemed reappropriated.

1 [c. The mayor shall not participate in any action or vote of  
2 the board of estimate on the executive capital budget or in any  
3 action or vote on the executive capital program.]

1 Sec. [121.] 82. Veto of the mayor.

2  
3 a. The mayor, not later than the [tenth day of June,] fifth day  
4 after the council has acted upon an appropriations bill or  
5 capital program submitted with the executive budget may  
6 disapprove any increase or addition to [the budget, any unit of  
7 appropriation,] any such bill or program, or any change in any  
8 term or condition [of the budget] included in such bill or  
9 program. The mayor, by such date, may also disapprove any item  
10 or term or condition included in such bill pursuant to the  
11 provisions of section seventy-three of this chapter. The mayor  
12 shall return [the budget] such bill or program by that date to  
13 the [board of estimate and] council, setting forth [his]  
14 objections in writing.

15  
16 b. [Either the board of estimate by a two-thirds vote of all the  
17 members of the board other than the mayor, or the] The council,  
18 by a two-thirds vote of all the council members, may override any  
19 disapproval by the mayor pursuant to subdivision a of this  
20 section; provided, however, that if no such action by the council  
21 is taken within ten days of such disapproval, [, with the  
22 concurrence of the other body by a majority vote of all members  
23 other than the mayor in the case of the board of estimate. The  
24 board of estimate and the council shall act and the expense  
25 budget] the bill or program to which such disapprovals relate  
26 shall be deemed adopted [not later than the twentieth day of

1 June. In the event the board of estimate and the council fail to  
2 act by that date, the expense budget] as modified by the  
3 disapprovals by the mayor [is adopted].

4  
5 [Sec. 223. Veto of the mayor.

6  
7 a. Any action by the council on a capital project or on the  
8 terms and conditions of the capital budget shall be certified to  
9 the mayor by the president of the council. Any action by the  
10 board of estimate on a capital project or on the terms and  
11 conditions of the capital budget shall be certified to the mayor  
12 by the secretary of the board of estimate.

13  
14 b. The mayor, not later than the tenth day of June, may  
15 disapprove any increase or addition to the executive capital  
16 budget or executive capital program or any increase or addition  
17 to any capital project in the executive capital budget or  
18 executive capital program, or any change in any term or condition  
19 of the executive capital budget or executive capital program.  
20 The mayor shall return the capital budget and capital program by  
21 that date to the board of estimate and council, setting forth his  
22 objections in writing.

23  
24 c. Either the board of estimate by a two-thirds vote of all  
25 the members of the board other than the mayor, or the council by  
26 a two-thirds vote of all the council members, may override any



disapproval by the mayor pursuant to subdivision b of this section with the concurrence of the other body by a majority vote of all members other than the mayor in the case of the board of estimate. The board of estimate and the council shall act and the capital budget and capital program shall be adopted not later than the twentieth day of June. In the event the board of estimate and the council fail to act by that date, the capital budget and capital program as modified by the mayor are adopted.

d. Not later than the twenty-first day of June, the capital budget as finally adopted shall be certified by the mayor and the city clerk as the capital budget for the ensuing fiscal year. The capital budget shall, not later than five days after such certification be filed in the office of the comptroller and shall be published forthwith.]

1     Sec. [122.] 83.   Appropriation, certification and publication.  
2     Not later than the [twenty-first day of June in each year,] day  
3     after the budget bills are finally adopted, [the budget] such  
4     bills as finally adopted in such year shall be certified by the  
5     mayor, the comptroller and the city clerk as the budget for the  
6     ensuing fiscal year, and the several amounts therein specified as  
7     appropriations or units of appropriation shall be and become  
8     appropriated to the several purposes therein named, whether  
9     payable from the tax levy or otherwise and subject to the terms  
10    and conditions of the budget. The budget shall thereupon be  
11    filed in the offices of the comptroller and the city clerk, shall  
12    [be a public record and] be published forthwith.

1 Sec. 84. Ten-year capital strategy. Not later than thirty days  
2 after the budget is finally adopted, the mayor shall make such  
3 changes in the ten-year capital strategy, submitted pursuant to  
4 section sixty-eight of this chapter, as are necessary to reflect  
5 any changes which were made in the capital budget and capital  
6 program in accordance with sections eighty-one and eighty-two of  
7 this chapter.

1 Sec. 85. Financial plan. Not later than thirty days after the  
2 budget is finally adopted, the mayor shall issue an update of the  
3 four year financial plan submitted pursuant to paragraph six of  
4 section seventy-eight of this section. Such update shall reflect  
5 the changes which were made in the budget in accordance with  
6 sections eighty-one and eighty-two of this chapter. In addition,  
7 on such schedule as the mayor deems appropriate, the mayor shall  
8 issue additional updates of the financial plan during the fiscal  
9 year.



6/25

CHAPTER 5

COMPTROLLER

Sec. 91. Election; terms; salary. The comptroller shall be elected by the electors of the city at the same time and for the same term as in this charter prescribed for the mayor. The salary of the comptroller shall be one hundred five thousand dollars a year.

Sec. 92. Removal from office. The comptroller may be removed or suspended in the same manner as provided in this charter with respect to the mayor.

Sec. 93. Powers and duties. a. The comptroller from time to time in his or her discretion may, and whenever required by law or requested by the mayor[, the board of estimate] or the council, shall advise the mayor[, the board of estimate] and the council on the financial condition of the city or any phase thereof and make such recommendations, comments and criticisms in regard to the operations, fiscal policies and financial transactions of the city as he or she may deem advisable in the public interest.

b. [He] The comptroller shall have power to audit and investigate all matters relating to or affecting the finances of the city, including without limitation the performance of contracts and the receipt and expenditure of city funds, and for such purpose [he] shall have power to require the attendance and examine and

1 take the testimony under oath of such persons as [he] the  
2 comptroller may deem necessary. The comptroller shall conduct all  
3 audits of entities under contract with the city as expeditiously  
4 as possible and in no case shall initiate an audit later than one  
5 year after the expiration of a contract term unless the comptroller  
6 determines in writing that: (1) such audit is initiated in  
7 connection with litigation brought by or against the city, (2) it  
8 was not practicable to initiate an audit within such one year  
9 period, or (3) the initiation of the audit after the one year  
10 period is appropriate in light of information discovered in an  
11 audit of another contract of the same contractor. Such written  
12 determination shall be filed with the mayor, council and council  
13 president.

14 c. The comptroller shall have power to audit all agencies, as  
15 defined in subdivision two of section eleven hundred fifty, and all  
16 agencies, the majority of whose members are appointed by city  
17 officials. The comptroller shall be entitled to obtain access to  
18 agency records required by law to be kept confidential, other than  
19 records which are protected by the privileges for attorney-client  
20 communications, attorney work products, or material prepared for  
21 litigation, upon a representation by the comptroller that necessary  
22 and appropriate steps will be taken to protect the confidentiality  
23 of such records. The comptroller shall establish a regular auditing  
24 cycle to ensure that one or more of the programs or activities of  
25 each city agency, or one or more aspects of each agency's  
26 operations, is audited at least once every four years. The audits

1 conducted by the comptroller shall comply with generally accepted  
2 government auditing standards. In accordance with such standards,  
3 and before any draft or final audit or audit report, or portion  
4 thereof, may be made public, the comptroller shall send a copy of  
5 the draft audit or audit report to the head of the audited agency  
6 and provide the agency, in writing, with a reasonable deadline for  
7 its review and response. The comptroller shall include copies of  
8 any such agency response in any draft or final audit or audit  
9 report, or portion thereof, which is made public. The comptroller  
10 shall send copies of all final audits and audit reports to the  
11 council and the mayor.

12 [c] d. The comptroller shall (1) audit financial transactions  
13 of the city, including vouchers, warrants, and payrolls; (2) audit  
14 all official accounts and the accrual and collection annually of  
15 all revenues and receipts; and (3) audit the expenditure of city  
16 funds by any public or private agency that receives such funds from  
17 the city.

18 [d]e. The comptroller shall audit the operations and programs  
19 of city agencies to determine whether funds are being expended or  
20 utilized efficiently and economically and whether the desired  
21 goals, results or benefits of agency programs are being achieved.

22 [He] The comptroller shall investigate the processing of vouchers  
23 and the payment of bills by city agencies and shall audit agency  
24 compliance with applicable procedures in procuring goods, services  
25 and construction. The comptroller shall also undertake studies,  
26 including cost benefit analyses, of purchases of [equipment,] goods

1 [and], services, and construction by agencies of government that  
2 use city funds for such purposes and report [his] the findings and  
3 recommendations to the mayor, [the board of estimate,] the council  
4 and the public.

5 f. Not later than the first day of March of each year, the  
6 comptroller shall deliver to the council a report describing all  
7 major audits of city agencies conducted by the comptroller during  
8 the previous fiscal year; the corrective actions recommended in  
9 such audits; the corrective actions which have been implemented to  
10 the extent such information is known to the comptroller on the  
11 basis of agency reports, comptroller audits, or otherwise; and the  
12 comptroller's recommendations, if any, for additional corrective  
13 actions.

14 [e]g. The comptroller shall have the power and [it shall be his]  
15 duty to audit all vouchers before payment for availability of funds  
16 and prepare warrants. No warrant shall be prepared by the  
17 comptroller unless sufficient appropriations are available to cover  
18 the payments involved. No agency shall expend or commit any funds  
19 otherwise than for the program and purposes for which the funds  
20 have been appropriated and the comptroller shall conduct audits and  
21 take such other action as is required to assure compliance with  
22 this provision.

23 [f]h. Except as provided in [subsection e] subdivision g, [not  
24 later than July first, nineteen hundred seventy-seven] the agencies  
25 shall prepare and audit vouchers before payment, prepare and audit  
26 payrolls, receive and inspect goods and forward [bills] vouchers



1 to the comptroller for payment. The comptroller shall prescribe  
2 methods, with which all agencies shall comply, for preparing and  
3 auditing vouchers before payment, preparing payrolls, and  
4 recording, reporting and accounting in the several agencies and  
5 shall conduct reviews to assure compliance. The comptroller may  
6 suspend or withdraw the authority delegated to an agency pursuant  
7 to this subdivision (1) upon a finding of abuse of such authority  
8 or on a determination that the agency lacks adequate internal  
9 controls to exercise such authority properly and (2) upon the  
10 approval of the [board of estimate] audit committee after the  
11 agency has had an opportunity to be heard on this matter.

12 [g]i. The comptroller shall have the power to settle and  
13 adjust all claims in favor of or against the city in such manner  
14 as shall be prescribed by law and for that purpose may administer  
15 oaths, except that, with regard to excise and non-property taxes,  
16 such power shall be vested in the commissioner of finance. The  
17 comptroller shall not revise the terms of a contract or agreement  
18 with the city after its execution. The city may include in  
19 construction contracts or agreements for capital projects  
20 provisions that authorize the comptroller to submit disputes  
21 arising under any such contract or agreement to impartial  
22 arbitration.

23 [h]i. [He] The comptroller shall administer and manage the  
24 several sinking funds of the city and all other trust funds held  
25 by the city, and provide for the receipt and safekeeping of all  
26 moneys in such funds, except as provided in paragraph b of

1 subdivision three of section fifteen hundred four of this charter,  
2 and in such administration [he] the comptroller shall be deemed to  
3 be acting in a fiduciary capacity.

4 [i]k. [He] The comptroller shall keep the accounts of the city  
5 and shall at least once in each month render to each agency a  
6 summary statement of so much thereof as relates to such agency.

7 [j]l. Within four months after the close of each fiscal year,  
8 the comptroller shall publish a statement for such year, including  
9 a full and detailed statement of the [receipts] revenues and  
10 expenditures of the city and the [cash balance or] surplus at the  
11 end of the fiscal year, including the average daily collected  
12 deposits in bank accounts of the city, the investment performance  
13 of city pension and other investment funds, an itemized statement  
14 of all taxes due and uncollected at the close of the fiscal year,  
15 the reserve for estimated uncollectible taxes, and the uncollected  
16 parking violation fines receivable, an itemized statement of the  
17 condition of the sinking funds, the street and park openings fund  
18 and the street improvement fund, so long as such funds shall be  
19 continued, and any other assessable improvement funds, and of the  
20 tax appropriation and general fund stabilization reserve fund as  
21 at the close of the fiscal year, the different sources of city  
22 revenue, including itemization of receivables due from state or  
23 federal sources by program and fiscal year, and the amount received  
24 from each, the several appropriations made for the fiscal year, the  
25 objects for which they were made and the amount of [moneys  
26 expended] expenditures made under each, the money borrowed on the

1 credit of the city, the amount of each loan, the authority under  
2 which it was made and the terms on which it was obtained, and such  
3 other information in regard to such fiscal year as may be  
4 determined by the comptroller or by law.

5 [k]m. [On January first, nineteen hundred seventy-six, the] The  
6 comptroller shall [begin to] establish for his or her office and  
7 [in] for all city agencies a uniform system of [uniform] accounting  
8 and reporting based on [the principles set forth in the state  
9 comptroller's uniform system of accounts for municipalities as  
10 modified by the state comptroller in consultation with the city  
11 comptroller, for application to the city] generally accepted  
12 accounting principles. [Such system of uniform accounting and  
13 reporting shall be fully implemented not later than January first,  
14 nineteen hundred eighty-one.]

15 (1) [Notwithstanding any provision to the contrary, such  
16 accounting principles shall require that:

17 a. all expenses, excluding debt service and pension fund  
18 contributions, be accounted for on an accrual basis; and

19 b. revenues be accounted for on an accrual basis only if the  
20 liability of the payor of such revenue can be measured precisely  
21 and can be shown to have been created during a specific fiscal year  
22 and that a cash basis of accounting is to be used for those  
23 revenues for which an accrual basis is not feasible.

24 (2)] Such uniform system of [uniform] accounts shall provide:

25 a. control accounts in the office of the comptroller that are  
26 consistent with budgeted units of appropriation and that are

1 adequate to record and control spending by the agencies and to  
2 prevent agencies from exceeding appropriations;

3 b. detailed accounts in the agencies for the purposes of cost  
4 accounting, rate of expenditure information and other management  
5 information data; and

6 c. geographic accounts for the reporting of expenditures for  
7 local service districts of agencies within community districts and  
8 boroughs.

9 [(3)] (2) The comptroller shall prescribe procedures for  
10 accounting and reporting for all agencies, review agency accounts  
11 and systems to assure compliance with this chapter and with the  
12 methods, standards and procedures prescribed by him or her for the  
13 agencies.

14 [1]n. [He] The comptroller shall prescribe systems of accounting  
15 for city agencies whose revenues arising out of the use of the  
16 facilities and services supplied by such agencies constitute fifty  
17 per centum or more of the appropriations provided for the  
18 operation of such agencies, which systems of accounting shall  
19 conform so far as practicable to standard public utility accounting  
20 practices. The comptroller shall publish in the comptroller's  
21 annual report [statistical data in regard to the financial  
22 operations of such city agencies] the financial statements for such  
23 city agencies.

24 [m]o. Notwithstanding the provisions of any general, special  
25 or local law or this charter or any contract heretofore or  
26 hereafter made or awarded by the city of New York or by any agency,



1 department or authority acting on its behalf, the comptroller may,  
2 at his or her discretion, turn over the physical custody and  
3 safekeeping of bonds, notes, obligations or other evidences of  
4 indebtedness which have been or will be deposited with [him] the  
5 comptroller as collateral security as required by law or contract  
6 to a custodian who may be (a) any bank or trust company  
7 incorporated in the state, or (b) any national bank located in the  
8 state, or (c) any private banker duly authorized by the  
9 superintendent of banks of this state to engage in business here.  
10 The comptroller may enter into a contract with such custodian under  
11 terms and conditions which the comptroller may require. Each  
12 depositor of collateral security shall bear [his or its] a  
13 proportionate share of the cost of such custodial safekeeping which  
14 shall be paid to the city of New York.

15 [n]p. No contract or agreement executed pursuant to this  
16 charter or other law shall be implemented until (1) a copy has been  
17 filed with the comptroller and (2) either the comptroller or the  
18 mayor has registered it [or thirty days have elapsed from the date  
19 of filing, whichever is sooner] in accordance with section three  
20 hundred forty-eight of the charter.

21 [o]g. The council shall periodically review the requirements  
22 contained in the charter for studies and reports by the comptroller  
23 and may by local law revise such requirements as it deems  
24 appropriate. At such times as the mayor or the council shall  
25 request, the comptroller shall submit to them such information as  
26 they may request. The comptroller, upon request, shall assist the

1 [board of estimate or the] council in the conduct of any of its  
2 investigations or studies [by either body] of the fiscal or  
3 economic affairs of the city or of any agency. [He] The  
4 comptroller shall provide reports to the [board of estimate or the]  
5 council upon request [of either body] and shall testify before  
6 [either body] the council or a committee [of either body] thereof.

7 r. The comptroller shall make a complete transcript of each  
8 public hearing conducted by the office available for public  
9 inspection free of charge within a reasonable time after such  
10 hearing. The comptroller shall also provide a copy of any requested  
11 pages of such transcript at a reasonable fee to cover copying and,  
12 if relevant, mailing costs.

13 Sec. 94. Deputy comptrollers and other appointees. a. The  
14 comptroller shall appoint and at pleasure remove a first, and  
15 second deputy comptroller. [He] The comptroller may appoint and at  
16 pleasure remove a third deputy comptroller who shall be a person  
17 qualified to advise and assist the comptroller in all matters  
18 relating to borrowings and the investment of funds. Except as  
19 provided in subdivision b of this section, each of the deputies and  
20 any officer or employee appointed by the comptroller shall have  
21 such powers and duties as may be assigned to such person by the  
22 comptroller by instrument in writing filed with the city clerk.  
23 Provided however that no more than five (5) such additionally  
24 appointed officers or employees shall serve simultaneously. The  
25 city clerk shall notify the city council of the filing or  
26 revocation of each such appointment.

1 b. [Any deputy comptroller or any one of three officers or  
2 employees appointed by the comptroller may, by written authority  
3 filed with the board of estimate and with the city clerk, act in  
4 the place of the comptroller as a member of the board of estimate.]

5 Any deputy comptroller or any officer or employee appointed by the  
6 comptroller may act in place of the comptroller on any [other]  
7 board, body or committee of which the comptroller is a member  
8 whenever the comptroller shall so authorize in writing and such  
9 authorization is filed with such board, body or committee and with  
10 the city clerk.

11 c. Any vacancy in the office of comptroller shall be filled  
12 by popular election, in the manner set forth in this subdivision.  
13 In the event of a vacancy in the office of comptroller until an  
14 interim or permanent successor is first elected, or whenever by  
15 reason of sickness, absence from the city or suspension from  
16 office, the comptroller shall be prevented from attending to the  
17 duties of the office, or while the comptroller is acting as mayor,  
18 the first deputy comptroller or in the case of his or her illness  
19 or absence the second deputy comptroller or in the case of his or  
20 her illness or absence the third deputy comptroller shall act as  
21 comptroller.

22 1. Within three days of the occurrence of a vacancy in the  
23 office of the comptroller, the mayor shall proclaim the date for  
24 the election or elections required by this subdivision, provide  
25 notice of such proclamation to the city clerk and the board of  
26 elections and publish notice thereof in the City Record. After the

1 proclamation of the date for an election to be held pursuant to  
2 paragraphs four or five of this subdivision, the city clerk shall  
3 publish notice thereof not less than twice in each week preceding  
4 the date of such election in newspapers distributed within the  
5 city, and the board of elections shall mail notice of such election  
6 to all registered voters within the city.

7 2. If a vacancy occurs during the first three years of the  
8 term, a general election to fill the vacancy for the remainder of  
9 the unexpired term shall be held in the year in which the vacancy  
10 occurs, unless the vacancy occurs after the last day on which an  
11 occurring vacancy may be filled at the general election in that  
12 same year with party nominations of candidates for such election  
13 being made at a primary election, as provided in section 6-116 of  
14 the election law. If such a vacancy occurs in any year after such  
15 last day, it shall be filled for the remainder of the unexpired  
16 term at the general election in the following year provided,  
17 however, that no general election to fill a vacancy shall be held  
18 in the last year of the term, except as provided in paragraph nine  
19 of this subdivision. Party nominations of candidates for a general  
20 election to fill a vacancy for the remainder of the unexpired term  
21 shall be made at a primary election, except as provided in  
22 paragraph five of this subdivision.

23 3. If a special or general election to fill the vacancy on an  
24 interim basis has not been previously held pursuant to paragraphs  
25 four, six, seven and eight of this subdivision, the person elected  
26 to fill the vacancy for the remainder of the unexpired term at a



1 general election shall take office immediately upon qualification  
2 and shall serve until the term expires. If a special or general  
3 election to fill the vacancy on an interim basis has been  
4 previously held, the person elected to fill the vacancy for the  
5 remainder of the unexpired term at a general election shall take  
6 office on January first of the year following such general election  
7 and shall serve until the term expires.

8 4. If a vacancy occurs during the first three years of the  
9 term and on or before the last day in the third year of the term  
10 on which an occurring vacancy may be filled for the remainder of  
11 the unexpired term at a general election with party nominations of  
12 candidates for such election being made at a primary election, as  
13 provided in section 6-116 of the election law, a special or general  
14 election to fill the vacancy on an interim basis shall be held,  
15 unless the vacancy occurs less than ninety days before the next  
16 primary election at which party nominations for a general election  
17 to fill the vacancy may be made and on or before the last day on  
18 which an occurring vacancy may be filled for the remainder of the  
19 unexpired term at the general election in the same year in which  
20 the vacancy occurs with party nominations of candidates for such  
21 election being made at a primary election, as provided on section  
22 6-116 of the election law.

23 5. If a vacancy occurs after the last day in the third year  
24 of the term on which an occurring vacancy may be filled for the  
25 remainder of the unexpired term at a general election in each year  
26 with party nominations of candidates for such election being made

1 at a primary election, as provided in section 6-116 of the election  
2 law, but not less than ninety days before the date of the primary  
3 election in the fourth year of such term, a special or general  
4 election to fill such vacancy for the remainder of the unexpired  
5 term shall be held.

6 6. Elections held pursuant to paragraph four or five of this  
7 subdivision shall be scheduled in the following manner: A special  
8 election to fill the vacancy shall be held on the first Tuesday at  
9 least forty-five days after the occurrence of the vacancy, provided  
10 that the mayor, in the proclamation required by paragraph one of  
11 this subdivision, may schedule such election for another day no  
12 more than ten days after such Tuesday and not less than forty days  
13 after such proclamation if the mayor determines that such  
14 rescheduling is necessary to facilitate maximum voter  
15 participation; except that

16 (a) if the vacancy occurs before September twentieth in any  
17 year and the first Tuesday at least forty-five days after the  
18 occurrence of the vacancy is less than ninety days before a  
19 regularly scheduled general election or between a primary and a  
20 general election, the vacancy shall be filled at such general  
21 election; and

22 (b) if the vacancy occurs before September twentieth in any  
23 year and the first Tuesday at least forty-five days after the  
24 occurrence of the vacancy is after a regularly scheduled general  
25 election, the vacancy shall be filled at such general election;  
26 and

1 (c) if the vacancy occurs on or after September twentieth in  
2 any year and the first Tuesday at least forty-five days after the  
3 occurrence of the vacancy is after, but less than thirty days  
4 after, a regularly scheduled general election, the vacancy shall  
5 be filled at a special election to be held on the first Tuesday in  
6 December in such year.

7 7. All nominations for elections to fill vacancies held  
8 pursuant to paragraphs four and five of this subdivision shall be  
9 by independent nominating petition. A signature on an independent  
10 nominating petition made earlier than the date of the proclamation  
11 required by paragraph one of this subdivision shall not be counted.

12 8. A person elected to fill a vacancy in the office of the  
13 comptroller at an election held pursuant to paragraph four of this  
14 subdivision shall take office immediately upon qualification and  
15 serve until December thirty-first of the year in which the vacancy  
16 is filled for the remainder of the unexpired term pursuant to  
17 paragraph two of this subdivision. A person elected to fill a  
18 vacancy in the office of the comptroller at an election held  
19 pursuant to paragraph five of this subdivision shall take office  
20 immediately upon qualification and serve until the term expires.

21 9. If a vacancy occurs less than ninety days before the date  
22 of the primary election in the last year of the term, the person  
23 elected at the general election in such year for the next  
24 succeeding term shall take office immediately upon qualification  
25 and fill the vacancy for the remainder of the unexpired term.

26 Sec. 95. Annual audit. An annual audit shall be made of the

1 consolidated operating accounts of the city and year-end  
2 receivables accounts of the city by a firm or firms of certified  
3 public accountants selected by the [board of estimate] audit  
4 committee, after submission of more than one proposal to perform  
5 the audit, unless such audit is performed or shall be performed by  
6 the state comptroller. Copies of the annual audit shall be  
7 submitted to the mayor, the comptroller, [the board of estimate,]  
8 the council and the state comptroller and shall be published in the  
9 City Record. No firm of certified public accountants shall perform  
10 any such audit or a part of such audit for more than four  
11 consecutive years.

12 [ Sec. 95\*. Third deputy comptroller. The comptroller may appoint  
13 and at pleasure remove a third deputy comptroller who shall be a  
14 person qualified to advise and assist the comptroller in all  
15 matters related to borrowings and the investment of funds.]

16 Sec. 96. Actuarial audit. The [board of estimate] audit  
17 committee biennially shall select an independent actuary to review  
18 and comment upon the financial soundness and probity of the  
19 actuarial assumptions employed by the city to calculate  
20 contributions to the city pension funds. The report of the actuary  
21 shall be published in the City Record. No actuary may be selected  
22 more than twice consecutively.

23 Sec. 97. Audit committee. a. There shall be an audit committee  
24 which shall consist of the mayor, the comptroller, the president  
25 of the Council, and four private members appointed by the mayor,  
26 two of whom shall be appointed upon the recommendation of the



1 comptroller. The members of the committee shall elect a private  
2 member as chairperson for an annual term commencing on the first  
3 day of March.

4 b. The private members of the audit committee shall include  
5 (i) two persons with expertise in municipal finance, and (ii) two  
6 officers or employees of two different firms of independent public  
7 accountants which are not engaged by the City of New York. The  
8 private members shall serve for staggered two-year terms and shall  
9 continue in office until their successors have been appointed and  
10 qualified. Private members shall serve without salary but shall be  
11 reimbursed for expenses actually and necessarily incurred in the  
12 performance of official duties and shall also receive a per diem  
13 allowance when rendering services to the committee.

14 c. The audit committee shall:

15 (1) approve or disapprove the comptroller's suspension  
16 or withdrawal of authority delegated to an agency pursuant to  
17 subdivision h of section ninety-three;

18 (2) select a firm or firms of certified public  
19 accountants to perform the annual audit of the city's accounts  
20 required by section ninety-five;

21 (3) assist in the determination of areas of inquiry for,  
22 review the progress of, and evaluate the results of, the annual  
23 audit required by section ninety-five;

24 (4) select the independent actuary to perform the  
25 actuarial audit required by section ninety-six;

26 (5) perform such other functions as are agreed to by all

1 of the members.

2  
3 Sec. 98. Independent budget office. a. There shall be an  
4 independent budget office to be headed by a director who shall be  
5 appointed, upon the recommendation of the advisory board  
6 established in accordance with the provisions of subdivision h of  
7 this section, by a special committee convened for this purpose and  
8 consisting of the comptroller, the council president, a borough  
9 president chosen by the borough presidents, and a council member  
10 chosen by the council. The director shall be appointed without  
11 regard to political affiliation and solely on the basis of fitness  
12 to perform the duties assigned by this section. The term of office  
13 of the director first appointed shall expire on August first,  
14 nineteen hundred and ninety four, and the terms of office of  
15 directors subsequently appointed shall expire on such date in each  
16 fourth year thereafter. Any individual appointed to fill a vacancy  
17 prior to the expiration of a term shall serve only for the  
18 unexpired portion of the term. An individual serving as director  
19 at the expiration of a term may continue to serve until a successor  
20 is appointed. The director shall appoint such personnel and procure  
21 the services of such experts and consultants as may be necessary  
22 for the director to carry out the duties and functions of the  
23 office. Such personnel and experts shall perform such duties as may  
24 be assigned to them by the director.

25 b. The director shall be authorized to secure such information,  
26 data, estimates and statistics from the agencies of the city as

1 the director determines to be necessary for the performance of the  
2 functions and duties of the office, and such agencies shall provide  
3 such materials in a timely fashion.

4 c. It shall be the duty of the office to provide to the members  
5 and committees of the council, the borough presidents, and the  
6 community boards information which will assist such officials and  
7 bodies in the discharge of all budget and budget-related matters  
8 within their jurisdictions including:

9 (1) information with respect to the budget, appropriations  
10 bills and proposed local laws with fiscal implications;

11 (2) information with respect to revenues, receipts, estimated  
12 future revenues and receipts and changing revenue conditions; and

13 (3) to the extent practicable, such additional information or  
14 analysis as may be requested by such officials and bodies.

15 d. The director shall from time to time publish such reports  
16 as may be necessary or appropriate to provide such information,  
17 data, and analysis as will enhance official and public  
18 understanding of matters relating to city revenues, expenditures,  
19 financial management practices and related matters.

20 e. The director shall, to the extent practicable, prepare for  
21 each proposed local law and each budget modification reported by  
22 any committee of the council and submit to such committee:

23 (1) an estimate of the costs which would be incurred in  
24 carrying out such proposal in the fiscal year in which it is to  
25 become effective and in each of the four fiscal years following  
26 such fiscal year, together with the basis for each such estimate;

1 and

2 (2) a comparison of the estimate of costs described in  
3 paragraph one with any available estimate of costs made by a  
4 committee of the counsel, the office of management and budget, or  
5 any other agency. The estimate and comparison so submitted shall  
6 be included in the report accompanying such bill if it is submitted  
7 in a timely manner to such committee before such report is filed.

8 g. The director may equip the office with up-to-date computer  
9 capability, obtain the services of experts and consultants in  
10 computer technology, and develop techniques for the evaluation of  
11 revenue projections and budgetary requirements.

12 h. There shall be an advisory committee to the office  
13 consisting of eight members appointed jointly by the comptroller  
14 and the council president for four year staggered terms. Of the  
15 members originally appointed, two shall serve until the thirty-  
16 first day of March of nineteen hundred ninety three, two shall  
17 serve until the thirty-first day of March of nineteen hundred  
18 ninety-four, two shall serve until the thirty-first day of March  
19 of nineteen hundred ninety five, and two shall serve until the  
20 thirty-first day of March of nineteen hundred ninety six. The  
21 members shall all be individuals with extensive experience and  
22 knowledge in the fields of finance, economics, accounting and  
23 public administration, including at least one former director of  
24 the office of management and budget or of a comparable office in  
25 another governmental jurisdiction in the United States.

26 h. On or before the first day of February of each year, the



1 director shall publish a report, for the ensuing fiscal year, with  
2 respect to expected levels of revenues and expenditures, taking  
3 into account projected economic factors and the proposals contained  
4 in the preliminary budget submitted by the mayor for such fiscal  
5 year. Such report shall also include a discussion of city budget  
6 priorities, including alternative ways of allocating the total  
7 amount of appropriations, expenditures and commitments for such  
8 fiscal year among major programs or functional categories taking  
9 into account how such alternative allocations will meet major city  
10 needs and effect balanced growth and development in the city.

11 k. On or before the fifteenth day of March of each year, the  
12 director shall publish a report analyzing the preliminary budget  
13 for the ensuing fiscal year.

14 l. On or before the fifteenth day of May of each year, the  
15 director shall publish a report analyzing the executive budget for  
16 the ensuing fiscal year.

17 m. The director shall make all information, data, estimates,  
18 and statistics obtained under subdivision b, and all studies and  
19 reports prepared by the office, available for public inspection and  
20 copying during normal business hours and shall, to the extent  
21 practicable, furnish a copy of any such information or report to  
22 any person upon request at a reasonable cost.

Draft - 6/25/89

## CHAPTER 6

### EXPENSE BUDGET

Note: Sec. 110. is moved and renumbered Sec. 57.

Note: Sec. 111. is moved and renumbered Sec. 56.

Sec. [112.]100. [Departmental] Format of expense budget  
departmental estimates, preliminary expense budget, and executive  
expense budget.

a. [On such date as the mayor may direct, the head of each  
agency shall submit to the director of management and budget an  
estimate of the requirements for expense of such agency for the  
ensuing fiscal year. Such estimates shall be known as] The  
expense budget departmental estimates [and], the preliminary  
expense budget, and the executive expense budget for each year  
shall consist of proposed units of appropriation for personal  
service[s] and proposed units of appropriation for other than  
personal service[s] for the ensuing fiscal year, and shall also  
include a contract budget prepared in accordance with the  
provisions of section one hundred and four. Each agency head, for  
the departmental estimates, and the mayor, for the preliminary  
and executive budgets, shall submit a statement of the impact  
[on] of the proposed units of appropriation on the level of

1 services to be provided during the ensuing fiscal year and for  
2 each community board a written response to each of the expense  
3 budget priorities included in the community board's statement of  
4 budget priorities submitted in accordance with section sixty-one  
5 of this charter. Such responses shall include the response of  
6 the agency head and the mayor, as appropriate, regarding the  
7 disposition of each such priority and a meaningful explanation of  
8 disapprovals. [Each agency that delivers local services within  
9 community district shall consult with the respective community  
10 boards in the preparation of its estimates.]

11 b. Each proposed unit of appropriation [for personal service]  
12 shall represent the amount requested for personal service or for  
13 other than personal service for a particular program, purpose,  
14 activity or institution[. c. Each] ;provided, however, that a  
15 single unit of appropriation for personal service or a single  
16 unit of appropriation for other than personal service may  
17 represent the amount requested for more than one particular  
18 program, purpose, activity or institution if the council has  
19 adopted, on the recommendation of the mayor, or if the council  
20 has adopted on its own initiative and the mayor has approved, a  
21 resolution setting forth the names, and a statement of the  
22 programmatic objectives, of each program, purpose, activity or  
23 institution to be included in such a single unit of  
24 appropriation. Copies of such resolutions must be included as an  
25 appendix to any preliminary budget, executive budget, and adopted

1 budget to which they apply. If, in accordance with such a  
2 resolution, a proposed unit of appropriation for other than  
3 personal service shall represent the total amount requested for  
4 other than personal service for [a particular agency; provided,  
5 however, that] more than one proposed unit of appropriation for  
6 personal service the amount [thereof] of such unit of  
7 appropriation for other than personal service which is allocable  
8 to each unit of appropriation for personal service [in such  
9 agency] shall be set forth for informational purposes at the end  
10 of each such unit of appropriation for personal service. If, in  
11 accordance with such a resolution, a proposed unit of  
12 appropriation for personal service shall represent the total  
13 amount requested for personal service for more than one proposed  
14 unit of appropriation for other than personal service, the amount  
15 of such unit of appropriation for personal service which is  
16 allocable to each unit of appropriation for other than personal  
17 service shall be set forth for informational purposes at the end  
18 of each such unit of appropriation for other than personal  
19 service.

20 c. Each proposed unit of appropriation shall be accompanied by a  
21 statement of the programmatic objectives of the program, purpose,  
22 activity or institution involved.

23 d. Each [requested] proposed unit of appropriation shall be  
24 supported by line items showing how the total amount of such unit



1 is determined. [Such departmental estimates shall be in such  
2 form and contain such further information as may be required by  
3 the mayor or by law. Such departmental estimates shall be public  
4 records and shall at all reasonable times be open to public  
5 inspection.]

6 e. For each city agency that has local service districts within  
7 community districts and boroughs, [the departmental estimates]  
8 each proposed unit of appropriation, where practicable, shall  
9 contain a statement of proposed direct [expenses] expenditures in  
10 each such service district [for each requested unit of  
11 appropriation], pursuant to the requirements [and time periods]  
12 specified in subdivision k of section ninety-three.

1 Sec. [112-a.]101. Preliminary expense budget [statements].

2 a. [Not later than the sixteenth day of January, the mayor shall  
3 submit the preliminary budget statements for the ensuing fiscal  
4 year to the board of estimate, council and each community board  
5 and borough board. Such] The preliminary expense budget  
6 [statements] shall contain proposed expenditures and a forecast  
7 of revenues for the ensuing fiscal year, including a detailed  
8 statement of the methodology and assumptions used to determine  
9 such revenue estimates, [and] shall indicate proposed units of  
10 appropriations for personal [services] service and for other than  
11 personal service, [services. Such preliminary budget statements  
12 shall consist of: (1)] shall include a financial plan covering  
13 estimates of expenditures and revenues for the four ensuing  
14 fiscal years, [(2)] departmental estimates of agency expenditures  
15 for the ensuing fiscal year pursuant to section one hundred  
16 [twelve] together with proposed sources of revenue for each unit  
17 of appropriation specified therein and [(3)] shall present a plan  
18 to ensure balance between the expense and revenue budgets during  
19 the ensuing fiscal year, [by unit of appropriation where actions  
20 are allocated to specific agencies, showing the number of  
21 full-time personnel affected in each agency, the estimated impact  
22 on services that would result from such plan and the funding  
23 consequences of such plan.

1 Note: Sec. 112-a (b) and (c) are moved and renumbered Sec. 69.  
2 and 72.

a. [Not later than the sixteenth day of January, the mayor shall  
submit the preliminary budget statements for the ensuing fiscal  
year to the board of estimate, council and each community board  
and borough board. Such] The preliminary expense budget  
statements shall contain proposed expenditures and a forecast  
of revenues for the ensuing fiscal year, including a detailed  
statement of the methodology and assumptions used to determine  
such revenue estimates. [and] shall indicate proposed units of  
appropriations for personal services and for other than  
personal services. Such preliminary budget statements  
shall consist of: (1) shall include a financial plan covering  
estimates of expenditures and revenues for the four ensuing  
fiscal years, [(2)] departmental estimates of agency expenditures  
for the ensuing fiscal year pursuant to section one hundred  
[twelve] together with proposed sources of revenue for each unit  
of appropriation specified therein and [(3)] shall present a plan  
to ensure balance between the expense and revenue budgets during  
the ensuing fiscal year. [by unit of appropriation where actions  
are allocated to specific agencies, showing the number of  
full-time personnel affected in each agency, the estimated impact  
on services that would result from such plan and the funding  
consequences of such plan.

Sec. 102. Expense budget borough allocations.

a. Definition. The term "discretionary increases" as used in this section shall mean an amount equal to the total amount of general fund expenditures of city funds proposed to be made in the ensuing fiscal year for all purposes other than debt service minus the sum of the following items, including related fringe benefits:

1. all such proposed expenditures which are necessary to continue to operate current programs and provide current services at the level at which they are currently being operated or provided, or at the level at which they will be operating or provided at the end of the current fiscal year, or at a level not exceeding such levels;

2. all proposed increases in such expenditures for current programs or services which are projected to be necessary to accommodate projected increases in <sup>caseload or workload</sup> of current programs or to accommodate a <sup>legally acceptable</sup> portion of such projected increases;

3. all proposed increases in such expenditures for current programs or services which are projected to be necessary as a result of federal, state or local laws or judicial decisions which require increases in benefit levels, service levels, or similar matters; and



1       4. all proposed increases in such expenditures for new  
2       programs or new services required by federal, state or local law  
3       to be initiated during the ensuing fiscal year,

4       b. Borough allocation. Five percent of the total amount of the  
5       discretionary increases which the mayor includes in the executive  
6       expense budget for the ensuing fiscal year shall be allocated  
7       among the boroughs by a formula based on an equal weighting of  
8       factors related to population and need and shall be known as the  
9       expense budget borough allocation. Such formula shall be  
10      established by local law but in any fiscal year for which no such  
11      local law is effective such expense budget borough allocation  
12      shall be allocated among the boroughs based according to the  
13      average of each borough's total share of total population of the  
14      city according to the most recent federal decennial census and  
15      its percentage share of the total number of persons in the city  
16      receiving income support during the most recent year for which  
17      such information is available. Such a borough allocation shall  
18      be reduced by any amounts necessary, in excess of the amounts  
19      available pursuant to section 102-a of this chapter, to pay for  
20      the operating costs of a capital project constructed with funds  
21      recommended for appropriation by the borough president in  
22      accordance with the provisions of paragraph two of subdivision a  
23      of section seventy-five.

1 c. Borough president proposals. Each borough president shall  
2 submit to the mayor, in such form as the mayor shall prescribe,  
3 proposed appropriations for the expense budget in accordance with  
4 section seventy-five of this charter. Such proposed  
5 appropriations shall be submitted in priority order. The mayor  
6 shall include such proposed appropriations without modification  
7 in the executive expense budget in accordance with the provisions  
8 subdivision two of section one hundred and three of this charter,  
9 provided, however, that the mayor may also include such comments  
10 and recommendations relating to such proposed appropriations as  
11 the mayor may deem proper.

1 Sec. 102-a. Capital budget borough allocation expense budget  
2 contingencies. An amount equal to nine tenths of one percent of  
3 the cost of capital projects constructed with funds recommended  
4 for appropriation in accordance with the provisions of paragraph  
5 two of subdivision a of section seventy-five, shall be allocated  
6 to provide for the expense budget requirements of such capital  
7 projects.

- 1 Note: Sec. 113 is moved and renumbered Sec. 70.
- 2 Note: Sec. 114 is moved and renumbered Sec. 71.
- 3 Note: Sec. 115 is deleted. The deleted text appears after Sec.
- 4 76.
- 5 Note: Sec. 116 is moved and renumbered Sec. 77.



1     Sec. [117.]103.   Contents of the executive expense budget.

2     [a.]   There shall be included in the budget:

3         1.   Units of appropriation, prepared according to section  
4         [one hundred twelve] one hundred, in such amounts and upon such  
5         terms and conditions as may be determined by the mayor. Such  
6         appropriations shall include:

7                 [2.]a.   The amounts required by law to be appropriated  
8         to the several sinking funds as certified by the comptroller.

9                 [3.]b.   The amount required to pay the interest and  
10        principal of city obligations as certified by the comptroller.

11                [4.   The amounts required by law to be appropriated to  
12        the street and park openings fund and the street improvement fund  
13        as certified by the comptroller. ]

14                [5.]c.   [The] An amount, as certified by the  
15        comptroller equal to the average of all expenditures during each  
16        of the five preceding fiscal years for the payment of the expense  
17        of the removal of snow and ice, exclusive of salaries and wages  
18        of regular employees of the city except for overtime work and for  
19        work on Sundays and holidays, and exclusive of the purchase of  
20        equipment.

21                [6.]d.   The several amounts which are payable from  
22        sources other than the real estate tax levy, provided however  
23        that amounts appropriated pursuant to chapter nine of this  
24        charter which are allocable to a particular program, purpose,

1 activity or institution, shall be included for informational  
2 purposes only.

3 [7.]e. Such other amounts as may be required by law.

4 [8. The terms and conditions under which  
5 appropriations shall be administered.]

6 [9.]f. Such amounts as shall be determined in the  
7 manner provided in this chapter to be necessary to pay the  
8 expenses of conducting the business of the city for the ensuing  
9 fiscal year and for other lawful public purposes.

10 [10. There shall be appropriated in the expense  
11 budget]g. [a]A reserve for unanticipated contingencies.

12 [11. Proposed appropriations, by agency and project  
13 type and, within project type, by personal services and other-  
14 than-personal services, for the maintenance of all major portions  
15 of the capital plant, as such terms are defined in subdivision a  
16 of section eleven hundred ten-a.]

17 All such units and amounts shall be set forth without  
18 deduction of revenues from any source except as otherwise  
19 provided by law.

20 2. The proposed appropriations submitted by the borough  
21 presidents in accordance with paragraph three of subdivision a of  
22 section seventy-five and section one hundred and two.

23 3. An identification of the proposed appropriations, being  
24 proposed by agency and project type and, within project type, by  
25 personal service and other than personal service, for the  
26 maintenance of all major portions of the capital plant, as such

1 terms are defined in subdivision a of section eleven hundred ten-  
2 a.

3 4. The terms and conditions under which appropriations shall  
4 be administered.

5 Note: Sec. 117 (b) is moved and renumbered Sec. 78.

1 Sec. 104. Contract budget.

2 a. The contract budget shall set forth by agency each major  
3 category of contractual services for which appropriations are  
4 being proposed. All other appropriations being proposed for  
5 contractual services shall be set forth in multiple purpose  
6 categories.

7 b. The mayor, for the preliminary and executive budgets, and the  
8 council by a resolution adopted with the budget, shall certify  
9 that each major category of contractual services is presented as  
10 such and that no multiple purpose category contains a major  
11 category of contractual services.

12 c. For purposes of this section following definitions shall  
13 apply:

14 1. the term "major category" shall mean:

15 (a) a programmatic category related to a specific  
16 service provided by the agency or a specific responsibility of  
17 the agency [regardless of dollar amount];

18 (b) a programmatic category established by council  
19 action pursuant to subdivision g of this section [regardless of  
20 dollar amount];

21 (c) a programmatic category related to a particular  
22 state or Federal requirement; or



1           (d) a subcategory of the categories set forth in  
2 paragraphs one, two and three of this subdivision where the  
3 dollar amount constitutes a major commitment of city funds; and

4           (e) additional categories certified by the mayor as  
5 being major.

6           2. the term "multiple purpose category" shall mean:

7           a. a category which contains groupings of related  
8 contractual services, which individually and cumulatively do not  
9 constitute a major category, and which together facilitate public  
10 understanding of contractual services provided by an agency;

11           b. a category which contains groupings of unrelated  
12 contractual services, which individually and cumulatively  
13 constitute a major category, for which there is not appropriate  
14 grouping with other contractual services provided by the agency.

15           3. the term "contractual services" shall mean technical,  
16 consultant or personal services provided by the city through  
17 contracts.

18           d. Major categories. Each major category of contractual  
19 spending shall include a detailed description of the programmatic  
20 purpose of the category and an amount proposed to fund such  
21 category. The description shall include the number of actual  
22 contracts estimated to be included in the category.

1 f. Multiple purpose categories. All other categories of  
2 contractual spending not identified as major pursuant to  
3 subdivision c of this section shall be aggregated in multiple  
4 purpose categories. Such multiple purpose categories shall be  
5 accompanied by sufficient information to identify purposes and  
6 amounts in sufficient detail in supporting schedules, to allow  
7 the council to certify they do not contain major categories of  
8 contractual services.

9 g. Change of categories.

10 (i) The council may alter any category in the contract  
11 budget as submitted by the mayor, or change any terms and  
12 conditions of it. The mayor shall provide sufficient information  
13 and technical assistance to allow the council to certify each  
14 category as a major or multiple purpose category. The mayor may  
15 disapprove any alteration by the council. The mayor's  
16 disapproval may be overridden by a two-thirds vote of all of the  
17 members of the council.

18 (ii) The council may increase, decrease add or omit any  
19 amount in the contract budget as submitted by the mayor, or  
20 change any terms and conditions of the amount in that category.  
21 The mayor may disapprove any increase or addition to the amounts  
22 in the categories, or any change in any term and condition of the  
23 contract budget. The mayor's disapproval may be overridden by a  
24 two-thirds vote of all of the members of the council.

1     Sec. [118.]105.   Appropriations for [supplies, materials and  
2     equipment.] goods, services or construction.   Appropriations for  
3     the purchase of [supplies, materials and equipment or the  
4     provision of services, utilities, or facilities] goods, services  
5     or construction required by and to be purchased or provided for  
6     the account of the various agencies and institutions for which  
7     the department of general services is authorized by the  
8     provisions of this charter to make [purchases] or provide  
9     [services, utilities, or facilities] shall be made to the  
10    department of general services but shall be segregated under the  
11    name of the agency or institution for which they are intended and  
12    shall be considered and accounted for as appropriated for such  
13    agency or institution.   Nothing herein contained shall prevent  
14    the designation of part of such appropriations as a general  
15    stores account or under other appropriate designation to enable  
16    the service department of general services to maintain a stock in  
17    anticipation of requirements or to provide services or  
18    construction[, utilities or facilities] for joint use by more  
19    than one agency or institution.

1 Note: Sec. 119 is moved and renumbered Sec. 80.

2 Note: Sec. 120 is moved and renumbered Sec. 81.

3 Note: Sec. 121 is moved and renumbered Sec. 82.

4 Note: Sec. 122 is moved and renumbered Sec. 83.



1     Sec.   [123.]106.   [B] Expense budget administration.

2     a.   Except as otherwise provided by law, no unit of appropriation  
3     shall be available for expenditure by any city agency until [the  
4     head of the agency has filed with the mayor, the director of  
5     management and budget, the comptroller, and the personnel  
6     director a schedule] schedule, fixing positions and salaries and  
7     setting forth other expenses within the units of appropriation  
8     are established pursuant to the adopted budget [and] the  
9     administration of which is subject to the provisions of this  
10    chapter, the civil service law, and other applicable law.

11  
12   b.   The mayor shall establish and may modify for each agency (1)  
13   quarterly spending allotments for each unit of appropriation and  
14   (2) aggregate position and salary limits for each unit of  
15   appropriation, which shall be published in the City Record. No  
16   agency shall expend any sum in excess of such quarterly spending  
17   allotments, or exceed aggregate position and salary limits. The  
18   mayor may set aside specified sums as necessary reserves which  
19   shall not be included in the quarterly spending allotments until  
20   released by the mayor. Each agency shall administer all monies  
21   appropriated or available for programs and purposes of the agency  
22   in accordance with quarterly allotment plans proposed by the  
23   agency and approved or modified by the mayor. Each such plan  
24   shall set forth by units of appropriation for the quarter of the  
25   fiscal year during which it is to remain in effect: (1) rates of

1 expenditures for personal services and other than personal  
2 services; (2) ceilings on the total number of personnel by job  
3 categories; and (3) the total amount of funds to be spent or  
4 committed by the agency during such quarter.

5 c. The mayor shall keep informed during the course of each  
6 fiscal year, of the progress of expenditures and the receipt of  
7 revenues, and it shall be the duty of all agencies, when  
8 requested by the mayor, to supply all information needed for this  
9 purpose.

10 d. The mayor may assume direct responsibility for the  
11 administration of the schedule required to be filed by the agency  
12 head pursuant to subsection a of this section when in his  
13 judgment the fiscal condition of the city so requires or when an  
14 agency (1) is expending funds in excess of the quarterly spending  
15 allotments; or (2) is otherwise not complying with spending  
16 allotments or aggregate position and salary limits; or (3) is not  
17 maintaining adequate accounts pursuant to requirements of this  
18 charter.

19 e. Whenever the mayor determines pursuant to the provisions of  
20 this section or other relevant statutes, that the full amount of  
21 any appropriation should not be available for expenditure during  
22 the fiscal year, the mayor shall notify the council of such  
23 determination and the implications and consequences of those

1 impoundments on the service levels and programmatic goals  
2 affected. The mayor shall respond in writing to a request by the  
3 council for an explanation of why an appropriation should not be  
4 expended.

5 f. Within thirty days of the adoption of the executive expense  
6 budget, the head of each agency, other than the police  
7 department, who is responsible for services which are required to  
8 be conterminous with community districts or aggregates of  
9 community districts pursuant to section two thousand seven  
10 hundred and four, shall for each such service, submit to each  
11 borough president a plan for the allocation within the borough of  
12 the personnel and resources appropriated for such service in the  
13 borough. Within thirty days of receiving such a plan, the  
14 borough president would be authorized to propose a reallocation  
15 of such personnel and resources within the borough. The proposed  
16 reallocations shall be implemented by the agency, unless the head  
17 of the agency objects in writing to the borough president. If  
18 such an objection is received, the borough president shall  
19 respond to the head of the agency with modifications, if any,  
20 which shall be made to the borough president's proposed  
21 modifications, which shall be binding on the agency provided that  
22 no such modification may increase or decrease the personnel or  
23 resources allocated to any community district by more than five  
24 percent.

1 Section. 107. The council publish quarterly accountings of its  
2 actual and planned expenditures, indicating the positions and  
3 purposes which have been funded, as well as the activities and  
4 categories of goods and supplies purchased.



1 Sec. [124.]108. Budget modification.

2 a. Subject to the quarterly spending allotments and aggregate  
3 position and salary limits established pursuant to section one  
4 hundred twenty-three, and to other applicable provisions of this  
5 charter, of the civil service law and of other law, changes in  
6 schedules, within units of appropriation, may be made by the head  
7 of each agency. Any such changes shall be published in the City  
8 Record and copies shall be forwarded to the mayor and the  
9 comptroller not less than ten days before the effective date  
10 thereof.

11 b. The mayor during any fiscal year may transfer part or all of  
12 any unit of appropriation to another unit of appropriation,  
13 except that when any such transfer (1) shall be from one agency  
14 to another or (2) shall result in any unit of appropriation  
15 having been increased or decreased by more than five per cent  
16 from the budget as adopted for such unit of appropriation, the  
17 mayor shall notify [the board of estimate and] the council of  
18 the proposed action. Within thirty days after the first stated  
19 meeting [of each body] of the council following the receipt of  
20 such notice, [either the board of estimate or] the council may  
21 disapprove the proposed action provided, however, that if such  
22 transfer is not necessary to provide for expenditures which are  
23 necessary to continue the operation of current programs and the  
24 provision of current services at the level at which they are

1 currently being operated or provided or for expenditures for  
2 current programs or services which are necessary to accommodate  
3 actual but unanticipated increases in caseload of current  
4 programs or to accommodate a legally acceptable portion of such  
5 increases; or for increased expenditures for current programs or  
6 services which are necessary as a result of federal, state or  
7 local laws or judicial decisions which require increases in  
8 benefit levels, service levels, or similar matters or for  
9 increases in expenditures for new programs or new services  
10 required by federal, state or local law, it shall be subject to  
11 review by the council in accordance with the provisions of  
12 subdivision f of this section. Written notice of any transfer  
13 pursuant to this subdivision shall be given to the comptroller  
14 and shall be published in the City Record as soon as possible  
15 after such transfer.

16 c. The provisions of this section shall not be deemed to  
17 authorize any transfer from appropriations required by law.

18 d. As used in this section, the term "unit of appropriation"  
19 shall mean and include: (1) a unit of appropriation for personal  
20 service as defined in subdivision b of section one hundred  
21 [twelve] of the charter together with that portion of a unit of  
22 appropriation for other than personal service, as defined in  
23 subdivision c of such section one hundred twelve, which is  
24 allocated to such unit of appropriation for personal service; or

1 (2) a unit of appropriation for other than personal service as  
2 defined in subdivision c of such section one hundred [twelve].  
3

4 e. The council may during any fiscal year transfer part or all  
5 of any unit of appropriation within the council appropriation to  
6 any other council unit of appropriation for any of its programs  
7 or projects or for any other purpose, solely by adoption of a  
8 council resolution. Each such transfer shall be published in the  
9 City Record and written notice thereof shall be given to the  
10 mayor and to the comptroller not less than ten days before the  
11 effective date thereof.

12 f. The procedures and required approvals pursuant to sections  
13 [one hundred twenty, one hundred twenty-one and one hundred  
14 twenty-two], eighty-one, eighty-two, and eighty-three, without  
15 regard to the dates specified therein, shall be followed in the  
16 case of (1) any proposed amendment to the budget respecting the  
17 creation of new units of appropriation, or (2) the appropriation  
18 of new revenues from any source, or (3) the proposed use by the  
19 city of previously unappropriated funds received from any source.  
20 Any request by the mayor respecting an amendment to the budget  
21 that involves an increase in the budget shall be accompanied by a  
22 statement of the source of current revenues or other identifiable  
23 and currently available funds required for the payment of such  
24 additional amounts.

1 Section 109. The council shall be required to publish quarterly  
2 accountings of its actual and planned expenditures, in sufficient  
3 detail to indicate the positions and their purposes which have  
4 been funded, as well as the activities and categories of  
5 materials and supplies purchased.



1     Sec. [126]110. General fund. All revenues of the city, of every  
2     administration, department, board, office and commission thereof,  
3     and of every borough, county and other division of government  
4     within the city, from whatsoever source except taxes on real  
5     estate, not required by law to be paid into any other fund or  
6     account shall be paid into a fund to be termed the "general  
7     fund."

1      Note: Sec. 129 is moved and renumbered Sec. 60.

1    Sec. [130.] 111.    Expenditure reports.    Any public or private  
2    agency, authority, corporation, board or commission which  
3    receives city funds and is not otherwise subject to the  
4    requirements of section one hundred twenty-three of this chapter  
5    shall submit quarterly reports of the expenditure of such funds  
6    to the mayor in such form and detail as the mayor may prescribe.

1 Section 112. The mayor and the comptroller shall report jointly  
2 to the public within thirty days of the end of each month on the  
3 status of the city's financial plan.



1     Sec. [131.]113.   Self-dealing among members of the governing  
2     boards of charitable institutions.

3     a.   Any charitable institution which receives any payment from  
4     the New York city charitable institutions budget shall pass and  
5     implement by-laws which will:

6         1.   Require disclosure to the agency responsible for the  
7     administration of charitable institutions budget and approval by  
8     such agency of the material terms of any contract or transaction,  
9     direct or indirect, between an institution and any member of its  
10    governing board, any partnership of which he or she is a member  
11    or any corporation in which he or she holds ten per cent or more  
12    of the outstanding common stock.

13        2.   Preclude any member of the governing board of any  
14    institution from sharing, participating or benefiting, directly  
15    or indirectly, in the proceeds from any contract or transaction  
16    entered into between the institution and any third party unless  
17    such participation or benefit has been approved in advance by the  
18    agency and the governing board of the institution has approved  
19    the transaction by a two-thirds majority excluding the vote of  
20    member to be benefited.

21        3.   Require each member of its governing board to submit to  
22    the agency each year a disclosure statement including such  
23    member's name, home address, principal occupation and business  
24    interests from which such member or such member's spouse received

1 income equal to or greater than ten per cent of their aggregate  
2 gross income during the previous year.

3 b. At the discretion of the agency, any payment or any portion of  
4 any payment may be withheld from any institution which has failed  
5 to pass and implement such by-laws.

1 DRAFT 6/25/89

2 CHAPTER 8

3 CITY PLANNING

4 Sec. 191. Department and director of city planning. a.

5 There shall be a department of city planning, the head of which  
6 shall be the director of city planning. ~~He~~ The director of  
7 city planning shall be ~~chairman~~ the chair and a member of the  
8 city planning commission and shall serve at the pleasure of the  
9 mayor.

10 b. The director of city planning shall:

11 1. Advise and assist the mayor ~~[, the board of estimate]~~ and  
12 the council in regard to the physical planning and public  
13 improvement aspects of all matters related to the development of  
14 the city.

15 2. Provide staff assistance to the city planning commission  
16 in all matters under its jurisdiction.

17 3. Be the custodian of the city map and record thereon all  
18 changes legally authorized.

19 4. Conduct continuous studies and collect statistical and  
20 other data to serve as the basis for planning recommendations.

21 5. Provide community boards with such staff assistance and  
22 other professional and technical assistance as may be necessary  
23 to permit such boards to perform their planning duties and  
24 responsibilities under this chapter.

25 6. Perform such other functions as are assigned to ~~him~~ by  
26 the mayor or other provisions of law.

1        7. Appoint a deputy director for strategic planning.

2        c. The department shall employ such planning experts,  
3        engineers, architects and other officers and employees as may be  
4        required to perform its duties, within the appropriation  
5        therefor.



1       Sec. 192. City planning commission. a. There shall be a  
2       city planning commission to consist of the ~~chairman~~ chair and  
3       ~~six~~ eleven other members ~~to be appointed by the mayor.~~ The  
4       appointments shall be made so that there is at least one resident  
5       of each borough on the commission. The mayor shall appoint the  
6       chair and five other members of the commission, the president of  
7       the council shall appoint one member, and each borough president  
8       shall appoint one member. Members shall be chosen for their  
9       independence, integrity and civic commitment. Members, except for  
10      the chair, shall not be considered regular employees of the city  
11      for purposes of chapter sixty-eight. Except as otherwise  
12      provided in section one hundred ninety-one, no member shall hold  
13      any other city office. Members other than the ~~chairman~~ chair  
14      shall be appointed for a term of ~~eight~~ five years ~~].~~ In case of  
15      a vacancy in the office of a member other than that of the  
16      chairman, the mayor shall appoint a member to serve for the  
17      remainder of the unexpired term. ]; provided, however, that of  
18      the members other than the chair, one member appointed by the mayor  
19      and one member appointed by a borough president shall serve for  
20      terms to expire on June 30, nineteen hundred ninety-one; one member  
21      appointed by the mayor and one member appointed by a borough  
22      president shall serve for terms to expire on June 30, nineteen  
23      hundred ninety-two; one member appointed by the mayor and one  
24      member appointed by a borough president shall serve for terms to  
25      expire on June 30, nineteen hundred ninety-three; one member  
26      appointed by the mayor and one member appointed by a borough

1 borough president shall serve for terms to expire on June 30,  
2 nineteen hundred ninety-four; and one member appointed by the  
3 mayor, the member appointed by the president of the council and  
4 one member appointed by a borough president shall serve for terms  
5 to expire on June 30, nineteen hundred ninety-five. The borough  
6 presidents shall determine by lot the length of the term to be  
7 served by the member first appointed by each borough president.  
8 The appointing officials shall make their first appointments to  
9 the commission on or before March 1, nineteen hundred ninety.  
10 The commission members so appointed shall assume office on July  
11 1, nineteen hundred ninety.

12 b. Members of the board shall serve until their successors  
13 have been confirmed. Any vacancy occurring other than by  
14 expiration of a term shall be filled by the official who  
15 appointed the member. A person so appointed shall serve for the  
16 unexpired portion of the term of the member succeeded. Terms  
17 shall begin on the next date after the expiration date of the  
18 preceding term.

19 [b.] c. One of the members other than the [chairman] chair  
20 shall be designated by the mayor as [vice-chairman] vice-chair  
21 and shall serve as vice-chair at the pleasure of the mayor. The  
22 [vice-chairman] vice-chair shall possess the powers and perform  
23 the duties of the [chairman] chair when the [chairman] chair is  
24 absent or while a vacancy exists in the office of [chairman]  
25 chair, and shall at such times serve as director of city  
26 planning.

1 d. The city planning commission shall be responsible for the  
2 conduct of planning relating to the orderly growth and  
3 improvement and future development of the city, including  
4 adequate and appropriate resources for the housing, business,  
5 industry, transportation, distribution, recreation, culture,  
6 comfort, convenience, health and welfare of its population.

7 e. The city planning commission shall oversee implementation  
8 of laws that require environmental reviews of actions taken by  
9 the city. The commission shall establish by rule procedures for  
10 environmental reviews of proposed actions by the city where such  
11 reviews are required by law. Such rules shall include procedures  
12 for (1) selecting the city agency or agencies that will be  
13 responsible for determining whether an environmental impact  
14 statement is required in connection with a proposed action and  
15 for preparing and certifying as complete any such statement  
16 required by law, and (2) coordinating environmental review  
17 procedures with the land use review procedures set forth in this  
18 chapter. The director of the department of city planning and the  
19 commissioner of environmental protection shall designate from the  
20 staffs of such departments an office of environmental  
21 coordination, which shall provide assistance to all city agencies  
22 in fulfilling their environmental review responsibilities.

23 f. Not less than once every five years, the commission shall  
24 undertake and complete a comprehensive review of the zoning  
25 resolution and shall file a report with the mayor, the council,  
26 the president of the council, the borough presidents, and the

1 community boards, which shall describe the results of its review  
2 and its recommendations based on such review.

3 g. The chair of the city planning commission shall make a  
4 complete transcript of the meetings and hearings of the  
5 commission available for public inspection free of charge within  
6 sixty days after any such meeting or hearing. The chair shall  
7 also provide a copy of any requested pages of such transcript to  
8 any resident or taxpayer at a reasonable fee to cover the cost of  
9 copying and, if relevant, mailing.



1       Sec. 193. Removal by mayor after hearing. A member of the  
2       commission other than the [chairman] chair may be removed by the  
3       [mayor] appointing official only upon proof of official  
4       misconduct or of negligence in official duties or of conduct in  
5       any manner connected with his or her official duties which tends  
6       to discredit his or her office, or of mental or physical  
7       inability to perform his or her duties; and before removal [he]  
8       any such member shall receive a copy of the charges and shall be  
9       entitled to a hearing before the [mayor] appointing official and  
10      to the assistance of counsel at such hearing.  
11

1       Sec. 197-a. Plans. a. [The city planning commission shall be  
2       responsible for the conduct of planning relating to the orderly  
3       growth and improvement and future development of the city,  
4       including adequate and appropriate resources for the housing,  
5       business, industry, transportation, distribution, recreation,  
6       comfort, convenience, health and welfare of its population.]  
7       Plans for the development, growth, and improvement of the city  
8       and of its boroughs and community districts may be [initiated]  
9       proposed by (1) the mayor, (2) the city planning commission, (3)  
10      the department of city planning, (4) a borough president with  
11      respect to his or her borough, (5) a borough board with respect  
12      to [land located within two or more community districts] its  
13      borough, or [4] (6) a community board with respect to [land  
14      located within] its community district. A community board [or],  
15      borough board or borough president that [initiates] proposes any  
16      such plan shall conduct a public hearing on it and submit a  
17      written recommendation to the city planning commission. Plans  
18      [initiated] proposed by the mayor [or], the city planning  
19      commission, the department of city planning, a borough president  
20      or a borough board shall be referred to the affected community  
21      board or boards [and, if land located within] for review and  
22      recommendation after such public hearing. Plans affecting two or  
23      more community districts [is included,] shall be referred to the  
24      affected borough board or boards for review and recommendation  
25      after public hearing. Plans proposed by the mayor, the city  
26      planning commission, the department of city planning, a community

1 board or borough board shall also be referred to the affected  
2 borough presidents for review and recommendation. A community  
3 board or borough board may review a plan which does not involve  
4 land so located as to require its review if in its judgment the  
5 plan significantly affects the welfare of the district or borough  
6 served by such board. In such a case the plan and any advice  
7 relative thereto submitted by any officer or agency shall be made  
8 available to such board on request. Such board may hold its own  
9 public hearing on such plan if it desires and may submit its own  
10 recommendations in regard thereto to the city planning  
11 commission. The city planning commission shall prepare and, with  
12 the approval of the mayor, establish the procedures and schedule  
13 for review and public hearings by community boards and borough  
14 boards on any plans initiated by the mayor, a borough president  
15 or the city planning commission [which involve matters of city-  
16 wide concern].

17 b. The city planning commission shall adopt rules  
18 establishing minimum standards for the form and content of plans  
19 pursuant to this section within a reasonable time period after  
20 July 1, nineteen-ninety. Upon receipt of a plan proposed  
21 pursuant to this section, the city planning commission shall,  
22 within a reasonable time period, determine whether such plan  
23 satisfies the standards established in such rules and is  
24 consistent with sound planning policy. If the commission makes  
25 such a determination with respect to a plan submitted by a  
26 community board, either the department of city planning or such

1 prepared any environmental analysis of such plan required by law  
2 to enable the city planning commission and the council to act on  
3 the plan pursuant to subdivision c of this section.

4 c. The city planning commission shall, within a reasonable  
5 time period, (1) review any plan [initiated] proposed pursuant to  
6 subdivision a of this section with respect to which the commission  
7 has made the determinations described in subdivision b of this  
8 section, (2) hold a public hearing on [it] the plan and [recommend  
9 to the board of estimate approval, modification or disapproval of  
10 the] (3) by resolution approve, approve with modifications or  
11 disapprove such plan. [The board of estimate] If the city planning  
12 commission has approved a plan with or without modifications, the  
13 commission shall file a copy of the plan and the resolution of the  
14 commission with the council, and the council shall hold a public  
15 hearing on the plan [and the recommendation of the city planning  
16 commission], and thereafter take [final] action [of approval,  
17 modification or disapproval. The board] on the plan. The  
18 procedures and requirements for any such council action, for  
19 mayoral disapproval of such action, and for council override of  
20 such disapproval shall be governed by subdivisions d, e, and f of  
21 section one hundred ninety-seven-d; provided, however, that (i)  
22 the council shall have one hundred twenty days, not forty-five  
23 days, to act as provided in subdivision d of section one hundred  
24 ninety-seven-d and (ii) the council may by a [three-fourths] two-  
25 thirds vote override any action of the city planning commission  
26 which disapproved a plan if the mayor shall have certified to the



1 (ii) the council may by a ~~[[three-fourths]]~~ two-thirds vote  
2 override any action of the city planning commission which  
3 disapproved a plan if the mayor shall have certified to the city  
4 planning commission that such a plan is necessary. ~~[[If the city~~  
5 ~~planning commission has approved a plan with or without~~  
6 ~~modification, the board of estimate may take final action on it~~  
7 ~~by majority vote.]]~~ Copies of approved plans shall be filed with  
8 the city clerk, the department of city planning and every borough  
9 president and the borough boards and community boards affected.

1           Sec. 197-b. Notification to community boards. [Advance  
2   notification] Notice of all preliminary and final plans and of  
3   all requests for proposals and other solicitations of proposals  
4   relating to the private use or the disposition of city-owned land  
5   of public agencies, local development corporations and public  
6   benefit corporations or of private agencies, entities or  
7   developers filed with the city or to be issued by or on behalf of  
8   the city that relate to the use, development or improvement of  
9   land [subject to city regulation] owned by the city shall be  
10   given to the affected community board or boards and the office of  
11   the borough president, provided that exceptions may be made in  
12   matters of no appreciable public concern by agency rule. Such  
13   notice shall be given a reasonable time period in advance of  
14   final action on any such plans, requests for proposals, or other  
15   solicitations.

1 Sec. 197-c. Uniform land use review procedure.

2 a. Except as otherwise provided in this charter, proposals  
3 and applications by any person or agency [for changes, approvals,  
4 contracts, consents, permits or authorization thereof, respecting  
5 the use, development or improvement of real property subject to  
6 city regulation] shall be reviewed pursuant to a uniform review  
7 procedure in the following categories:

8 (1) The city map pursuant to section one hundred

9 ninety-eight and section one hundred ninety-nine;

10 (2) Map of a subdivision or platting of land into streets,

11 avenues or public places pursuant to section two

12 hundred two;

13 (3) Designations of zoning districts under the zoning

14 resolution, including conversion from one land use to

15 another land use, pursuant to [section] sections two

16 hundred and two hundred one;

17 (4) Special permits within the jurisdiction of the city

18 planning commission under the zoning resolution,

19 pursuant to [section] sections two hundred and two

20 hundred one;

21 (5) Site selection for capital projects pursuant to section

22 two hundred twenty-seven;

23 (6) ~~[Franchises, and revocable]~~ Revocable consents,

24 ~~[involving residential, industrial, commercial,~~

25 ~~transportation or community facility projects pursuant~~

26 ~~to chapter fourteen]~~ requests for proposals and other

1 solicitations for franchises pursuant to section three  
2 hundred sixty-three, and major concessions as defined  
3 pursuant to section three hundred seventy-six, but only  
4 with respect to the land use impacts or implications,  
5 if any, of such franchises, major concessions and  
6 revocable consents;

7 (7) Improvements in real property the costs of which are  
8 payable other than by the city pursuant to section two  
9 hundred twenty-nine;

10 (8) Housing and urban renewal plans and projects pursuant  
11 to city, state and federal housing laws;

12 (9) Sanitary or waterfront land-fills pursuant to  
13 applicable charter provisions or other provisions of  
14 law;

15 (10) Sale, lease[, ] (other than the lease of office space),  
16 exchange, or other disposition of [real property to the  
17 city and of] the real property of the city, [and]  
18 including the [proposed acquisition,] sale or lease of  
19 land under water pursuant to [section sixty-seven,]  
20 section sixteen hundred [three] two, chapter fifteen,  
21 and other applicable provisions of law; [and,]

22 (11) Acquisition by the city of real property (other than  
23 the acquisition for office use of space or a building),  
24 including acquisition by purchase, condemnation,  
25 exchange or lease and including the acquisition of land  
26 under water pursuant to section sixteen hundred two,



1 chapter fifteen, and other applicable provisions of  
2 law;

3 (12) Waterfront plans, pursuant to section seven hundred  
4 five; and

5 (13) Such other matters involving the use, development or  
6 improvement of property as are specified by [the board  
7 of estimate] local law adopted upon the recommendation  
8 of the city planning commission.

9 b. [Each proposal or application] The following documents  
10 shall be filed with the department of city planning [, which]:  
11 proposals and applications under this section, any amendments  
12 thereto that are made prior to approval of such a proposal or  
13 application pursuant to this chapter, and any written information  
14 prepared by an applicant for purposes of determining (1) whether  
15 an environmental impact statement will be required by law and  
16 (2), prior to the actual drafting thereof, the form and content  
17 of any environmental impact statement required by law. The  
18 department of city planning shall forward a copy of any materials  
19 it receives pursuant to this subdivision (whether or not such  
20 materials have been certified as complete) within five days to  
21 the borough president of the borough in which the land involved  
22 is located, to the community board for each community district in  
23 which the land involved, or any part thereof, is located, and to  
24 the borough board if the proposal or application involves land  
25 located in two or more districts in a borough. The department of  
26 city planning shall be responsible for certifying that

1 applications pursuant to subdivision a of this section are  
2 complete and ready to proceed through the uniform land use review  
3 procedure provided for in this section. If an application under  
4 this section has not been certified within six months after  
5 filing, the applicant shall have the right at any time thereafter  
6 to appeal to the city planning commission for certification. The  
7 commission shall promptly, but in any event within sixty days of  
8 the filing of such an appeal, either certify the application or  
9 state in writing what further information is necessary to  
10 complete the application. An additional appeal for certification  
11 of an application shall not be permitted unless the applicant has  
12 submitted all the information specified by the commission in  
13 response to the first appeal.

14 c. If a meeting involving a city agency and an applicant is  
15 convened to determine, in advance of the drafting, the form and  
16 content of any environmental impact statement required by law for  
17 a proposal or application subject to review under this section,  
18 each affected community board and each affected borough president  
19 shall receive advance notice of such meeting, and each shall have  
20 the right to send one representative to the meeting.

21 d. Each such community board shall, not later than sixty days  
22 after receipt of [the proposal or] an application that has been  
23 certified pursuant to subdivision b of this section, [either]

24 (1) notify the public of the proposal or application in a  
25 manner specified by the city planning commission

1 pursuant to ~~[subdivision g]~~ subdivision h of this  
2 section, and  
3 (2) either (a) conduct a public hearing thereon and [(3)]  
4 prepare and submit a written recommendation directly to  
5 the city planning commission and to the president of  
6 the borough in which such community board is located or  
7 ~~[waive the]~~ (b) submit a written waiver of the right to  
8 conduct [of] a public hearing and [the preparation of]  
9 to submit such written recommendations where authorized  
10 by this charter to the commission and the president of  
11 the borough.

12 ~~[d]~~ e. A copy of a recommendation by a community board  
13 pursuant to subdivision ~~[c]~~ d of this section that involves land  
14 located within two or more community districts in a borough shall  
15 also be filed with the borough board within the same time period  
16 as specified in subdivision ~~[c]~~ d. Not later than thirty days  
17 after the filing of a recommendation or waiver with the borough  
18 board by every community board in which land involved is located,  
19 or after the expiration of the time allowed for such community  
20 boards to act, the borough board may hold a public hearing on the  
21 proposal or application and any such recommendations and submit a  
22 written recommendation or waiver thereof to the city planning  
23 commission.

24 ~~[e]~~ f. Not later than thirty days after the filing of a  
25 recommendation or waiver with the borough president by all  
26 community boards in which land involved is located, or after the

1 expiration of the time allowed for such community boards to act,  
2 the borough president may submit a written recommendation or  
3 waiver of the right to make a recommendation to the city planning  
4 commission.

5 g. Not later than sixty days after expiration of time allowed  
6 for the filing of a recommendation or waiver with [it] the city  
7 planning commission by a [community board or borough board or the  
8 latest filing if there is more than one within the time allowed]  
9 borough president, the [city planning] commission shall approve,  
10 modify, or disapprove, the proposal or application [and shall  
11 file its decision with the board of estimate]. Any such action  
12 of the commission shall require a vote of a majority of the  
13 members, except that if (1) a city facility (as defined in  
14 section two hundred three) requires an approval pursuant to  
15 subdivision a of this section, (2) the borough president in whose  
16 borough such city facility is to be located recommends against  
17 approval of the proposed city facility within the time provided  
18 in subdivision f of this section, and (3) the borough president  
19 has proposed an alternative site in the same borough for such  
20 city facility pursuant to subdivision f or g of section two  
21 hundred four, any approval of such facility pursuant to  
22 subdivision a of this section shall require a vote of eight  
23 members of the commission. The [city planning] commission shall  
24 conduct a public hearing on any proposal or application on which  
25 a hearing was not held by a community board or borough board and  
26 on any other proposal or application on which a hearing is



1 required by law. The commission may waive a public hearing if a  
2 community board or borough board held a public hearing after  
3 adequate notice. Prior to taking any action pursuant to this  
4 subdivision on a matter involving the citing of a capital  
5 project, the sale, lease, exchange or other disposition of real  
6 property, a franchise or a revocable consent, the city planning  
7 commission shall obtain a report from the office of management  
8 and budget[, ] or the department of general services [or the  
9 bureau of franchises], as appropriate. Any action of the city  
10 planning commission which modifies or disapproves a  
11 recommendation of the community board, borough president or  
12 borough board shall be accompanied by a written explanation of  
13 its reason for such action.

14 [f. The city planning commission shall file copies of its  
15 decision or recommendation with the board of estimate, together  
16 with copies of any recommendation of a community board or  
17 borough board. Within sixty days of such filing, the board of  
18 estimate shall hold a public hearing on the matter and take final  
19 action by a majority vote unless otherwise specified in this  
20 charter.

21 g) h. The city planning commission [, after a public  
22 hearing,] shall establish (1) rules providing guidelines, minimum  
23 standards, and procedural requirements for community boards,  
24 borough presidents, borough boards and the commission in the  
25 exercise of their duties and responsibilities pursuant to this  
26 section, (2) minimum standards for certification of applications

1 pursuant to subdivision b of this section, and (3) specific time  
2 periods for review of submissions made in connection with  
3 applications pursuant to this section prior to certification.

4 [h] i. If a community board, borough president or borough  
5 board [, or the city planning commission] fails or waives its  
6 right to act within the time limits for review pursuant to  
7 subdivisions [c, d and e] d, e and f of this section, the  
8 proposal or application is referred to the next level of review.  
9 If the [board of estimate] city planning commission fails to act  
10 on a proposal or application within the time limit specified in  
11 subdivision [f] g of this section, [any prior decision of the  
12 city planning commission with respect to the land use impact and  
13 implications is final] the proposal or application shall be  
14 deemed to have been denied unless the proposal or application is  
15 pursuant to clause (3) or (8) of subdivision (a) of this section  
16 in which case the proposal or application shall be referred to  
17 the council for review pursuant to subdivision d of section one  
18 hundred ninety-seven-d.

19 [i] j. Notice of any hearing on a proposal or application by  
20 the city planning commission or [board of estimate] the council  
21 shall be published in the City Record at least ten days  
22 immediately prior to the date of the hearing, and a copy of the  
23 notice shall be mailed to all community boards or borough boards  
24 affected by the proposal or application.

25 [j] k. A community or borough board may review a proposal or  
26 application which is subject to uniform land use review procedure

1 pursuant to this section but does not involve land so located as  
2 to require reference to such board for review, if in the board's  
3 judgment the proposal or application might significantly affect  
4 the welfare of the community district or borough served by such  
5 board. In such a case the proposal or application and the  
6 related materials submitted to the affected board or boards by  
7 the city planning department shall be submitted also to such  
8 board on request, and such board may hold its own public hearing  
9 thereon if it so desires and may submit its own recommendations  
10 in regard thereto to the city planning commission for  
11 consideration at any time before the city planning commission  
12 takes action thereon.

1       [Sec. 197-d. Temporary exemption for certain city properties.

2       a. Notwithstanding the provisions of section eleven hundred  
3       fifty-two or any other section to the contrary, chapter eight of  
4       this charter shall not apply to the sale, lease, exchange or  
5       other disposition of real property of the city of New York under  
6       the jurisdiction of the municipal service administration.

7       b. The provisions of this section shall remain in full force  
8       and effect only until the thirty-first day of December, nineteen  
9       hundred seventy-six.]

10       Sec. 197-d. Council Review. a. If the city planning  
11       commission approves any matter described in clauses (3) or (8) of  
12       subdivision a of section one hundred ninety-seven-c or a change  
13       in the text of the zoning resolution pursuant to section two  
14       hundred or section two hundred one, the commission shall, within  
15       five days of the decision, file with the council a copy of its  
16       decision, together with copies of all community board, borough  
17       board and borough president recommendations.

18       b. If the city planning commission approves a sale, lease,  
19       exchange or other disposition of residential real property  
20       pursuant to clause (10) of subdivision a of section one hundred  
21       ninety-seven-c, the commission shall, within five days of the  
22       decision, file with the council a copy of its decision together  
23       with copies of all community board, borough board and borough  
24       president recommendations. Residential property shall mean real  
25       property improved by structures built for or converted to  
26       residential use, whether or not occupied.



1        c. If with regard to a proposal or application for a matter  
2 described in clause (1), (2), (5), (6), (9), (10), (11) or (12) of  
3 subdivision a of section one hundred ninety-seven-c, (1) both an  
4 affected community board and the affected borough president within  
5 the time periods allotted for their reviews pursuant to section one  
6 hundred ninety-seven-c recommend against approval, (2) the city  
7 planning commission approves the proposal or application, (3) the  
8 affected borough president, within five days of the decision, files  
9 with the city planning commission and the council a written  
10 objection to the decision of the commission, then the commission  
11 shall within five days of the filing of the objection file with the  
12 council a copy of such decision together with a copy of any  
13 recommendation of a community board, borough president or borough  
14 board.

15        d. Within forty-five days of the filing with the council  
16 pursuant to subdivision a, b or c of this section of any decision  
17 of the city planning commission, (1) the council or the land use  
18 committee of the council shall hold a public hearing on the matter  
19 and (2) the council may thereafter by a majority vote of the  
20 council either approve or disapprove such decision; provided,  
21 however, that in the case of council review of a change in the text  
22 of the zoning resolution pursuant to section two hundred one, the  
23 council shall have one hundred twenty days from the date of the  
24 filing of the decision of the commission with the council in which  
25 to take the actions described in this subdivision. The council  
26 shall not modify a decision of the city planning commission without

1 the written approval of the commission.

2 e. All votes of the council to approve or disapprove a  
3 decision of the city planning commission pursuant to this section  
4 shall be filed by the council with the mayor and shall be final  
5 unless disapproved by the mayor within five days of such filing.  
6 Any such mayoral disapproval shall be filed by the mayor with the  
7 council and shall be subject to override by a two-thirds vote of  
8 the council within ten days of such filing.

9 f. If the council fails to act by the required vote within  
10 any time limit specified in this section, any prior decision of  
11 the city planning commission shall be final and shall be effective  
12 on the day after the expiration of the time limit for action by the  
13 council provided for in this section.

1       Sec. 198. City Map. a. The city map, as the same shall  
2 exist at the time when this charter goes into effect, is hereby  
3 continued.

4       b. The director of city planning shall be the custodian of  
5 the city map, and it shall be his or her duty to complete and  
6 maintain the same and to register thereon all changes resulting  
7 from action authorized by law.

8       c. The city map shall be on file in the office of the  
9 department of city planning, and certified copies thereof and of  
10 all changes thereto shall be filed in the offices of the  
11 corporation counsel, the city clerk and of the borough president  
12 of the borough in which the land shown on the map is located and  
13 in the office in which conveyances of real estate are required to  
14 be recorded in the county in which the land shown on the map is  
15 located.

16

1       Sec. 199. Projects and changes in city map. a. No  
2       improvement or project affecting the city map and no addition to  
3       or change in the city map shall be authorized otherwise than as  
4       provided in this charter.

5       b. The review of any proposed addition to or change in the  
6       city map initiated by or referred to the city planning commission  
7       shall be made pursuant to section one hundred ninety-seven-c  
8       [except that if the city planning commission (1) does not  
9       recommend approval or recommends a modification of the proposed  
10      addition to or change in the city map which is not acceptable to  
11      the board of estimate or (2) fails to act within the time limit  
12      specified in subdivision e of section one hundred ninety-seven-c,  
13      the board of estimate nevertheless may approve or modify the  
14      proposed addition to or change in the city map by a three-fourths  
15      vote] and, if applicable, section one hundred ninety-seven-d.



1     30   Sec. 200.   Zoning regulations.   a.   Except as provided in  
2     subdivision b, any existing resolution or regulation of the  
3     council, the board of estimate or of the city planning commission  
4     to regulate and limit the height and bulk of buildings, to  
5     regulate and determine the area of yards, courts and other open  
6     spaces, to regulate density of population or to regulate and  
7     restrict the locations of trades and industries and location of  
8     buildings designed for specific uses or creating districts for  
9     any such purpose, including any such regulation which provides  
10    that the board of standards and appeals may determine and vary  
11    the application of such resolutions or regulations in harmony  
12    with their general purpose and intent and in accordance with  
13    general or specific rules contained in such regulations, may be  
14    amended, repealed or added to only in the following manner:  
15    1.   The city planning commission may upon its own initiative  
16    at any time or upon application as provided in section two  
17    hundred one, adopt a resolution for any such purpose subject to  
18    the limitations provided by law.   Before adopting any such  
19    resolution, the commission shall notify any community board or  
20    borough board affected by the resolution and shall afford persons  
21    interested an opportunity to be heard at a time and place to be  
22    specified in a notice of hearing to be published in the City  
23    Record for the ten days of publication of the City Record  
24    immediately prior thereto setting forth in general terms the  
25    nature of the proposed resolution and a statement of the place at  
26    which the entire resolution may be examined.   [Any such

1 resolution shall be filed with the secretary of the board of  
2 estimate within five days from the day of its adoption.]

3 2. [Approval, disapproval or modification by the board of  
4 estimate of such a] Any resolution by the commission  
5 [recommending] approving a change in the zoning resolution [must  
6 occur within sixty days from the date of filing of the resolution  
7 with the board. In case the board shall fail to act on such  
8 affirmative resolution within such period of sixty days, such  
9 change shall be deemed approved and effective on the sixty-first  
10 day after the date of filing unless a protest of owners of  
11 affected property shall have been filed in accordance with the  
12 provisions of paragraph three] shall be subject to review and  
13 approval by the council pursuant to section one hundred ninety-  
14 seven-d. Any resolution for a zoning change which the mayor  
15 shall have certified to the planning commission as necessary, and  
16 which has been disapproved by the commission, may be adopted by  
17 the [board of estimate] council by a [three-fourths] two-thirds  
18 vote and, after notice to the parties affected, a public  
19 hearing. The [foregoing limitation of sixty days] time limits on  
20 council action in section one hundred ninety-seven-d shall be  
21 inapplicable to such an adoption and the change shall become  
22 effective at a time fixed by the [board of estimate] council.

23 3. In case a protest against such a proposed resolution  
24 approved by the city planning commission shall have been  
25 presented to the [secretary of the board of estimate] city clerk  
26 within thirty days from the date of the filing of such resolution

1 with the ~~[board]~~ council, duly signed and acknowledged by the  
2 owners of twenty per centum or more of the area of:

3 (1) the land included in changes proposed in such proposed  
4 resolution, or

5 (2) the land immediately adjacent extending one hundred  
6 feet therefrom, or

7 (3) the land, if any, directly opposite thereto extending  
8 one hundred feet from the street frontage of such  
9 opposite land,

10 such resolution shall not be effective after the filing of such  
11 protest unless approved by the ~~[board of estimate]~~, either in the  
12 form in which it was filed or as modified by the board, ~~I~~ council  
13 by a three-fourths vote of the ~~[board]~~ council within one hundred  
14 eighty days after the filing of said resolution with the  
15 ~~[secretary of the board of estimate]~~ city clerk. The effective  
16 date of such resolution, if so approved, shall be the date of  
17 such approval. A protest duly filed as herein provided may be  
18 withdrawn at any time within sixty days from the date of the  
19 filing of such resolution.

20 b. Designations of zoning districts under the zoning  
21 resolution and the issuance of special permits which under the  
22 terms of the zoning resolution are within the jurisdiction of the  
23 city planning commission shall conform to the procedures provided  
24 in section one hundred ninety-seven-c and, in the case of such  
25 designations of zoning districts, section one hundred ninety-  
26 seven-d, except that whenever the city planning commission has

1 not recommended approval of a proposed change in the designation  
2 of a zoning district or the issuance of a special permit under  
3 the zoning resolution or has failed to act on such a matter  
4 within the time specified in section one hundred ninety-seven-c,  
5 the [board of estimate] council by a [three-fourths] two-thirds  
6 vote may approve such change or the issuance of such permit only  
7 if the mayor shall have certified to the city planning commission  
8 that such change or issuance is necessary.



1       Sec. 201. Applications for zoning changes and special  
2       permits. a. Applications for changes in the zoning [resolutions  
3       or regulations or for the issuance of special permits within the  
4       jurisdiction of the city planning commission under the zoning  
5       resolution] resolution may be filed by any taxpayer, community  
6       board, ~~[or]~~ borough board, borough president or by the land use  
7       committee of the council upon a two-thirds vote of the committee  
8       members approving such filing with the city planning commission.  
9       ~~[For]~~ All such applications ~~[involving changes in the designation~~  
10      of zoning districts or the issuance of special permits under the  
11      zoning resolution, the] shall be subject to review and [hearing  
12      procedure in] approval pursuant to section one hundred  
13      ninety-seven-c and one hundred ninety-seven-d, as modified by  
14      ~~[subdivision b of]~~ section two hundred [, shall be applicable.  
15      For applications involving other changes in zoning resolutions  
16      and regulations, the commission prior to taking action upon any  
17      such application shall refer it to the affected community boards  
18      or borough boards for a public hearing and recommendation].  
19      b. Applications for special permits within the jurisdiction  
20      of the city planning commission under the zoning resolution may  
21      be filed by any taxpayer. All such applications for the issuance  
22      of special permits shall be subject to review and approval  
23      pursuant to section one hundred ninety-seven-c.

1       Sec. 202.   Platting of land and dedication of streets and  
2   public places.   a.   No map of a subdivision or platting of land  
3   into streets, avenues or public places and blocks within the  
4   limits of the city shall be received for filing in the office in  
5   which instruments affecting real property are required to be  
6   recorded in the county in which the land is situated, unless such  
7   map shall have been [submitted to the board of estimate and  
8   approved by such board, after transmittal to the city planning  
9   commission for report, by the same procedure as provided in  
10   subdivision b of section one hundred ninety-nine for changes in  
11   the city map] reviewed and approved pursuant to section one  
12   hundred ninety-seven-c and, if applicable, section one hundred  
13   ninety-seven-d.   If such map is disapproved [by the board of  
14   estimate, the secretary of the board] ,the chair of the city  
15   planning commission shall certify such fact in writing upon such  
16   map, and such map shall be received only for record without such  
17   approval.

18       b.   No street, avenue, highway or public place, the layout  
19   of which has not been approved as provided in this section, shall  
20   be deemed to have been accepted by the city as a street, avenue,  
21   highway or public place, unless such street, avenue, highway or  
22   public place shall lie within the lines of a street, avenue,  
23   highway or public place upon the city map.

1       Sec. 203. City site selection criteria. a. Not later  
2       than July 1, nineteen hundred ninety, the mayor, after consulting  
3       with each of the borough presidents, shall file with the city  
4       planning commission proposed rules establishing criteria for  
5       selecting sites for city facilities. The criteria shall provide  
6       for the fair distribution among communities of the burdens and  
7       benefits associated with city facilities, consistent with  
8       community needs and efficient and cost effective delivery of  
9       services. Not later than sixty days after the filing of such  
10      proposed rules, the city planning commission shall approve or  
11      approve with modifications the rules and shall file the rules as  
12      approved with the council.

13       b. At any time after the adoption of such criteria, the  
14      mayor, after consulting with the borough presidents, may submit  
15      to the city planning commission proposed amendments to the rules.  
16      Amendments to the rules shall be subject to the review and  
17      approval of the commission pursuant to the procedures and time  
18      limits provided in subdivision a of this section.

19       c. For purposes of this chapter, "city facility" shall mean  
20      a facility used or occupied or to be used or occupied to meet  
21      city needs.

1       Sec. 204. Citywide statement of needs concerning city  
2       facilities. a. Each year not later than January 16, together  
3       with the submission of the preliminary capital budget pursuant to  
4       sections sixty-seven and two hundred thirteen, the mayor shall  
5       submit to the council, borough presidents, borough boards and  
6       community boards a citywide statement of needs concerning city  
7       facilities prepared in accordance with the criteria established  
8       pursuant to section two hundred three. Copies of the statement  
9       shall also be made available to the public in the main branch of  
10       the public library in each borough. The statement shall detail  
11       by agency and program for the ensuing two fiscal years: (1) all  
12       proposed new city facilities and all proposed significant  
13       expansions of city facilities and (2) all city facilities which  
14       the city plans to close or to reduce significantly in size or in  
15       capacity for service delivery.

16       b. With respect to the city facilities referred to in  
17       clause (1) of subdivision a of this section, the statement of  
18       needs shall describe for each proposed new city facility or  
19       expansion: (1) the public purpose to be served, (2) the size and  
20       nature of the facility, (3) the proposed location by borough and,  
21       if practicable, by community district or group of community  
22       districts, and (4) the specific criteria to be used in selecting  
23       a site for the facility.

24       c. With respect to the city facilities referred to in  
25       clause (2) of subdivision a of this section, the statement of  
26       needs shall describe with respect to each such city facility:



1 (1) the reasons for such closure or reduction, (2) the location,  
2 and (3) the criteria for selecting the city facility for closure  
3 or for reduction in size or service delivery.

4 d. The statement of needs shall be accompanied by a map  
5 together with explanatory text, indicating (1) the location and  
6 current use of all city-owned real property and (2) all area or  
7 site-specific designations relating to the disposition or future  
8 use of city-owned real property, including designations by the  
9 department of general services pursuant to clause (b) of  
10 subdivision three of section sixteen hundred two. Information  
11 which can be presented most effectively in text may be presented  
12 in this manner. In addition to being transmitted with the  
13 statement of needs pursuant to subdivision a of this section,  
14 such map shall also be kept on file with the department of city  
15 planning and shall be available for public inspection and  
16 copying. The map shall be updated on an annual basis.

17 e. Preparation of the statement of needs. (1) Annually on  
18 such date as the mayor shall direct, each agency shall submit to  
19 the mayor a statement containing all the information required to  
20 be included in the statement of needs for the ensuing two fiscal  
21 years pursuant to subdivisions a, b and c of this section that  
22 relates to the plans, jurisdiction and responsibility of such  
23 agency. Such statements shall be known as the departmental  
24 statements of need for city facilities and city-owned real  
25 property. In preparing such departmental statements of needs,  
26 each agency shall review and consider the district needs

1 statements submitted by community boards pursuant to paragraph 10  
2 of subdivision d of section twenty eight hundred and the  
3 statements of budget priorities submitted by the community boards  
4 pursuant to section sixty one.

5 (2) The mayor, assisted by the department of city planning  
6 and the department of general services, shall review such  
7 departmental statements of need and use them to prepare the  
8 statement of needs. In preparing the statement of needs, the  
9 mayor shall apply the criteria established pursuant to section  
10 two hundred three.

11 f. Upon receipt of the statement of needs pursuant to  
12 subdivision a of this section, each community board and borough  
13 president shall review the statement of needs. Each community  
14 board shall make the statement of needs available to the public  
15 and conduct a public hearing on the statement of needs. Each  
16 community board and borough president shall have the right to  
17 submit comments on the statement of needs to the department of  
18 city planning within ninety days of receipt of the statement.  
19 Each borough president shall have the right, within ninety days  
20 of receipt of the statement of needs, to submit a written  
21 statement to the department of city planning proposing sites for  
22 any city facilities to be located in his or her borough pursuant  
23 to the statement of needs. All such sites proposed by a borough  
24 president shall be located in his or her borough and shall be  
25 certified by the borough president as being consistent with the  
26 specific criteria for site selection contained in the statement

1 of needs and with the criteria established pursuant to section  
2 two hundred three. Each city agency shall consider such written  
3 statements in taking actions with respect to matters included in  
4 the statement of needs.

5 g. Whenever an application is submitted to the department  
6 of city planning for a city facility pursuant to subdivision a of  
7 section one hundred ninety-seven-c, the applicant shall include  
8 as part of the application a statement of (1) how the proposed  
9 action satisfies the criteria for site selection established  
10 pursuant to section two hundred three, (2) whether the proposed  
11 action is consistent with the most recent statement of needs and  
12 (3) whether the proposed action is consistent with any written  
13 statements or comments submitted by borough presidents and  
14 community boards in response to the statement of needs. If the  
15 proposed action is not consistent with the site selection  
16 criteria, the statement of needs, or any such written statements  
17 or comments submitted in response to the statement of needs, the  
18 agency shall include as part of its application a statement of  
19 the reasons for any such inconsistencies. If the proposed action  
20 is not referred to in the statement of needs, the applicant shall  
21 submit to the borough president of the borough in which the city  
22 facility is proposed to be located, a description of the public  
23 purpose to be served by the city facility, its proposed location,  
24 the size and nature of the facility and the specific criteria for  
25 the selection of the site or real property. The affected borough  
26 president shall have the right, within thirty days of the

1 submission of such description, to propose an alternative site  
2 located in his or her borough for the proposed city facility,  
3 provided that the borough president shall certify that the  
4 alternative site satisfies the criteria for site selection under  
5 section two hundred three and in the description of the facility.  
6 The application for the proposed site selection or acquisition  
7 shall not be certified and shall not be reviewed pursuant to  
8 section one hundred ninety-seven-c until at least thirty days  
9 after the submission of such information to the affected borough  
10 president. A borough president may elect to waive the right to  
11 such thirty-day review period.

12 h. The mayor's management report, prepared pursuant to  
13 section twelve, shall include a review of the implementation of  
14 the statement of needs. Such review shall consist of (1) a list  
15 of the proposed actions in the statement of needs that have been  
16 implemented and of those proposed actions that have not been  
17 implemented and (2) a description of the proposed actions in the  
18 statement of needs which have been implemented in a manner  
19 significantly different from what was proposed in the statement  
20 of needs and the reasons therefor.



Draft - 6/25/89

## CHAPTER 9

### CAPITAL PROJECTS AND BUDGET

Sec. [211.] 210. Definitions.

[a.] As used in this charter:

1. The term "capital project" shall mean:

(a) A project which provides for the construction, reconstruction, acquisition or installation of a physical public betterment or improvement which would be classified as a capital asset under generally accepted accounting principles for municipalities or any preliminary studies and surveys relative thereto or any underwriting or other costs incurred in connection with the financing thereof.

(b) The acquisition of property of a permanent nature including wharf property.

(c) The acquisition of any furnishings, machinery, apparatus or equipment for any public betterment or improvement when such betterment or improvement is first constructed or acquired.

(d) Any public betterment involving either a physical improvement or the acquisition of real property for a physical improvement consisting in, including or affecting:

(1) Streets and parks;

(2) Bridges and tunnels;

1 (3) Receiving basins, inlets and sewers, including  
2 intercepting sewers, plants or structures for the treatment,  
3 disposal or filtration of sewage, including grit chambers, sewer  
4 tunnels and all necessary accessories thereof;

5 (4) The fencing of vacant lots and the filling of sunken lots.

6 (e) Any other project allowed to be financed by the local  
7 finance law, with the approval of the mayor and the comptroller.

8 [(e)] (f) Any combination of the above.

9 2. The term "pending" shall mean not yet completed.

10 3. The term "standards" for each category of capital projects  
11 to which they apply shall include: maximum gross and net areas  
12 allowed; types of programs which may be operated in the facility;  
13 performance requirements for environmental systems; allowable  
14 materials and finishes; maximum areas allowed for different  
15 functions and activities; approximate cost limits per square foot  
16 of construction; and such other items designated by the mayor or  
17 by resolution of the [board of estimate] council.

18 4. The term "scope of project" or "proposed scope of project"  
19 shall mean a [detailed plan prepared for] description of a  
20 capital project included in the capital budget that contains  
21 specific guidelines [within general standards] for the design and  
22 implementation of such project consistent with the standards for  
23 the appropriate category of capital projects and includes each of  
24 the following items of information which are relevant to the  
25 capital project involved:

26 (a) Purposes and public to be served;

(b) Programs to be conducted in the facility and performance required for those program differences;

[(c)] (c) Social, economic, and environmental impact statements;

[(d)] (c) Gross and net amounts of space and bulk for any building or structure and for areas for different functions and activities;

[(e)] (d) Identification of required architectural, engineering or other consultants and estimated fees for such consultants;

[(f)] (e) [Schedule of] Estimated completion dates for scope, design and construction;

[(g)] (f) Total estimated project costs, including costs for site acquisition, preparation and tenant relocation, design, construction and equipment;

[(h)] (g) Estimated expenditures for the project for each fiscal year until its completion;

[(i)] (h) Estimated annual costs to operate programs within the facility when fully staffed and to maintain the facility; and,

[(j)] (i) Such other information as shall be required by the mayor or by resolution of the [board of estimate] council.

5. The term "cost" shall include the contract liabilities and expenditure incurred for work in carrying out the physical improvement and interest thereon, and the compensation to be made to the owner of any real property acquired for the improvement as determined by a court or by agreement, and interest thereon.

1        6. The term "expenses" shall mean any expenses incurred in  
2        relation to an assessable improvement exclusive of cost and of  
3        damages assessed by the board of assessors.

4        7. The term "street," as used in this chapter, shall include  
5        street, avenue, road, alley, lane, highway, boulevard, concourse,  
6        parkway, driveway, culvert, sidewalk, crosswalk, boardwalk, and  
7        viaduct, and every class of public road, square and place, except  
8        marginal streets.

9        8. The term "real property" shall include all lands and  
10       improvements, lands under water, water front property, the water  
11       of any lake, pond or stream, all easements and hereditament,  
12       corporeal or incorporeal, and every estate, interest and right,  
13       legal or equitable, in lands or water, and right, interest,  
14       privilege, easement and franchise relating to the same, including  
15       terms for years and liens by way of judgment, mortgage or  
16       otherwise.

17       9. The term ["assessable improvement fund" shall mean the fund  
18       established pursuant to section three hundred] "major capital  
19       project" shall mean a capital project which will have a  
20       substantial effect on the size and nature of the city capital  
21       expenditures in accordance with standards established by the  
22       mayor for this purpose.

23  
24       [b. Unless otherwise provided in the capital budget, the cost and  
25       expense of the physical improvements or the acquisition of the  
26       real property for physical improvements contained in item (d) of



1 subdivision one of paragraph a of this section shall be paid  
2 directly or indirectly in the first instance out of the  
3 assessable improvement fund and shall be recouped by the city  
4 with the taxes of so many fiscal years, not exceeding five, next  
5 succeeding the completion of the work or the acquisition of the  
6 property as shall be certified by the head of the department at  
7 whose request such real property was acquired or the improvement  
8 made.]

1 Note: Sec. 212 is moved and renumbered Sec. 62.

2 Note: Sec. 213 is moved and renumbered Sec. 66.

1 Section 211. Capital budget borough allocations.

2 a. Borough allocation. Five percent of the appropriations  
3 proposed in the capital budget for the ensuing fiscal year,  
4 except any lump sum appropriation proposed to be made pursuant to  
5 the provisions of the school construction authority act, shall be  
6 allocated among the boroughs on the basis of the average of (i)  
7 the borough's share of the city's population and (ii) the  
8 borough's share of the city's total land area. Such formula may  
9 be modified by local law, provided that such modified formula is  
10 based on an equal weighting of factors relating to population and  
11 geographic area.

12 b. Preliminary borough allocations; initial borough president  
13 notification. Concomitantly with the submission of the  
14 preliminary capital budget, the mayor shall inform each borough  
15 president of the portion of the executive capital budget for the  
16 ensuing fiscal year that, pursuant to the formula required by  
17 subdivision a of this section, would be allocated to each borough  
18 if the amount of the appropriations for the ensuing fiscal year  
19 proposed in the executive capital budget were the same as the  
20 amount of such appropriations being proposed in the preliminary  
21 capital budget. The amount of such portion shall be known as the  
22 preliminary capital budget borough allocation.

1 c. Borough president proposals. 1. Each borough president shall  
2 submit to the mayor, in such form as the mayor shall prescribe,  
3 proposed capital appropriations in an amount equal to that  
4 borough's preliminary capital budget borough allocation. Such  
5 proposed appropriations shall be submitted in priority order and  
6 each such proposed appropriation shall be accompanied by the  
7 following information:

8 (a) for each such proposed appropriation for construction  
9 of a capital project, the estimated annual cost to operate and  
10 maintain the facility to be constructed pursuant to such  
11 appropriation when construction is completed. Such estimates  
12 shall be prepared in accordance with the standards established  
13 for this purpose pursuant to section two hundred and twenty-one  
14 of this chapter;

15 (b) for each such proposed appropriation for the planning  
16 and design of a capital project, (i) the estimated cost of the  
17 construction of the project, and (ii) the fiscal year in which  
18 the borough president intends to propose an appropriation for the  
19 construction of the project, if no technical problems regarding  
20 the viability of the project are identified during planning, site  
21 selection or design;

22 (c) the total of all appropriations which will be necessary  
23 during the three ensuing fiscal years to provide for the  
24 construction of projects for which planning and design  
25 appropriations are being proposed.



1        2. If a borough president proposes an appropriation for the  
2        construction of a capital project, the appropriation must provide  
3        for the total amount estimated to be necessary for the completion  
4        of the project. If such a proposed appropriation for the  
5        construction of a capital project is for an amount which is less  
6        than the amount that the office of management and budget  
7        estimates to be necessary for the completion of the project, the  
8        borough's capital budget borough allocation in any future year in  
9        which additional appropriations are necessary for the completion  
10       of the project shall be reduced by the amount of such additional  
11       appropriations.

12       3. If the total appropriations necessary, during any of the  
13       ensuing three fiscal years, to provide for the construction of  
14       (i) projects for which the borough president is proposing for  
15       planning and design, and (ii) projects for which appropriations  
16       were previously made for planning and design on the  
17       recommendation of the borough president, is greater than the  
18       capital budget borough allocation anticipated to be available  
19       during such years based on the certificate issued pursuant to  
20       paragraph sixteen of section seventy-eight of this charter, then  
21       the borough president shall submit for inclusion in the executive  
22       budget a list of the projects requiring construction  
23       appropriations during such year, in priority order.

24       4. If the estimated annual cost to operate and maintain the  
25       capital projects being proposed for construction by a borough  
26       president is greater than the amounts dedicated to such expense

1 budget purposes from the expense budget borough allocation and  
2 the capital budget borough allocation expense budget contingency  
3 projected to be available to the borough president in one or more  
4 ensuing fiscal years, then such proposed appropriations may only  
5 be included by a borough president in the capital budget with the  
6 concurrence of the mayor.

7 d. The mayor shall include the proposed appropriations submitted  
8 by the borough presidents in accordance with subdivision c of  
9 this section in the executive capital budget provided however,  
10 that the mayor may also include such comments and recommendations  
11 relating to such proposals as the mayor deems appropriate.

1    Sec. [214.]212.   [Departmental] Format of departmental estimates  
2    for capital projects, preliminary capital budget and executive  
3    capital budget.   [On such date as the mayor may direct the head  
4    of each agency shall submit to the director of management and  
5    budget,] The departmental estimates for capital projects, the  
6    preliminary capital budget and the executive capital budget shall  
7    consist of a detailed estimate of all capital projects pending or  
8    which [he] the agency head, for departmental estimates, or the  
9    mayor, for the preliminary and executive budgets, believes should  
10   be undertaken within the ensuing fiscal year and the three  
11   succeeding fiscal years.   [Such estimates shall be known as  
12   departmental estimates for capital projects and shall be in such  
13   form and contain such information as may be required by the  
14   mayor. Agencies shall consult with the community boards in the  
15   preparation of the estimates.] Each agency head, for departmental  
16   estimates, and the mayor, for the preliminary and executive  
17   budgets, shall submit a written response to each of the capital  
18   budget priorities included in the community board's statement of  
19   budget priorities submitted in accordance with section sixty-one  
20   of this chapter. Such responses shall include the response of  
21   the agency head and the mayor, as appropriate, regarding the  
22   disposition of each such priority and meaningful explanations of  
23   disapprovals.

1 Sec. [214-a.] 213. Preliminary capital budget [statements for  
2 capital projects].

3 [a. Not later than the fifteenth day of January, the mayor shall  
4 submit the preliminary budget statements for capital projects to  
5 the board of estimate, council and each community board and  
6 borough board, the city planning commission and the department of  
7 city planning. Such] The preliminary capital budget [statements]  
8 shall consist of: (1) a financial plan covering estimates of  
9 capital expenditures for the four ensuing fiscal years, (2)  
10 departmental estimates for capital projects as provided in  
11 section [214] XXX. together with the cash flow requirements and  
12 proposed sources of funding for each project included in such  
13 estimates [for the ensuing fiscal year and capital programs for  
14 the three succeeding years], [and] (3) a capital program status  
15 report which sets forth the appropriations for each project  
16 included in the capital budget for the current fiscal year  
17 together with the expenditures to date[.] , and (4) a summary  
18 description of the purpose of each capital project and the needs  
19 it will fulfill, the schedule for beginning and constructing the  
20 project, its period of probable usefulness and an appropriate  
21 maintenance schedule.

22 Note: Sec 214-a (b) and (c) are deleted. The deleted text appears  
23 after Sec. 69 and Sec. 72., respectively.

24 Note: Sec. 214-a(d) is moved and renumbered Sec. 65.



1 [Sec. 215. Preliminary budget statements public records.

2 Such preliminary budget statements shall be a public records  
3 and shall at all reasonable times be open to public inspection.]

4 Note: Sec. 216 is moved and renumbered Sec. 76.

1 Sec. [219.] 214. Executive capital budget.

2 Note: Sec. 219 a. is deleted. The deleted text appears after Sec.

3 77. The substance of this text is included partially in Sec. 77

4 and partially below in the former section 219(b)(1).

5 [b.]a. The executive capital budget shall set forth separately  
6 each capital project, including the capital projects proposed by  
7 the borough presidents in accordance with section two hundred and  
8 eleven, and shall [state] include:

9 1. A brief description and the location of each project; the  
10 total estimated cost of the project; the [amount of obligations]  
11 appropriations which have been [authorized; the amount of  
12 obligations which are required to be authorized during the  
13 balance of the current fiscal year] previously adopted for this  
14 project; the amount of [obligations] appropriations recommended  
15 to be [issued in] recommended to be adopted for the ensuing  
16 fiscal year the aggregate amount of which shall not exceed the  
17 amount in the mayor's certificate; the amount of [obligations]  
18 appropriations required thereafter to complete the project; the  
19 sources of funds for the project including state, federal,  
20 private and other funds; the period of probable usefulness; [the  
21 estimated additional annual debt service;] the estimated  
22 additional annual maintenance and operation costs; and any terms  
23 and conditions of the project; the estimated dates of completion  
24 of final scope, final design and final construction;

1           2. A listing of all pending projects; and any  
2 recommendations that any pending projects be modified, rescinded  
3 or postponed accompanied by a statement of the budgetary impact  
4 of any such action; [and the estimated completion date for each  
5 project;]

6           [3. Information respecting capital projects which do not  
7 involve the appropriation of city funds or the issuance of city  
8 obligations;

9           4. A listing of non-capital projects and expense items and  
10 amounts proposed to be appropriated in the capital budget for  
11 each such project and item;]

12           5. A listing of proposed capital projects by community  
13 district and by borough and an identification of those projects  
14 which were included in the statement of capital priorities  
15 submitted by each community board and borough board.

16 [c.]b. The executive capital program shall set forth for both  
17 program categories and individual projects:

18           1. A statement for each of the three succeeding fiscal years  
19 of the total dollar [authorizations and supporting schedules  
20 indicating the amount of funds obligated for each project,]  
21 amounts necessary to complete projects initiated in prior years  
22 [as] and projects proposed in the executive budget [and] the  
23 amounts [reserved] necessary for projects proposed to be  
24 initiated in future [budgets] years and the amounts necessary for  
25 for amendments and contingencies;

1 [2. Forecasts for the succeeding three fiscal years,  
2 consistent with the capital budget, including assessed and full  
3 valuation of taxable real property, the constitutional debt  
4 limit, new capital debt to be issued, the tax rate on real  
5 property outside the constitutional limitation for operating  
6 purposes necessary to service existing debt and debt to be issued  
7 pursuant to the capital program.]

8 [3.] 2. A statement of the likely impact on the expense budget  
9 of staffing, maintaining and operating the capital projects  
10 included in or contemplated by the capital program; and

11 [4. A statement of the implications of the capital projects  
12 included in or contemplated by the capital program for the  
13 orderly development of the city, its community districts and  
14 boroughs.]



1 Sec. 215. Contents of ten-year capital strategy. Each ten-year  
2 capital strategy shall include:

3 a. a narrative describing the strategy for the development  
4 of the city's capital facilities for the ensuing ten fiscal  
5 years; the factors underlying the development of such strategy  
6 including the goals, constraints and assumptions and the criteria  
7 for assessment of capital needs; the anticipated sources of  
8 financing for such strategy; and the implications of the  
9 strategy, including possible economic, social and environmental  
10 effects,

11 b. a table or tables presenting the capital expenditures  
12 estimated to be made during each of the ensuing ten fiscal years,  
13 by program category. Within each such category, the estimated  
14 expenditures for any major capital project shall be specified.  
15 Where relevant the anticipated sources of financing for  
16 particular categories and projects shall be specified. If a  
17 category of capital expenditures involves projects which will be  
18 implemented by two or more agencies, the estimated expenditures  
19 for such category shall be presented by agency,

20 c. a table or tables presenting the capital expenditures  
21 estimated to be made for each of the ensuing ten fiscal years, by  
22 agency, and

23 d. a map or maps which would serve to illustrate major  
24 components of the strategies.

1 Note: Sec. 219 (d) is deleted, the deleted text appears after  
2 Sec. 77.  
3 Note: Sec. 220 is deleted. The deleted text appears after Sec.  
4 78.  
5 Note: Sec. 221 is deleted. The deleted text appears after Sec.  
6 80.  
7 Note: Sec. 222 is deleted. The deleted text appears after Sec.  
8 81.  
9 Note: Sec. 223 is deleted. The deleted text appears after Sec.  
10 82.

1 Sec. [224.] 216. Amendment.

2 a. Upon receipt of a recommendation in writing from the mayor,  
3 the [board of estimate and the] council may amend the capital  
4 budget or capital program in the same manner as the adoption of  
5 the capital budget and capital program including the right to  
6 approve the proposed amendment as submitted or to increase or  
7 decrease the amounts of funds proposed to be appropriated  
8 thereby, but only if funds are available within the capital  
9 budget and the applicable program category of the capital  
10 program, provided however that the mayor may only recommend such  
11 an amendment relating to an appropriation included in the capital  
12 budget pursuant to section seventy-five of this charter with the  
13 concurrence of the relevant borough president provided that the  
14 borough president may make such a recommendation with regard to  
15 such an appropriation if it provides for an offsetting reduction  
16 in another appropriation included in the capital budget pursuant  
17 to section seventy-five on the recommendation of such borough  
18 president and it is concurred in by the mayor.

19 b. Upon the adoption of any such amendment by the [board of  
20 estimate and by the] council, it shall be certified by the mayor,  
21 [the secretary of the board of estimate,] the president of the  
22 council and the city clerk and the capital budget shall be  
23 amended accordingly.

1 c. Not later than five days after such certification such  
2 amendment shall be filed in the office of the comptroller and  
3 shall be published forthwith in the City Record.

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100



1 Sec.[225.] 217. Restrictions on capital projects.

2 a. No obligations of the city shall be issued or authorized for  
3 or on account of any capital project not included in a capital  
4 budget, or for which funds have not been reserved in an  
5 appropriate program category of the capital program for any year  
6 of such program in which it is projected that funds will be  
7 expended for the completion of the project, or in excess of the  
8 maximum amount of obligations which may be issued on account of  
9 such project as fixed in such capital budget; and no amount may  
10 be expended on account of any capital project in excess of the  
11 amount appropriated for such purposes in a capital budget, except  
12 that the amount appropriated for such purposes may be increased  
13 by the mayor by not more than fifteen per centum thereof in order  
14 to meet any costs required to advance such project. Notice of  
15 any such increase shall be provided to the [board of estimate  
16 and] council together with a statement of identifiable funds  
17 available for payment of the increase.

18 b. Funds included in the capital budget for a capital project  
19 that are not obligated or committed during the fiscal year in  
20 which appropriated shall not be obligated or committed in the  
21 subsequent fiscal year unless reappropriated in a subsequent  
22 capital budget or an amendment thereto. A capital project  
23 included in a capital budget that is not initiated by the

1 expenditure of funds within two years after its inclusion in the  
2 budget shall be eliminated from the budget.

3 c. [Not later than the fiscal year commencing July first,  
4 nineteen hundred eighty-seven, the] the city may issue capital  
5 debt only to finance capital projects as defined in section two  
6 hundred [eleven] ten. [The mayor, during a period of ten  
7 successive fiscal years, beginning with the fiscal year ending  
8 June thirtieth, nineteen hundred seventy-seven, shall  
9 progressively eliminate from the capital budget expense items  
10 that are properly includable only in the expense budget, as  
11 determined in accordance with the accounting principles set forth  
12 in the state comptroller's uniform system of accounts for  
13 municipalities, as the same may be modified by the state  
14 comptroller, in consultation with the city comptroller, for  
15 application to the city. Such reduction shall be at the  
16 cumulative rate of at least ten percent per year from the total  
17 of the amount of expense items included in the capital budget for  
18 the fiscal year ending June thirtieth, nineteen hundred  
19 seventy-five, and no new or additional expense item or non-  
20 capital item shall be included in the capital budget during such  
21 period.]

22 d. No capital project shall be included in the proposed  
23 executive capital budget or otherwise adopted as part of the  
24 capital budget or as an amendment thereto unless sufficient funds

1 are available within the appropriate general program category of  
2 the capital program for any year of such program in which it is  
3 projected that [funds will be expended] additional appropriations  
4 will be necessary for the completion of the project.

5 e. No part of any consultant contract that is properly included  
6 only in the expense budget under generally accepted accounting  
7 principles for municipalities shall be paid for from obligations  
8 of the city which would add to or increase the capital debt of  
9 the city.

1     Sec. [227.]218.   Site selection.

2     [a.] The final approval of the selection of sites for capital  
3     projects shall [conform] be pursuant to the uniform procedures  
4     [provided pursuant to] established by section one hundred  
5     ninety-seven-c.

6     [b. To the maximum extent feasible, final approval of a site for  
7     a capital project shall occur prior to or simultaneously with the  
8     approval of the scope of the project pursuant to this chapter.]

9     b. During the review required by subdivision a, the community  
10    board and borough president shall also review, and may comment  
11    on, the scope of the project.



1 Sec. [228.]219. Project initiation; commitment plan.

2 a. The inclusion of a capital project in the capital budget as  
3 adopted or amended shall constitute a direction and order to the  
4 agency to proceed with the preparation of a scope of project  
5 pursuant to this chapter unless sufficient planning funds for  
6 such purpose have not been appropriated in the capital budget.

7 The head of the agency shall notify the comptroller of the amount  
8 of appropriated planning funds to be encumbered for such purpose.

9 b. The approval of a scope of project for a capital project  
10 pursuant to this chapter, including the amount of obligations  
11 necessary to finance the design and construction of the project,  
12 shall constitute a direction and order to the agency to design  
13 the project, unless sufficient funds for such purpose have not  
14 been appropriated in the capital budget or are otherwise not  
15 available within the appropriate program category of the capital  
16 program. Such approval shall constitute notification to the  
17 comptroller of [his] the comptroller's authorization to expend  
18 appropriated design funds.

19 c. The approval of the final design for a capital project  
20 pursuant to this chapter shall constitute a direction and order  
21 to the agency responsible for construction to prepare bid and  
22 award documents and to proceed to bid, unless sufficient funds  
23 for such purpose have not been appropriated in the capital budget

1 or are otherwise not available within each year of the capital  
2 program in which it is projected that funds will be expended for  
3 the completion of the project. Such approval shall constitute  
4 notification to the comptroller of [his] the comptroller's  
5 authorization to expend appropriated construction funds.

6 d. The mayor shall require each agency to prepare and submit [to  
7 him] periodic reports, in regard to the progress of its capital  
8 projects, including schedules and clear explanations of any  
9 delays for particular projects and summary information on each  
10 agency's record on such matters. Such reports shall be published  
11 [on a quarterly basis] at least three times each year: within  
12 ninety days of the adoption of the capital budget; with the  
13 preliminary capital budget; and with the executive capital budget  
14 [and copies] copies of such reports shall be transmitted by the  
15 mayor [or his representative] to [the board of estimate,] the  
16 council, the city planning commission, and the [respective]  
17 community boards, the borough boards and borough presidents.  
18 Such reports shall include, for each project, the dates set in  
19 the adopted capital budget for the completion of scope, design,  
20 and construction and any changes in such dates.

21 1. The report issued with the executive budget shall include, for  
22 each new capital project being proposed in the executive budget,  
23 a description of the project including, to the extent

1 practicable, the information required to be included in a scope  
2 of project by paragraph four of section two hundred and ten.

3 2. The report issued following the adoption of the budget shall  
4 include, for each capital project added to the budget, a  
5 description of the project including, to the extent practicable,  
6 the information required to be included in a scope of project by  
7 paragraph four of section two hundred and ten.

8 3. The report issued following the adoption of the budget shall  
9 include, for each capital project for which a substantial change  
10 was made, a revised description of the project including, to the  
11 extent practicable, the information required to be included in a  
12 scope of project by paragraph four of section two hundred and  
13 ten.

14 e. Any capital project which results in the acquisition or  
15 construction of a capital asset which will be subject to the  
16 requirements of section eleven hundred ten-a shall contain a  
17 provision requiring a comprehensive manual setting forth the  
18 useful life of the asset and explaining the activities necessary  
19 to maintain the asset throughout such useful life.

20 f. The mayor may issue directives and adopt rules and  
21 regulations in regard to the execution of capital projects,  
22 consistent with the requirements of subdivisions a, b, c and d of

1 this section, which shall be binding upon all agencies.

2 of project by paragraph four of section two hundred and ten.

3 2. The report issued following the adoption of the budget shall

4 include, for each capital project added to the budget, a

5 description of the project including, to the extent practicable,

6 the information required to be included in a scope of project by

7 paragraph four of section two hundred and ten.

8 3. The report issued following the adoption of the budget shall

9 include, for each capital project for which a substantial change

10 was made, a revised description of the project including, to the

11 extent practicable, the information required to be included in a

12 scope of project by paragraph four of section two hundred and

13 ten.

14 a. Any capital project which results in the acquisition or

15 construction of a capital asset which will be subject to the

16 requirements of section eleven hundred ten-a shall contain a

17 provision requiring a comprehensive annual setting forth the

18 useful life of the asset and explaining the activities necessary

19 to maintain the asset throughout such useful life.

20 f. The mayor may issue directives and adopt rules and

21 regulations in regard to the execution of capital projects,

22 consistent with the requirements of subdivisions a, b, c and d of



1 Sec. [229.]220. Improvements payable other than by city. Any  
2 owner of real property or any other person interested may apply  
3 to the [board of estimate] council to authorize an improvement  
4 referred to in paragraph (d) of subdivision one of section two  
5 hundred eleven hereof, not included in the capital budget. The  
6 [board of estimate] council may authorize such improvement to be  
7 made by the city or by such owner or other person interested upon  
8 compliance with the following conditions:

9 1. Such owner or group or other persons interested shall  
10 enter into an agreement with the city, whereby [he or] they will  
11 either authorize the city, or [himself or] themselves agree, to  
12 perform such work in accordance with such plans and  
13 specifications approved by the agencies having jurisdiction  
14 thereover and under their supervision.

15 2. All of such work shall be done for the account of or at  
16 the sole cost and expense of the person or persons applying for  
17 permission to do the same, who shall furnish to the city such  
18 security and in such amount as may be required to secure the  
19 payment of such cost and expense or the proper performance of the  
20 said work in the time and in the manner agreed upon, and shall  
21 further secure the city, in the latter case, against latent  
22 defects in such work for a period of two years.

23 3. Such improvement shall be approved by the city planning  
24 commission and reviewed pursuant to section one hundred  
25 ninety-seven-c.

1        4. Any agreement providing for the performance of such work  
2        and the furnishing of such security, shall be first approved by  
3        the [board of estimate] council before the same shall become  
4        effective.

1 Sec. [231.]221. Standards for capital projects. The mayor shall  
2 prepare general standards and cost limits for categories of  
3 capital projects [which] and standards for the preparation of the  
4 scope of project for capital projects of various types. Such  
5 standards and limits shall be submitted by [him] the mayor to the  
6 [board of estimate] council for review. The proposed standards  
7 shall become effective thirty days after they have been filed  
8 with the [board of estimate] council unless within that time the  
9 board modifies or disapproves them or part of them, after  
10 conducting a public hearing. Any modification by the council  
11 shall be subject to disapproval by the mayor in accordance in the  
12 section thirty-eight and any such disapproval shall be subject to  
13 override by the council in accordance with such section.

1 Sec. [232.]222. Scope of project.

2 a. Each agency, with respect to a capital project under its  
3 jurisdiction included in a capital budget, shall prepare a  
4 proposed scope of project within appropriated planning funds. In  
5 preparing the proposed scope of project, the agency shall consult  
6 with the community board for the community district in which the  
7 capital project is to be located. The proposed scope of project,  
8 or, in the case of a delay, an explanation for such delay along  
9 with a revised schedule, shall be submitted to the mayor and to  
10 the respective council committee, borough president and community  
11 board [within nine months from the effective date of the] by the  
12 date specified in the adopted capital budget in which the capital  
13 project is included. [If the proposed scope of project is not  
14 submitted by such date, the board of estimate shall conduct a  
15 public hearing to determine the reasons for the delay.] Such  
16 proposed scope shall identify all substantial differences between  
17 the guidelines for the capital project as contained in such scope  
18 and the description of the capital project contained in the  
19 report issued pursuant to subdivision d of Section 219 at the  
20 time such project was proposed in the executive budget or  
21 following the budget adoption in which such project was added to  
22 the capital budget.

23 b. Not later than sixty days after receipt of the proposed scope  
24 of project from an agency pursuant to [subsection] subdivision a



1 of this section, the mayor shall approve, modify, or disapprove  
2 the proposed scope of project and notify the agency, and the  
3 respective council committee, borough president and community  
4 board. In the case of a scope approved by the mayor with  
5 modifications, such notification shall include a copy of the  
6 scope as approved. [If a borough president or a community board  
7 petitions the board of estimate to review such action of the  
8 mayor within thirty days thereof, or if the mayor fails to act,  
9 the board of estimate after such a public hearing may approve,  
10 modify, or disapprove the scope of project within sixty days. A  
11 scope of project approved by the mayor shall be effective thirty  
12 days after it has been acted upon by the mayor if no petition for  
13 review is made to the board of estimate within the specified time  
14 period.]

15 c. During the review of the selection of a site of a capital  
16 project pursuant to the uniform land use review procedure  
17 established by section one hundred and ninety-seven-c, the  
18 community board and borough president shall also review, and may  
19 comment on, the scope of the project.

20 d. No scope of project shall be approved by the mayor unless (1)  
21 it contains the information required by paragraph four of section  
22 two hundred ten and it conforms to the applicable standards for  
23 the type of project adopted pursuant to this chapter, and (2)  
24 funds are available within the appropriate program category of

1 the capital program that can be reserved for each fiscal year  
2 required to complete the project.

3 respective council committee, borough president and community  
4 board. In the case of a scope approved by the mayor with  
5 modifications, such notification shall include a copy of the  
6 scope as approved. If a borough president or a community board  
7 petition the board of estimates to review such action of the  
8 mayor within thirty days thereof, or if the mayor fails to act,  
9 the board of estimates after such a public hearing may approve,  
10 modify, or disapprove the scope of project within sixty days. A  
11 scope of project approved by the mayor shall be effective thirty  
12 days after it has been acted upon by the mayor if no petition for  
13 review is made to the board of estimates within the specified time  
14 period.]

15 c. During the review of the selection of a site of a capital  
16 project pursuant to the uniform land use review procedure  
17 established by section one hundred and ninety-seven-c, the  
18 community board and borough president shall also review, and may  
19 comment on, the scope of the project.

20 d. No scope of project shall be approved by the mayor unless (1)  
21 it contains the information required by paragraph four of section  
22 two hundred ten and it conforms to the applicable standards for  
23 the type of project adopted pursuant to this chapter, and (2)  
24 funds are available within the appropriate program category of

1     Sec. [233.]223. Design of capital project. The proposed design  
2     and final design for a capital project shall be made available  
3     for review to the respective council committee, borough president  
4     and the community board for the community district in which the  
5     project is to be located. The mayor or his representative shall  
6     review the final design to determine its conformance with the  
7     approved scope of project pursuant to this chapter. [Within  
8     thirty days after receipt of the final design, the borough  
9     president or community board may petition to have it reviewed by  
10    the board of estimate to determine only if the final design  
11    violates the scope of project or creates excessive costs. The  
12    board of estimate shall have thirty days within which to approve  
13    or disapprove the final design. If no petition for review is  
14    made to the board of estimate, and no objections are received by  
15    the mayor within the thirty day period, the final design shall be  
16    effective.]

1 Sec. [234.]224. Works of art.

2 a. As used in this section the term "works of art" includes all  
3 forms of the visual and performing arts conceived in any medium,  
4 material or combination thereof.

5 b. Works of art shall be provided for each capital project which  
6 involves the construction or the substantial reconstruction of a  
7 city-owned public building or structure the intended use of which  
8 requires that it be accessible to the public generally or to  
9 members of the public participating in, requiring or receiving  
10 programs, services or benefits provided thereat. For the purposes  
11 of this section a police precinct house and a firehouse shall be  
12 deemed to be such buildings.

13 c. An amount not less than one per cent of the first twenty  
14 million dollars and one-half of one per cent of any amount in  
15 excess of twenty million dollars of capital funds appropriated by  
16 the city for each such capital project, other than funds  
17 appropriated for the acquisition of real property, shall be  
18 allocated for works of art provided, however, that this section  
19 shall in no case require the expenditure of more than four  
20 hundred thousand dollars for works of art for any capital  
21 project; nor more than the sum of one and one-half million  
22 dollars for works of art in any fiscal year. The mayor may exempt  
23 a capital project from the provisions of this section if in his



1 sole judgment the inclusion of works of art as provided hereby  
2 would be inappropriate.

3 d. Reasonable advance notification of the intention to include  
4 works of art in a project shall be provided to the appropriate  
5 [district] council member, [council-members-at-large,] borough  
6 president and chairperson of the community board of the community  
7 district in which the project is located. All such works of art  
8 shall be subject to the approval of the art commission pursuant  
9 to section eight hundred fifty-four of this charter.

10 e. The mayor shall adopt rules and regulations to implement the  
11 provisions of this section.

6/25/89 - Revised Draft

## CHAPTER 13

### [CONTRACTS AND PURCHASES]

#### PROCUREMENT

Sec. [341.] 340. Scope.

Except as otherwise provided in this charter or by statute, all [supplies, materials and equipment to be furnished and work or labor to be done,] goods, services or construction to be paid for out of the city treasury or out of moneys under the control of or assessed or collected by [the] a city agency or any entity the majority of members of whose boards are appointed by city elected officials, shall be [furnished or provided] procured as prescribed in this chapter.

1     Sec. 341. Procurement Policy Board.

2     a. There shall be a procurement policy board consisting of three  
3     members, two of whom shall be appointed by the mayor and one of  
4     whom shall be appointed by the comptroller. Members shall have  
5     demonstrated sufficient business or professional experience to  
6     discharge the functions of the board. Members shall not be  
7     prohibited from holding any other public office or employment  
8     provided that no member may have substantial authority for the  
9     procurement of goods, services or construction pursuant to this  
10    chapter. The mayor shall designate the chair.

11    b. The board shall promulgate rules as required by this chapter,  
12    which shall include:

13        1. the methods for entering into and awarding contracts,  
14        consistent with the standards defined in this chapter;

15        2. the manner in which agencies shall administer and oversee  
16        the performance of contracts;

17        3. standards by which agencies shall declare a bidder to be  
18        not responsible;

19        4. the circumstances under which procurement may be used for  
20        the provision of technical, consultant or personal services, which  
21        shall include but not be limited to, circumstances where the use  
22        of procurement is (a) desirable to develop, maintain or strengthen  
23        links of communities to non-profit and charitable organizations  
24        based in communities where services are to be provided, (b) cost-

1 effective, (c) to obtain special expertise, (d) to obtain personnel  
2 or expertise not available in the agency, (e) to provide a service  
3 not needed on a long-term basis, (f) to accomplish work within a  
4 limited amount of time, or (g) to avoid a conflict of interest.

5 c. The board may promulgate such additional rules, policies and  
6 procedures consistent with and as may be necessary to implement the  
7 provisions of this chapter. The board shall also incorporate in  
8 its rules any rules adopted by the department of minority and  
9 women-owned business development and the department of labor. The  
10 board shall at least once every three years review all of its  
11 rules, policies and procedures and make such revisions as the board  
12 deems necessary and desirable.

13 d. The board shall report as it deems necessary to the mayor and  
14 the council such recommendations as the board deems proper for the  
15 organization and management of the agency procurement function  
16 including, where appropriate, recommendations for revision of this  
17 chapter or other local laws affecting procurement by the city.

18 e. The board shall not exercise authority with respect to the  
19 award or administration of any particular contract, or with respect  
20 to any dispute, claim or litigation pertaining thereto.



1     Sec. 342. [Purchases not requiring public letting] Procurement:  
2     general rule and exceptions.

3     a. 1. Except as provided for in subdivision c of this section,  
4     contracts shall be awarded by competitive sealed bidding under such  
5     rules as shall be made by the procurement policy board, except  
6     that, in a special case as defined in subdivision b of this  
7     section, the head of an agency proposing to award such contract may  
8     order otherwise in accordance with policies and procedures  
9     established by the procurement policy board.

10     2. A determination by an agency to use other than competitive  
11     sealed bidding shall be made in writing, stating the reasons why  
12     competitive sealed bidding is not practicable or not advantageous  
13     and why the method of procurement selected pursuant to subdivision  
14     f of this section is the most competitive under the circumstances.  
15     The agency shall submit copies of such determination to the  
16     procurement policy board and the comptroller and shall include the  
17     determination or a summary of the determination in any notice  
18     required to be published pursuant to section three hundred and  
19     forty-five of this chapter.

20     b. 1. Special cases shall include situations in which it is either  
21     not practicable or not advantageous to the city to use competitive  
22     sealed bidding for one of the following reasons:

23     i. specifications cannot be made sufficiently specific to  
24     permit selection based on price alone;

1 ii. judgment is required in evaluating competing proposals,  
2 and the interest of the city is best served by requiring a  
3 balancing of price, quality, and other factors;

4 iii. an emergency involving danger to life, safety, property  
5 or a necessary service requires immediate action;

6 iv. the good, service or construction to be procured is  
7 available only from a single source;

8 v. testing or experimentation is required with a product or  
9 technology, or a new source for a product or technology, or to  
10 evaluate the service or reliability of such product or technology;

11 or

12 vi. such other reasons as defined by rule of the procurement  
13 policy board.

14 2. The procurement policy board may provide by rule that it  
15 is either not practicable or not advantageous to the city to  
16 procure specified types of goods, services or construction by  
17 competitive sealed bidding.

18 [a.] c. Notwithstanding the provisions of section three hundred  
19 and forty-three of this chapter, [If] if the several parts of the  
20 [work, labor or the supplies, materials and equipment to be done  
21 or furnished] goods, services or construction to be procured shall  
22 together involve an expenditure of not more than five hundred  
23 dollars, such purchases may be made without competition; provided,  
24 however, that the aggregate total of such purchase by any agency  
25 shall not exceed twenty thousand dollars in any one month [without  
26 the prior approval of the board of estimate].

1 expenditure of more than five thousand dollars may be awarded to  
2 the lowest responsible bidder upon bids submitted without public  
3 advertisement on written approval of the comptroller and the  
4 corporation counsel accompanied by a statement of the reasons for  
5 such action.

6 e.] d. Notwithstanding any other provision of this charter, the  
7 dollar limits [pursuant to] set forth in this section for  
8 [purchases] procurement without [public letting] competitive sealed  
9 bidding may be [raised] adjusted as to any or all agencies by the  
10 concurrent action of the [board of estimate] procurement policy  
11 board and council [by a two-thirds vote of each body]. No action  
12 pursuant to this subdivision shall become effective until thirty  
13 days after such action is taken.

14 e. Any contract for goods or services in value of more than two  
15 million dollars let by other than competitive sealed bidding or  
16 competitive sealed proposals, and any contract for construction in  
17 value of more than five hundred thousand dollars let to other than  
18 the lowest responsible bidder whether or not prequalification was  
19 used, shall require the additional approval of the mayor prior to  
20 its execution.

21 f. If, in accordance with subdivision a of this section, an agency  
22 determines that the use of competitive sealed bidding is not  
23 practicable or not advantageous to the city, the agency shall

1 select the most competitive alternative method of procurement  
2 provided herein which is appropriate under the circumstance:

3 i. Competitive sealed proposals. Proposals may be solicited  
4 through a request for proposals with award to the responsible  
5 offeror whose proposal is determined to be the most advantageous  
6 to the city, taking into consideration the price and such other  
7 factors as are set forth in the request for proposals. No other  
8 factors or criteria shall be used in the evaluation and award of  
9 the contract except those specified in the request for proposals.  
10 Discussions may be conducted with responsible offerors who submit  
11 proposals, and offerors shall be accorded fair and equal treatment  
12 with respect to any opportunity for discussion and revision of the  
13 proposals. Such revisions may be permitted after submissions and  
14 prior to award for the purpose of obtaining a best and final offer.  
15 The agency contract file shall contain the basis on which the award  
16 was made.

17 ii. Multi-step sealed proposals.

18 (a) A preliminary request for proposals may be issued  
19 requesting the submission of unpriced offers. Submissions in  
20 response to such a preliminary request for proposals may be relied  
21 upon by an agency to either (a) to solicit competitive sealed bids  
22 in accordance with section three hundred and forty-three of this  
23 chapter; (b) to solicit competitive sealed bids from prequalified  
24 entities in accordance with paragraph iii of this subdivision; (c)



1 to solicit proposals in accordance with paragraph i of this  
2 subdivision; or (d) to solicit proposals from pre-qualified  
3 entities in accordance with paragraph iv of this subdivision.

4 iii. Solicitation of bids from prequalified entities. Bids  
5 may be solicited from entities that have been prequalified for the  
6 provision of a good, service or construction pursuant to section  
7 three hundred and forty-four by mailing notice to each prequalified  
8 entity, unless special circumstances require a selective  
9 solicitation of prequalified entities. Award of the contract shall  
10 be made in accordance with the provisions of section three hundred  
11 forty-three of this chapter. A determination to employ selective  
12 solicitation shall be made in writing by the agency, approved by  
13 the mayor and such writing and approval shall be filed in the  
14 office of the procurement policy board and comptroller.

15 iv. Solicitation of proposals from prequalified entities.  
16 Proposals may be solicited from entities that have been  
17 prequalified for the provision of a good, service or construction  
18 pursuant to section three hundred and forty-four by mailing notice  
19 to each prequalified entity, unless special circumstances require  
20 a selective solicitation of prequalified entities. Award of the  
21 contract shall be made in accordance with the provisions of  
22 paragraph i of this subdivision. A determination to employ  
23 selective solicitation shall be made in writing by the agency,  
24 approved by the mayor and such writing and approval shall be filed

1 in the office of the procurement policy board and comptroller.

2 v. Sole source. A contract may be awarded for a good,  
3 service or construction without competition when an agency  
4 determines, pursuant to rules promulgated by the procurement policy  
5 board, that there is only one source for the required good, service  
6 or construction. The agency contract file shall contain the  
7 agency's determination that only a single source is available for  
8 the required good, service or construction, including the process  
9 by which the agency made such determination. Copies of such notice  
10 shall be filed with the procurement policy board and the  
11 comptroller. When an agency determines that there is only a single  
12 source for a good, service or construction, an agency shall give  
13 immediate notice in the City Record of its intention to enter into  
14 sole source negotiations for that good, service or construction and  
15 shall in its notice solicit the application of vendors interested  
16 in doing similar work in the future for qualification in accordance  
17 with section three hundred and forty-four, or for notice in  
18 accordance with subdivision a of section three hundred and forty-  
19 five.

1     Sec. 343. [Public letting] Competitive sealed bidding. The term  
2     competitive sealed bidding shall mean a method of procurement where  
3     the award of a contract is made to the lowest responsible bidder  
4     whose bid meets all the requirements and criteria set forth in the  
5     invitation for bids.

6     [a. If the several parts of the work, labor or the supplies,  
7     materials and equipment to be done or furnished shall together  
8     involve the expenditure of more than five thousand dollars, or in  
9     the case of construction, repair, rehabilitation or alteration, the  
10    expenditure of more than fifteen thousand dollars, such work or  
11    labor or supplies, materials, and equipment or construction,  
12    repair, rehabilitation or alteration shall be obtained only by  
13    contract on public letting founded on sealed bids under such  
14    regulations as shall be made by the board of estimate, except that  
15    in a special case the board of estimate by a two-thirds vote may  
16    order otherwise.]

17    a. Procedures for competitive sealed bidding.

18        1. Bids shall be solicited through an invitation for bids,  
19    which shall include a purchase description and all contractual  
20    terms and conditions applicable to the procurement. The terms of  
21    such contracts shall be settled by the corporation counsel as an  
22    act of preliminary specification to a proposal for bids.

23        [b.] 2. The agency letting the contract may reject all bids  
24    if it shall deem it for the interest of the city so to do; if not,

1 it shall, without other consent or approval, award the contract to  
2 the lowest responsible bidder, unless the [board of estimate by a  
3 two-thirds vote] mayor shall determine that it is for the public  
4 interest that a bid other than that of the lowest responsible  
5 bidder shall be accepted. Tie bids are to be decided by the agency  
6 letting the contract and the award made. Whenever a contract is  
7 awarded to [another] other than the lowest bidder [,except by  
8 action of the board of estimate,] because the lowest bidder is  
9 determined by the agency not to be a responsible bidder, the agency  
10 making such determination and awarding [the same] such contract  
11 shall file in [its office] the agency contract file [and in the  
12 offices of the comptroller, the commissioner of general services  
13 and the city clerk] a statement in detail of the reasons therefore  
14 and shall submit copies of such determination with the procurement  
15 policy board and the comptroller. [Notwithstanding any other  
16 provision of this subdivision, the agency letting the contract may  
17 award the contract to other than the lowest bidder upon prior  
18 approval of the corporation counsel and the comptroller.]

19 3. Any bidder who is declared not responsible by an agency may  
20 appeal such decision to the agency head, who shall refer the matter  
21 to the office of administrative trials and hearings for a hearing.  
22 The office of administrative trials and hearings shall make a  
23 recommendation for action to be taken to the agency head, who shall  
24 take final action regarding such matter.



1 [c.] b. Notwithstanding any other requirement of this section,

2 1. any [work or labor to be contracted or supplies, materials  
3 and equipment to be purchased,] goods, services or construction to  
4 be procured involving the use of funds received wholly or partially  
5 from or through the federal government, may be procured, ordered  
6 or awarded through the United States General Services  
7 Administration, if the price is lower than the prevailing market  
8 price,

9 2. any goods, services or construction to be procured in value  
10 in excess of five hundred dollars may be procured, ordered or  
11 awarded through the New York State office of general services,  
12 provided, however, that if bids have otherwise been received for  
13 such procurement, it may only be procured, ordered or awarded  
14 through the New York State office of general services if it may be  
15 so procured upon the same terms, conditions and specifications but  
16 at a lower price.

17 [d.]c. No bid shall be valid unless accompanied by a deposit in  
18 the amount and manner set forth and specified in the proposal;  
19 provided, however, that the [commissioner of general services]  
20 procurement policy board shall establish such requirements for bid  
21 deposits as are necessary and practicable, and, pursuant to rules  
22 and standards, may waive the bid deposit requirement for specific  
23 classes of purchase or types of transactions [and, in his  
24 discretion, for individual transactions]. Upon the award of the  
25 contract the deposits of unsuccessful bidders shall be returned to

1     them, and the deposit of the successful bidder shall be returned  
2     [to him] upon [his executing] execution of the contract and  
3     furnishing of the required security.

4     [e.]d. Every proposal for bids shall contain a provision that in  
5     the event of the failure of the bidder to execute the contract and  
6     furnish the required security within ten days after notice of the  
7     award of the contract, [to him, his] the deposit or so much thereof  
8     as shall be applicable to the amount of the award made [to him]  
9     shall be retained by the city, and [he] the bidder shall be liable  
10    for and shall agree to pay on demand the difference between the  
11    price bid and the price for which such contract shall be  
12    subsequently relet, including the cost of such reletting and less  
13    the amount of such deposit. No plea of mistake in such accepted  
14    bid shall be available to the bidder for the recovery of [his] the  
15    deposit or as a defense to any action based upon such accepted bid.

1 Section 344. Prequalification.

2 a. Prospective vendors may be prequalified as contractors for the  
3 provision of particular types of goods, services and construction.  
4 Such prequalification may be by categories designated by size.  
5 Agencies shall maintain lists of prequalified vendors and entry  
6 into a prequalified group shall be continuously available.  
7 Additionally, agencies shall solicit the qualifications of  
8 interested vendors for each prequalified good, service or  
9 construction at least once annually in a notice published in the  
10 City Record.

11 b. Any vendor who is denied prequalification or whose  
12 prequalification is revoked by an agency may appeal such decision  
13 to the agency head, who shall refer the matter to the office of  
14 administrative trials and hearings for a hearing. The office of  
15 administrative trials and hearings shall make a recommendation for  
16 action to be taken to the agency head, who shall take final action  
17 regarding such matter. An agency may temporarily suspend a  
18 contractor's prequalification, provided that if such suspension  
19 extends for more than three months it shall be deemed a revocation  
20 of the prequalification for the purposes of this section.

1     Sec. 345. Notification of contract opportunities and awards.

2     a. For each category of goods, services or construction which is  
3     regularly procured by an agency, the agency shall, pursuant to  
4     rules promulgated by the procurement policy board, publish in the  
5     City Record a notice soliciting the names of vendors interested in  
6     being notified of future procurement opportunities in each such  
7     category.

8     b. Pursuant to rules of the procurement policy board, notice of  
9     the solicitation of bids or proposals pursuant to subdivision of  
10    section three hundred and forty-two and section three hundred and  
11    forty-three; the intention to enter into sole source negotiations  
12    pursuant to paragraph v of subdivision f of section three hundred  
13    and forty-two and the intention to enter into a contract for goods  
14    or services for a price exceeding ten thousand dollars or for  
15    construction for a price to exceed fifteen thousand dollars  
16    pursuant to this chapter, shall be published in the City Record,  
17    and, where appropriate, in newspapers of city, state or national  
18    distribution and trade publications.

19    c. The procurement policy board, in consultation with the  
20    commissioner of general services, shall promulgate rules providing  
21    for the publication and content of notices of contract actions  
22    required by this section. Such rules shall include provisions  
23    regarding,



1 i. the timing and frequency of notices,

2 ii. the required duration of solicitation periods,

3 iii. the form and content of notices, including the  
4 organization and presentation of such notices within standard  
5 categories of goods, services and construction which are  
6 sufficiently detailed to provide meaningful distinctions among  
7 categories.

8 d. The notice requirements of this section shall not apply to  
9 contracts awarded on an emergency basis pursuant to subparagraph  
10 c of paragraph one of subdivision b of section three hundred and  
11 forty two, provided that the agency shall, as soon as is  
12 practicable, publish notice that such a contract has been entered  
13 into, pursuant to rules of the procurement policy board.

1 Sec. 347. Certification of legal authority and procedural  
2 requisites.

3 a. The mayor, or a designee of the mayor other than the head of  
4 the agency proposing to award the contract, shall certify, prior  
5 to the filing of a contract with the comptroller for registration  
6 in accordance with section three hundred and forty-eight of this  
7 chapter, that the procedural requisites for the solicitation and  
8 award of the contract have been met.

9 b. The corporation counsel shall certify prior to the filing of  
10 a contract with the comptroller for registration in accordance with  
11 section three hundred and forty-eight of this chapter, that each  
12 agency proposing to award a contract has legal authority to award  
13 each such contract.

1 Sec. 348. Registration of contracts by the comptroller.

2 a. No contract or agreement executed pursuant to this charter or  
3 other law shall be implemented until (1) a copy has been filed with  
4 the comptroller and (2) either the comptroller has registered it  
5 or thirty days have elapsed from the date of filing, whichever is  
6 sooner, unless an objection has been filed pursuant to subdivision  
7 c of this section, or the comptroller has grounds for not  
8 registering the contract under subdivision b of this section.

9 b. Subject to the provisions of subdivision c of this section, the  
10 comptroller shall register a contract within thirty days unless the  
11 comptroller has information indicating that:

12 i. there remains no unexpended and unapplied balance of the  
13 appropriation or fund applicable thereto, sufficient to pay the  
14 estimated expense of executing such contract, as certified by the  
15 officer making the same and pursuant to any local law adapted for  
16 this purpose;

17 ii. that the proposed vendor is in arrears to the city, or  
18 any agency upon debt or contract, or has defaulted as surety or  
19 otherwise upon any obligation to the city or any agency, or is in  
20 arrears for taxes where such arrears or default is in the sum of  
21 five thousand dollars or more;

22 iii. that the certifications required by section three  
23 hundred and forty-seven of this chapter have not been made;  
24 or

1        iv. the proposed vendor has been debarred by the city in  
2        accordance with the provisions of section three hundred and fifty-  
3        four.

4  
5        c. The comptroller may, within thirty days of the date of filing  
6        of the contract with the comptroller's office, object in writing  
7        to the registration of the contract, if in the comptroller's  
8        judgment there is sufficient reason to believe that there is  
9        possible corruption in the letting of the contract or that the  
10       proposed contractor is involved in corrupt activity. Such  
11       objection shall be delivered within such thirty day period to the  
12       mayor setting forth in detail the grounds for the comptroller's  
13       determination. The contract shall not be registered (i) until the  
14       mayor has responded to the comptroller's objections in writing  
15       indicating what, if any, corrective actions have been taken or will  
16       be taken in response to the comptroller's objections and (ii)  
17       unless the mayor decides to register the contract despite the  
18       comptroller's objections. Such response by the mayor shall not  
19       serve as the basis for further objection by the comptroller, and  
20       the comptroller shall register the contract within ten days of  
21       receipt of the mayor's response.



1     Sec. [344.] 349. By whom procured.

2     a. All [work or labor] services to be performed by contract,  
3     including the furnishing of [materials or supplies] goods incident  
4     thereto, shall be obtained by the agency for whose use the  
5     appropriation therefor shall have been made, except as otherwise  
6     provided by law or by the mayor.

7     b. All other [supplies, materials and equipment] goods shall be  
8     purchased or procured by the department of general services, except  
9     as otherwise provided pursuant to this chapter or other law.

10    c. Pursuant to standards and guidelines of the [commissioner of  
11    general services] procurement policy board filed in the offices of  
12    the comptroller[, the commissioner of finance, and the city clerk]  
13    and published in the City Record, and subject to other sections of  
14    this chapter, each agency may purchase directly [supplies,  
15    materials and equipment] goods in an amount not to exceed one  
16    thousand dollars for each transaction or, with the prior approval  
17    of the commissioner of general services, in an amount not to exceed  
18    five thousand dollars for each transaction. The limitation of this  
19    subdivision shall not apply to purchases by an agency under a  
20    vendor contract entered into by the commissioner of general  
21    services.

22    d. The dollar limits for direct agency purchases without the prior

1 approval of the commissioner of general services pursuant to  
2 subdivision c of this section may be raised to five thousand  
3 dollars for each transaction for any or all agencies by the  
4 commissioner of general services with the approval of the mayor.  
5 Any proposed increases in the limits for such purchases above five  
6 thousand dollars shall be subject to the further approval of the  
7 [board of estimate] comptroller. Any increase in dollar limits  
8 pursuant to this subdivision shall be published in the City Record  
9 and may be rescinded by the commissioner of general services, the  
10 mayor, or the [board of estimate] comptroller.

1 [Sec. 345. Defaulter to city.

2 Any person who is in arrears to the city or any agency upon debt  
3 or contract, or who is a defaulter as surety or otherwise upon any  
4 obligation to the city or any agency, or who is in arrears for  
5 taxes, may be declared by the commissioner of general services or  
6 the head of any agency in the case of any purchase made by him, and  
7 in the case of any other contract by the comptroller at any time  
8 prior to the registration of the contract by him, not to be a  
9 responsible bidder, by filing in the offices of the comptroller,  
10 the commissioner of finance and the city clerk a statement in  
11 detail of the reasons therefor. Any person in arrears or who is  
12 a defaulter in the sum of five thousand dollars or more shall be  
13 declared not to be a responsible bidder for a period of three years  
14 unless some lesser period is prescribed by resolution of the board  
15 of estimate.]

1     Sec. [346.] 350.   Inspection.

2     Inspection and acceptance or rejection of all deliveries of  
3     [supplies, materials and equipment] goods shall be made by the  
4     agency that makes the direct purchase other than under a vendor  
5     contract.   The commissioner of general services may authorize an  
6     agency to which delivery is made to perform such functions on  
7     purchases made by the department of general services subject to  
8     standards and policies of the commissioner.   The comptroller may  
9     continue to perform such inspectional duties as are necessary for  
10    auditing purposes, including ascertainment of whether items  
11    purchased and paid for by the department of general services or  
12    other agencies have been received and put to use by agencies.



1     Sec. [347.] 351. Specifications.

2     All purchases shall be based upon specifications which are definite  
3     and certain, which permit of competition and which shall not be at  
4     variance with standard specifications for the various classes of  
5     [supplies, materials and equipment] goods approved by the  
6     commissioner of general services. Before adopting standard  
7     specifications the commissioner shall obtain and consider the  
8     recommendations of agencies using the items to be standardized.

1 [Sec. 348. Patented, brand name, sole source articles; how  
2 supplied.

3 Except for repairs no patented pavement shall be laid and no  
4 patented or brand name or sole source article shall be advertised  
5 for, contracted for or purchased, except under such circumstances  
6 that there can be a fair and reasonable opportunity for  
7 competition, pursuant to standards and policies of the commissioner  
8 of general services. In the event that an item involves a purchase  
9 price of more than twenty-five hundred dollars, the determination  
10 of the commissioner shall be made after (1) the commissioner has  
11 conducted or authorized to be conducted a public hearing and (2)  
12 the approval in writing of the comptroller has been obtained.]

1 [Sec. 349. Consultant contracts.

2 a. Except as otherwise provided by resolution of the board of  
3 estimate, no contract for the performance of technical, consultant  
4 or personal services for which competitive bidding is  
5 inappropriate, involving the expenditure of more than ten thousand  
6 dollars shall be awarded except after public hearing before and  
7 approval by a majority of the board of estimate.

8 b. Within ten days after the award of any contract for technical,  
9 consultant or personal services, notice thereof shall be published  
10 in the City Record.

11 c. This section shall not be applicable to contracts with  
12 planners, architects, engineers, or any other person or firm, if  
13 such person or firm and their estimated fees have been identified  
14 in a scope of project approved by the board of estimate pursuant  
15 to chapter nine.

16 d. All mayoral and non-mayoral agencies required to submit  
17 contracts to the board of estimate for approval pursuant to this  
18 section shall have rules setting forth their procedures regarding  
19 the use, oversight and reporting of contracts and selection of  
20 contractors for consultant, technical and personal services which  
21 require approval pursuant to this section. Such rules shall include  
22 the following matters:

1 1. the circumstances under which such contracts may be used, which  
2 shall include but not be limited to, circumstances where the use  
3 of such contracts is (a) cost-effective, (b) to obtain special  
4 expertise, (c) to obtain personnel or expertise not available in  
5 the agency, (d) to perform a service not needed on a long-term  
6 basis, (e) to accomplish work within a limited amount of time, or  
7 (f) to avoid a conflict of interest;

8 2. the methods for selecting contractors, which may include but  
9 shall not be limited to recruiting methods, and contractor  
10 evaluation criteria such as expertise, resources, prior experience,  
11 familiarity with agency operations, cost, and financial capability;

12 3. the manner in which the agency shall oversee the performance of  
13 such contracts; and

14 4. agency record keeping procedures for such contracts.

15 The rules established pursuant to this subdivision shall be filed  
16 with the council and the board of estimate.

17 e. When contracts are referred to the board of estimate for  
18 approval pursuant to this section, the agency head or the agency  
19 head's designee shall submit to such board a statement of the  
20 reasons why the award of the contract is appropriate under the  
21 agency's rules.

22 f. Each entity subject to subdivisions d and e shall have published  
23 in the City Record an announcement of proposed contracts over fifty  
24 thousand dollars, 10 days prior to their submission to the



1 board of estimate, or at a time shorter than 10 days when  
2 reasonable circumstances exist precluding compliance within the 10  
3 day period. The reason for such delay or non-publication shall be  
4 set forth in the board of estimate calendar.]

1 Sec. [350.] 352. Payments procedure.

2 a. The [commissioner of general services] mayor shall prepare and  
3 promulgate procedures, standards and guidelines for the expeditious  
4 processing of payment vouchers by city agencies and departments[;  
5 and shall oversee, monitor, and report to the mayor, the board of  
6 estimate and the public on agency performance of such function]  
7 including (i) the maximum amount of time allowed for the processing  
8 of such vouchers from the later of (a) the date such vouchers are  
9 received by the agency, or (b) the date on which the goods,  
10 services or construction to which the voucher relates have been  
11 received and accepted by the agency, and (ii) for agency reporting  
12 on the promptness of such payments in such form and containing such  
13 information as the mayor shall prescribe. The mayor shall  
14 coordinate and publish such agency prompt payment reports.

1     Sec 353.     Evaluation and monitoring of contractor performance.

2     a.   Each agency letting contracts shall monitor the performance of  
3     every contractor.     Information with respect to contractor  
4     performance shall be maintained in the central registry of contract  
5     and contractor information required by subdivision c of section  
6     three hundred and fifty-three.

7     b.   1. In the case that the borough president determines there is  
8     reason to believe a contract providing for the delivery of  
9     contractual services in the borough should be terminated for  
10    noncompliance, modified, not renewed, modified at the time of  
11    renewal, or that the existing terms of the contract should be  
12    enforced, the borough president shall document in writing the  
13    reasons for that determination and present such determination, with  
14    a recommendation for corrective action, to the agency head for  
15    review. In the case of a recommendation that a contract should not  
16    be renewed or should be modified at the time of renewal, such  
17    recommendation shall be made to the agency head at least one  
18    hundred and twenty days prior to the expiration of the contract.

19        2.   The agency head shall respond to the borough president's  
20    comments within ten business days from receipt of such comments,  
21    indicating what action, if any, shall be taken. If such action is  
22    not satisfactory to the borough president, the borough president  
23    shall, within thirty days of receipt of such responses, be  
24    authorized to require that a hearing be held in the borough by a

1 contract performance panel consisting of the president of the city  
2 council, the comptroller and the mayor, or their designees, to  
3 receive the testimony of the borough president and other interested  
4 persons on the borough president's recommendations. The hearing  
5 shall be held within twenty days from the borough president's  
6 request for the hearing. The head of the agency which procured the  
7 services in question, or a designee of such agency head, and the  
8 contractor whose performance is being evaluated, shall have the  
9 right, and it shall be their duty when requested by the panel, to  
10 appear and be heard.

11 3. The panel shall recommend, within thirty days of the date  
12 of such hearing, such corrective action as it deems appropriate and  
13 shall promptly deliver its recommendations in writing to the agency  
14 head, borough president and contractor. Within thirty days of  
15 receipt of the panel's recommendation, the agency head shall  
16 respond in writing to the panel and the borough president,  
17 indicating which of the panel's recommendations shall be acted upon  
18 and what, if any, alternative action will be taken.

19 4. In the case of any contract regarding which a borough  
20 president submits a determination in accordance with paragraph one  
21 of this subdivision which involves the delivery of services in more  
22 than one borough, the agency receiving such determination shall  
23 notify the borough president of each borough affected by the  
24 contract of receipt of such a determination and shall submit copies  
25 of the agency response submitted in accordance with paragraph two  
26 of this subdivision to all borough presidents affected. A hearing,



1 if any, held shall include the comments of all borough presidents  
2 affected and the panel recommendations shall apply to the delivery  
3 of services in all boroughs.

1     Sec. 354. Information on city contracts.

2     a. Agency contract files. Each agency shall maintain files  
3     containing information pertaining to the solicitation, award and  
4     management of each contract of the agency in accordance with  
5     standard record maintenance requirements established pursuant to  
6     section three thousand and four of this charter. The agency  
7     contract files shall contain copies of each determination, writing  
8     or filing required by this chapter pertaining to a contract and  
9     such information as is prescribed by rule of the procurement policy  
10    board, in such form as is prescribed by the procurement policy  
11    board.

12    b. Requests by elected officials for contract documentation.  
13    Whenever an elected official of the city requests documentation  
14    relating to the solicitation or award of any city contract, the  
15    mayor and city agencies shall promptly provide such documentation  
16    as is requested or shall promptly respond to the requesting  
17    official with reason why such documentation can not be provided.  
18    If the mayor or agency is unable to provide the requested  
19    documentation within ten business days of the day the request is  
20    received, the mayor or agency shall within such time deliver to the  
21    requesting official a statement of the reasons the documentation  
22    can not be promptly provided and shall include in such statement  
23    a timetable within which the documentation will be provided, not  
24    to exceed thirty days from the date of the original request.

1 c. Central registry of contract and contractor information. The  
2 mayor shall maintain in a central place a registry of standard  
3 information regarding city contracts and contractors in accordance  
4 with provisions of section one thousand and sixty-three of this  
5 charter.

1     Sec. 355. Suspension and debarment.

2     a. No person or firm shall be suspended or debarred from  
3     contracting with the city or any agency of the city except in  
4     accordance with the provisions of this section.

5     b. Authority to debar or suspend.

6         1. Upon the petition of the head of an agency, after  
7     reasonable notice and reasonable opportunity for the person or firm  
8     to respond at a hearing to be held on a record, the office of  
9     administrative trials and hearings shall recommend to the mayor  
10    whether a person or firm should be debarred for cause from  
11    consideration for award of any city contract for a period not to  
12    exceed five years.

13        2. The head of an agency petitioning for the debarment of a  
14    person or firm shall have the authority to suspend a person or a  
15    firm for a period not to exceed three months from consideration for  
16    award of a contract if there is probable cause for debarment.

17        3. The causes for debarment or suspension shall be defined  
18    by the procurement policy board and shall include but not be  
19    limited to the following matters, as may be interpreted by rule of  
20    the procurement policy board:

21            a. indictment or conviction for an offense indicating a  
22    lack of business integrity or business honesty which currently,  
23    seriously, and directly affects responsibility as a city  
24    contractor;



1           b. substantial violation of contract provisions, as set  
2 forth below:

3           (i) substantial failure without good cause to  
4 perform in accordance with the specifications or within the time  
5 limit provided in the contract;

6           (ii) a recent record of unsatisfactory performance  
7 in accordance with the terms of one or more contracts;

8           c. substantial arrears on any debt or contract with the  
9 city or any agency of the city, default as surety or otherwise upon  
10 any obligation to the city or any agency or arrears for taxes; or

11           d. an agency determination of non-responsibility made  
12 pursuant to subdivision a of section three hundred forty-three,  
13 where the determination involves questions of the contractor's  
14 qualifications to perform on any city contract.

3 CHAPTER 15

4 PROPERTY OF THE CITY

5  
6 Sec. 381. Authority to acquire real property. The city may  
7 acquire title in fee to real property or any interest therein  
8 whenever required for any public or municipal use or purpose or  
9 for the promotion of public utility, comfort, health, enjoyment or  
10 adornment. Such title or interest shall be acquired according to  
11 law by purchase, condemnation or otherwise.

12 Sec. 382. Notice to owners of proceeding to acquire property.  
13 In addition to all other requirements of law, written notice of  
14 the application to have compensation for real property ascertained  
15 in any proceeding brought by the city to acquire title to real  
16 property shall be given by the corporation counsel to the owners  
17 of all property affected by the proceeding at least ten days prior  
18 to such application, by mailing the same to such owners at the  
19 address registered or filed with the commissioner of finance for  
20 the purpose of forwarding to them bills for taxes, assessments and  
21 frontage water rates. Such notice shall state the purpose for  
22 which the property is to be acquired and the date when such  
23 application will be presented and shall contain a copy of such  
24 application. Upon request by the corporation counsel, the  
25 commissioner of finance shall furnish a certified list of the  
26 registered or filed names and addresses of such owners. Failure

1 to comply with the directions contained in this section shall not  
2 invalidate or affect the proceeding.

3 Sec. 383. Inalienable property. The rights of the city in and  
4 to its water front, ferries, wharf property, bridges, land under  
5 water, public landings, wharves, docks, streets, avenues, highways,  
6 parks and all other public places are hereby declared to be  
7 inalienable; but upon the closing or discontinuance of any street,  
8 avenue, park or other public place, the property may be sold or  
9 otherwise disposed of as may be provided by law, and leases of land  
10 under water, wharf property, wharves, docks and piers may be made  
11 as may be provided by law. Nothing herein contained shall prevent  
12 the granting of franchises, permits and licenses in respect to  
13 inalienable property.

14 Sec. 384. Disposal of property of the city. a. No real property  
15 of the city may be sold, leased, exchanged or otherwise disposed  
16 of except with the approval of the [board of estimate] mayor and  
17 as may be provided by law unless such power is expressly vested by  
18 law in another agency.

19 b. Except as otherwise specifically provided by law:

20 1. The [board of estimate] mayor may authorize the sale or lease  
21 only for the highest marketable price or rental, at public auction  
22 or by sealed bids and after advertisement for at least thirty days  
23 in the City Record, of any real property belonging to the city or  
24 any interest therein [ , and no ]. No such sale or lease shall be  
25 authorized until a public hearing has been held with respect to  
26 such sale or lease after the publishing of notice in the City

1 Record at least thirty days in advance of such hearing. No such  
2 lease shall run for a term longer than ninety-nine years. Any  
3 conveyance or lease may provide for the restriction of the use of  
4 such real property [to purposes determined by the board of  
5 estimate].

6 2. Real property of the city may be leased only after appraisal  
7 made within [sixty days] six months prior to the authorization of  
8 the lease by the [board of estimate] mayor, provided, however, that  
9 advertisement for a public auction or for sealed bids shall be  
10 commenced within sixty days of such authorization.

11 3. Real property of the city may be sold only after appraisal  
12 made within six months prior to authorization of the sale and after  
13 a review of such appraisal by the department of general services  
14 within thirty days prior to authorization of the sale, provided  
15 that advertisement for the public auction for such sale shall be  
16 commenced within sixty days of such authorization.

17 4. Notwithstanding the provisions of this charter, or any  
18 general, special, or local law to the contrary, the [board of  
19 estimate] mayor may, with the approval of a majority of the members  
20 of the borough board of the borough in which such real property is  
21 located, lease or sell any real property of the city, except  
22 inalienable property or any interest therein, to a local  
23 development corporation without competitive bidding and for such  
24 purpose or purposes and at such rental or for such price as may be  
25 determined by the [board of estimate] mayor to be in the public  
26 interest, and no such lease shall run for a term longer than



1 ninety-nine years.

2 5. [Review by a community board or borough board of any] Any  
3 proposal or application for the sale, lease (other than lease of  
4 office space), exchange or other disposition of city property or  
5 of property for the use of the city shall be [in the manner  
6 specified] subject to review and approval pursuant to [section]  
7 sections one hundred ninety-seven-c and, if applicable, one hundred  
8 ninety-seven-d. Such review shall be limited to the land use  
9 impact and implications of the proposed transaction.

10 (a) A community board may waive the conduct of a public hearing  
11 and the preparation of a written recommendation with respect to any  
12 proposed lease of property which in the judgment of the board does  
13 not involve a substantial land use interest.

14 (b) The city planning commission may waive a public hearing on  
15 any proposal or application involving a lease of property.

16 [6. The city planning commission shall act on any proposed  
17 lease of property of or for the city within sixty days of filing  
18 with it of the recommendation of a community board or borough  
19 board, or the latest filing if there is more than one filing within  
20 the time allowed under section one hundred ninety-seven-c. The  
21 commission may waive a public hearing on any proposal or  
22 application involving a lease of property.]

1     DRAFT 6/26/89

2                                     CHAPTER 21

3                     DEPARTMENT OF PARKS AND RECREATION

4  
5         Sec. 531. Department; commissioner. There shall be a  
6     department of parks and recreation the head of which shall be the  
7     commissioner of parks and recreation.

8         Sec. 532. Deputies. The commissioner may appoint three  
9     deputies.

10        Sec. 533. Powers and duties of the commissioner. Except with  
11     respect to the functions of the board of education and except as  
12     otherwise provided by law, the commissioner shall have the power  
13     and it shall be his duty:

14        a. Parks

15        1. to manage and care for all parks, squares and public places,  
16     the sidewalks immediately adjoining the same and all playgrounds,  
17     playground fixtures and other recreation properties, except those  
18     within the jurisdiction of the board of education or other  
19     agencies, but such jurisdiction shall not extend to or include the  
20     buildings which are now or hereafter may be erected in parks,  
21     squares or public places for governmental purposes other than those  
22     of the department;

23        2. to prepare plans for the establishment and improvement of a  
24     park system for the city with due regard to proper connections with  
25     the systems of federal, state and county parks and recreation areas  
26     in the city and the counties adjacent to the city, and execute the

1 same when authorized in accordance with the provisions of this  
2 charter;

3 3. to maintain the beauty and utility of all parks, squares,  
4 public places, playgrounds and other recreational properties,  
5 except those within the jurisdiction of the board of education and  
6 to institute and execute all measures for the improvement thereof  
7 for ornamental purposes and for the beneficial uses of the people  
8 of the city;

9 4. to plant and maintain trees and to construct, erect and  
10 establish seats, drinking fountains, statues and works of art in  
11 any place within his jurisdiction, and to determine when and where  
12 lamps or lighting appliances shall be placed and lighted therein  
13 and the design thereof;

14 5. to authorize and regulate the use of and the projections on  
15 and determine the line or curb and the surface construction of all  
16 streets and avenues lying within any park, square or public place  
17 or within a distance of three hundred fifty feet from the outer  
18 boundaries thereof;

19 6. to maintain buildings and structures now or hereafter erected  
20 or established in any park, square, public place or playground  
21 under his jurisdiction and to carry out and perform existing  
22 contracts with corporations or institutions for the construction  
23 and maintenance of such buildings and structures;

24 7. to provide the necessary instruments, furniture and equipment  
25 for the several buildings and structures within his jurisdiction  
26 and to develop and improve the same subject to the provisions of

1 law and existing contracts;

2 8. to have the management, direction and control of all real or  
3 personal property granted, devised, bequeathed or conveyed to the  
4 city for the extension, improvement or ornamentation of the parks,  
5 squares or public places in the city or for the establishment or  
6 maintenance, within the limits of any such park, square or public  
7 place, of playgrounds, other recreational properties and other  
8 facilities within the department's jurisdiction and upon such  
9 trusts and conditions as may be prescribed by the grantors or  
10 donors thereof and accepted by the commissioner, or proposed by the  
11 commissioner and accepted by the grantors or donors thereof;

12 9. to establish and enforce rules and regulations for the use,  
13 government and protection of public parks and of all property under  
14 the charge or control of the department, which rules and  
15 regulations so far as practicable shall be uniform in all boroughs  
16 and shall have the force and effect of law. Any violation of such  
17 rules or regulations shall be a misdemeanor triable by a judge of  
18 the criminal court of the city of New York and punishable by not  
19 more than ninety days imprisonment or by a fine of not more than  
20 one thousand dollars or by both;

21 10. to plan, conduct, supervise, coordinate and promote  
22 conservation, environmental, and nature education programs and  
23 research and demonstration projects relating thereto and to plan,  
24 acquire, design, construct, improve, alter, maintain and manage  
25 areas and facilities for conservation and the preservation of  
26 natural beauty; and subject to the approval of the mayor, undertake



1 to enter into arrangements with other city, state or federal  
2 agencies and recommend to the mayor such arrangements with private,  
3 voluntary or commercial agencies, to be entered into subject to the  
4 provisions of law, for the performance of functions relating to  
5 conservation and the preservation of natural beauty;

6 11. to plan, plant and maintain trees and other plantings and  
7 to plan, acquire, design, construct, improve, alter, repair and  
8 maintain works of art, as same are defined in subdivision a of  
9 section eight hundred fifty-four of the New York city charter, on  
10 or over the streets, avenues, squares, parks, docks, piers or other  
11 public places belonging to the city, except as otherwise provided  
12 by law; and, subject to the approval of the mayor, undertake to  
13 enter into arrangements with other agencies of the city, state and  
14 federal government and recommend to the mayor such arrangements  
15 with private, voluntary or commercial agencies, to be entered into  
16 subject to the provisions of law, for the performance of functions  
17 relating to neighborhood beautification.

18 b. Recreation

19 1. to plan, acquire, construct, improve and manage facilities  
20 for the recreation of the public;

21 2. to plan, develop, conduct and supervise recreation programs  
22 for the public including research and demonstration projects  
23 relating thereto;

24 3. to review and coordinate recreation activities and programs  
25 and facilities conducted by agencies of the city and the budget  
26 estimates submitted by such other agencies for such activities

and make such recommendations to the mayor with respect to them as may be appropriate; and

4. to undertake, subject to the approval of the mayor, and to enter into arrangements with other agencies of the city, state or federal government and to recommend to the mayor such arrangements with private, voluntary or commercial agencies to be entered into, subject to the provisions of law, for the performance of any recreation functions conferred upon the department by this chapter or otherwise.

1 CHAPTER 21-A

2 LANDMARKS PRESERVATION COMMISSION

3 Sec. 534. Landmarks preservation commission.

4 1. There shall be [in the department] a landmarks preservation  
5 commission consisting of eleven members. The membership of such  
6 commission shall include at least three architects, one historian  
7 qualified in the field, one city planner or landscape architect,  
8 and one realtor. The membership shall include at least one  
9 resident of each of the five boroughs.

10 2. (a) The members of the commission shall be appointed by  
11 the mayor for terms of three years, provided that of those  
12 members first taking office, three shall be appointed for one  
13 year, four for two years, and four for three years. Each member  
14 shall serve until the appointment and qualification of his  
15 successor. The terms of members first taking office shall  
16 commence on the date of their appointment.

17 (b) Before making any appointment of a member who is required  
18 to be an architect, historian or city planner or landscape  
19 architect, the mayor may consult with the fine arts federation of  
20 New York and any other similar organization. In the event of a  
21 vacancy occurring during the term of a member of the commission,  
22 the mayor shall make an interim appointment to fill out the  
23 unexpired term of such member, and where such member is herein  
24 required to have specified qualifications, such vacancy shall be  
25 filled by interim appointment of a person having such  
26 qualifications, in the manner herein prescribed.

1        3. The members of the commission other than the chairman,  
2 shall serve without compensation, but shall be reimbursed for  
3 expenses necessarily incurred in the performance of their duties.

4        4. The mayor shall designate one of the members of the  
5 commission to be [chairman] chair and one to be [vice-chairman]  
6 vice-chair. The [chairman] chair and [vice-chairman] vice-chair  
7 shall serve as such, until a successor or successors are  
8 designated. The commission shall appoint an executive director who  
9 shall devote full time to his or her duties. The commission shall  
10 submit an annual report on its activities to the mayor.

11       5. The commission may employ technical experts and such other  
12 employees as may be required to perform its duties, within the  
13 appropriations therefor.

14       6. The commission shall have such powers and duties as shall  
15 be prescribed by law with respect to the establishment and  
16 regulation of landmarks, portions of landmarks, landmark sites,  
17 interior landmarks, scenic landmarks and historic districts.

18       7. In order to provide an opportunity for comment in advance  
19 of any hearing on a proposed designation of a landmark, landmark  
20 site, interior landmark, scenic landmark or historic district, the  
21 commission shall send a notice of the proposed designation and the  
22 hearing to the city planning commission, all affected community  
23 boards and the office of the borough president in whose borough the  
24 property or district is located.

25       8. All landmarks, landmark sites, interior landmarks, scenic  
26 landmarks and historic districts designated by the commission



1 pursuant to any applicable law shall be in full force and effect  
2 from and after the date of the action of the commission. Within  
3 five days after making a designation, the commission shall file a  
4 copy of such designation with the city planning commission. Within  
5 sixty days after such filing, the city planning commission shall  
6 hold a public hearing on such designation and shall submit to the  
7 council a report with respect to the relation of such designation  
8 to the zoning resolution, projected public improvements, social  
9 considerations, and any plans for the development, growth,  
10 improvement or renewal of the area involved. The city planning  
11 commission shall include with such report a recommendation for  
12 council action with respect to such designation. The designation  
13 shall be subject to review by the council within one hundred twenty  
14 days of such designation or such other time period as may be  
15 specified by law. The council may approve or disapprove a  
16 designation by majority vote. The vote of the council shall be  
17 final unless disapproved by the mayor within five days of the vote.  
18 Any such mayoral disapproval shall be subject to override by a two-  
19 thirds vote of the council within ten days of the disapproval.

2 CHAPTER 27

3 BOARD OF STANDARDS AND APPEALS

4  
5 Sec. 659. Executive director of standards and appeals. a.  
6 There shall be an executive director of standards and appeals who  
7 shall be appointed by and shall hold office at the pleasure of the  
8 board of standards and appeals.

9 b. The executive director shall have had at least five years'  
10 experience in administrative or supervisory positions dealing with  
11 administration and personnel. ~~He~~ The executive director shall  
12 devote his or her entire time to the performance of his or her  
13 duties and shall not engage in any other occupation, profession or  
14 employment. Sec. 660. Staff, powers and duties. a. The

15 executive director may appoint such engineers, architects, experts  
16 and other officers and employees as may be required to perform the  
17 duties of his or her office, with the approval of the board and  
18 within the appropriation provided therefor.

19 b. The executive director shall assign and supervise all  
20 members of his or her staff. ~~He~~ The executive director shall  
21 provide for the testing of materials and appliances and have  
22 prepared and presented matters before the board of standards and  
23 appeals in accordance with the rules, regulations and directives  
24 of such board, and shall prepare the calendar of such board.

25 Sec. 661. Constitution and appointment. a. The board of  
26 standards and appeals shall consist of six members to be termed

1 commissioners to be appointed by the mayor each for a term of six  
2 years, commencing at the expiration of the terms of the present  
3 incumbents.

4 b. One of the members shall be a planner with professional  
5 qualifications and at least ten years' experience as a planner.  
6 Two of the members shall be registered architects and shall have  
7 had at least ten years' experience as architects. One shall be a  
8 licensed professional engineer and shall have had at least ten  
9 years' experience as an engineer engaged in structural work. One  
10 shall be a licensed professional engineer and shall have had at  
11 least ten years' experience as an engineer engaged in mechanical  
12 work. The mayor shall designate one of the members, who shall have  
13 had the required experience as an architect, planner, or as an  
14 engineer, to serve as ~~chairman~~ chair and shall designate one of  
15 the members to serve as ~~vice-chairman~~ vice-chair who shall act  
16 as ~~chairman~~ chair in the absence of the ~~chairman~~ chair or in  
17 the event that a vacancy exists in the office of ~~chairman~~ chair.

18 c. Every member of the board shall receive a salary, which  
19 shall not be reduced during his or her term of office except in  
20 case of a general reduction of salaries and in proportion to  
21 reductions of salaries of other officers with similar salaries.  
22 A member shall not engage in any other occupation, profession or  
23 employment. Members shall attend the hearings and executive  
24 sessions of the board, and shall perform such other duties as may  
25 be required by the ~~chairman~~ chair.

26 d. Vacancies shall be filled by the mayor for the unexpired

1 term of the member whose place has become vacant and with a person  
2 having his or her qualifications.

3 Sec. 662. Removal by mayor after hearing. Any member may be  
4 removed by the mayor on proof of official misconduct, or of  
5 negligence in official duties, or of conduct in any manner  
6 connected with his or her official duties which tends to discredit  
7 his or her office, or of mental or physical inability to perform  
8 his or her duties; but before removal he or she shall receive a  
9 copy of the charges and shall be entitled to a hearing before the  
10 mayor and to the assistance of counsel at such hearing.

11 Sec. 663. Meetings. Meetings of the board shall be held at  
12 the call of the [chairman] chair and at such other times as the  
13 board may determine. The [chairman] chair, or in his absence the  
14 acting [chairman] chair, may administer oaths and compel the  
15 attendance of witnesses. All hearings before the board shall be  
16 open to the public and shall be before at least four members of the  
17 board, and a concurring vote of at least four members shall be  
18 necessary to a decision. The board shall keep minutes of its  
19 proceedings, showing the vote of each member upon every question,  
20 or if absent or failing to vote, indicating such fact, and shall  
21 also keep records of its examinations and other official action.  
22 Such minutes and such records shall be public records.

23 Sec. 664. Member interested in question. No member of the  
24 board shall pass upon any question in which he or she or any  
25 corporation in which he or she is a stockholder or security holder  
26 is interested.



1       Sec. 665. Rules and regulations; bulletin. a. Every rule or  
2 regulation and every amendment or repeal thereof, and every order,  
3 requirement, decision or determination of the board shall  
4 immediately be filed in the office of the board and shall be a  
5 public record.

6       b. The director shall print and publish weekly a bulletin in  
7 which the director shall publish every rule, regulation, amendment  
8 or repeal thereof made by the board, and every order, requirement,  
9 decision and determination of the board, and the reasons therefor  
10 whenever it shall deem it practical to do so, and such other  
11 matters, including indices and digests, as the director may deem  
12 it advisable to publish.

13       c. Every amendment or repealer to the reference standards of  
14 the building code of the city of New York shall be published  
15 forthwith in the City Record.

16       Sec. 666. Jurisdiction. The board shall have power:

17       1. To require the testing of and to approve, materials and  
18 appliances to be used pursuant to law.

19       2. To make, amend and repeal rules and regulations for carrying  
20 into effect the provisions of the laws, resolutions, rules and  
21 regulations in respect to any subject-matter jurisdiction whereof  
22 is conferred by law upon the board, and to include in such rules  
23 and regulations provisions applying to specific conditions and  
24 prescribing means and methods of practice to effectuate such  
25 provisions and for carrying into effect the powers of the board.

26       3. To make, amend and repeal rules and regulations for the

1 enforcement of those provisions of the labor law and other laws  
2 which relate to the construction or alteration of, structural  
3 changes in, plumbing and drainage of, elevators in, fire escapes  
4 on, adequacy and means of exit from, or fire protection in, all  
5 buildings within the city, which shall take the place of the  
6 industrial code and of any rules and regulations of the department  
7 of labor of the state of New York relating to the same  
8 subject-matter.

9 4. To make, amend and repeal rules, regulations and directives  
10 governing the preparation and presentation by the director of  
11 matters before the board.

12 5. To exercise exclusively with respect to buildings situated  
13 within the city, the same powers as are exercised by the department  
14 of labor of the state of New York elsewhere in the state.

15 6. To determine and vary the application of the zoning  
16 resolution as may be provided in such resolution and pursuant to  
17 section six hundred sixty-eight.

18 7. To hear and decide appeals from and review,

19 (a) except as otherwise provided by law, any order, requirement,  
20 decision or determination of the commissioner of buildings or any  
21 borough superintendent of buildings acting under a written  
22 delegation of power from the commissioner of buildings filed in  
23 accordance with the provisions of subdivision (b) of section six  
24 hundred forty-five, or

25 (b) any order, requirement, decision or determination of the  
26 fire commissioner or any rule or regulation or amendment or repeal

1       thereof made by the fire commissioner, or

2       (c) any order, requirement, decision or determination of the  
3       commissioner of transportation or the commissioner of ports [,  
4       international] and trade [and commerce] made in relation to the  
5       structures or uses on water front property under his or her  
6       jurisdiction in connection with the application or enforcement of  
7       the provisions of the zoning resolution of the city of New York,  
8       the labor law and such other laws, rules and regulations as may  
9       govern the construction, alteration, maintenance, use, occupancy,  
10      safety, sanitary conditions, mechanical equipment and inspection  
11      of structures in the city, under the authority conferred upon them  
12      by law, by reversing or affirming in whole or in part, or modifying  
13      the order, regulation, decision or determination appealed from, and  
14      to make such order, requirement, decision or determination as in  
15      its opinion ought to be made in the premises, and to that end shall  
16      have the power of the officer from whose ruling the appeal is  
17      taken, and of any officer under whose written delegation of power  
18      such ruling was made.

19      8. In passing upon appeals, to vary or modify any rule or  
20      regulation or the provisions of any law relating to the  
21      construction, use, structural changes, equipment, alteration or  
22      removal of buildings or structures, or vaults in sidewalks  
23      appurtenant thereto, where there are practical difficulties or  
24      unnecessary hardship in the way of carrying out the strict letter  
25      of the law, so that the spirit of the law shall be observed, public  
26      safety secured and substantial justice done, provided that the

1 provisions of the housing maintenance code and of any regulation  
2 or order issued under such [title] code may be varied or modified  
3 only to the extent permitted by such [title] code and only in the  
4 manner and subject to the conditions therein specified.

5 9. To review, upon motion of any member of the board, any rule,  
6 regulation, amendment or repeal thereof, and any order,  
7 requirement, decision or determination from which an appeal may be  
8 taken to the board under the provisions of this chapter or of any  
9 law, or of any rule, regulation or decision of the board; but no  
10 such review shall prejudice the rights of any person who has in  
11 good faith acted thereon before it is reversed or modified. The  
12 provisions of this chapter relating to appeals to the board shall  
13 be applicable to such review.

14 10. To afford an equal right to the city planning commission,  
15 community boards, and borough boards and lessees and tenants as  
16 well as owners to appear before it for the purpose of proposing  
17 arguments or submitting evidence in respect of any matter brought  
18 before it pursuant to the zoning resolution of the city of New  
19 York.

20 11. To issue such special permits under the zoning resolution  
21 as are authorized by the city planning commission [and the board  
22 of estimate].

23 Sec. 667. Inspections. Any member of the board or any  
24 subordinate thereof shall, when authorized in writing by the  
25 [chairman] chair, and the director or any officer or employee  
26 designated by [him] the chair in writing shall have power at any



1 time to enter, inspect and examine any premises, buildings,  
2 structures, vehicles or vessels for the purpose of carrying out the  
3 duties of the board and shall report his or her findings in writing  
4 to the board. Refusal to permit such entry shall be triable by a  
5 judge of the New York city criminal court and punishable by not  
6 more than thirty days' imprisonment, or by a fine of not more than  
7 fifty dollars, or both.

8 Sec. 668. Variances and special permits.

9 a. Community boards and borough boards shall review  
10 applications to vary the zoning resolution and applications for  
11 special permits within the jurisdiction of the board of standards  
12 and appeals under the zoning resolution pursuant to the following  
13 procedure:

14 1. Each proposal or application, any amendments thereto and any  
15 written information prepared by an applicant for purposes of  
16 determining (1) whether an environmental impact statement will be  
17 required by law and (2), prior to the actual drafting thereof, the  
18 form and content of any environmental impact statement required by  
19 law, shall be filed with the board of standards and appeals, which  
20 shall forward a copy within five days to the community board for  
21 each community district in which the land involved, or any part  
22 thereof, is located, and to the borough board if the proposal or  
23 application involves land located in two or more districts in a  
24 borough. If a meeting involving a city agency and an applicant is  
25 convened to determine, in advance of the drafting, the form and  
26 content of any environmental impact statement required by law for

1 a proposal or application subject to review under this section,  
2 each affected community board shall receive advance notice of such  
3 meeting and shall have the right to send one representative to  
4 participate in the meeting.

5 2. Each such community board shall, not later than sixty days  
6 after the receipt of the proposal or application, either notify  
7 the public of the proposal or application, in the manner specified  
8 by the city planning commission pursuant to subdivision [g] h of  
9 section one hundred ninety-seven-c, conduct a public hearing  
10 thereon and prepare and submit a written recommendation thereon  
11 directly to the board of standards and appeals, or waive the  
12 conduct of such public hearing and the preparation of such written  
13 recommendation.

14 3. A copy of a recommendation or waiver by a community board  
15 pursuant to paragraph two of this subdivision that involves land  
16 located within two or more community districts in a borough shall  
17 also be filed with the borough board within the same time period  
18 specified in that paragraph. Not later than thirty days after the  
19 filing of such a recommendation or waiver with the borough board  
20 by every community board in which the land involved is located or  
21 after the expiration of the time allowed for such community boards  
22 to act, the borough board may hold a public hearing on the proposal  
23 or application and any such recommendation and may submit a written  
24 recommendation or a waiver thereof to the board of standards and  
25 appeals.

26 4. The receipt of such a recommendation or waiver from every

1 community or borough board involved, or the expiration of the  
2 time allowed for such boards to act, shall constitute an  
3 authorization to the board of standards and appeals to review the  
4 application and to make a decision.

5 5. If after the receipt of such a recommendation or waiver from  
6 every community or borough board involved, or the expiration of the  
7 time allowed for such boards to act, the applicant for a special  
8 permit or variance submits to the board of standards and appeals  
9 any additional documents or plans, he or she shall at the same time  
10 forward copies of such documents or plans to the city planning  
11 commission, the council member involved and to the community or  
12 borough board involved.

13 b. The recommendation of a community board or borough board  
14 pursuant to subdivision a of this section shall be filed with the  
15 board of standards and appeals and a copy sent to the city planning  
16 commission. The board of standards and appeals shall conduct a  
17 public hearing and act on the proposed application. A decision of  
18 the board shall indicate whether each of the specific requirements  
19 of the zoning resolution for the granting of variances has been met  
20 and shall include findings of fact with regard to each such  
21 requirement.

22 c. Copies of a decision of the board of standards and appeals  
23 and copies of any recommendation of the affected community board  
24 or borough board shall be filed with the city planning commission  
25 and the [board of estimate. Copies of the decision shall also be  
26 filed with the] affected community or borough boards. [Within

1 thirty days of such decision, an appeal may be taken to the board  
2 of estimate by an applicant or other interested party, community  
3 board or borough board. In the event of an appeal, the board of  
4 estimate, in its discretion, may accept jurisdiction in such matter  
5 within thirty days after the filing of the appeal and shall render  
6 a decision within thirty days after accepting jurisdiction. In the  
7 case of an application to determine and vary the zoning resolution,  
8 review by the board of estimate shall be limited to an  
9 administrative determination as to whether the decision of the  
10 board of standards and appeals under each of the specific  
11 requirements of the zoning resolution was supported by substantial  
12 evidence before the board of standards and appeals. The board of  
13 estimate may approve or disapprove such decision and shall provide  
14 written findings and an explanation of the basis for its decision  
15 under the zoning resolution.]

16 d. Any decision of the board of standards and appeals [or of  
17 the board of estimate] pursuant to this section may be reviewed as  
18 provided by law.

19 e. The city planning commission shall be a party to any  
20 proceeding to determine and vary the application of the zoning  
21 resolution. The commission may appear and be heard on any  
22 application pursuant to this section before the board of standards  
23 and appeals [or the board of estimate] if, in the judgment of the  
24 planning commission, the granting of relief requested in such  
25 application would violate the requirements of the zoning resolution  
26 relating to the granting of variances. The commission [may appeal



1 to the board of estimate the granting or denial of any such  
2 variance by the board of standards and appeals and shall have  
3 standing to challenge the granting or denial of a variance in a  
4 proceeding brought pursuant to article seventy-eight of the civil  
5 practice law and rules, or in any similar proceeding.

6 Sec. 669. Procedure on appeals. a. An appeal may be taken by  
7 any person aggrieved or by the head of any agency.

8 b. Such appeal may be taken within such time as shall be  
9 prescribed by the board by general rule, by filing with the  
10 officer from whom the appeal is taken and with the board a notice  
11 of appeal, specifying the grounds thereof. The officer from whom  
12 the appeal is taken shall forthwith transmit to the board all the  
13 papers constituting the record upon which the action appealed from  
14 was taken.

15 c. The board shall fix a reasonable time for the hearing of  
16 appeals, and give due notice thereof to the parties, and decide  
17 the same within a reasonable time. If the appeal is from an order  
18 revoking a permit or approval, the hearing shall be had no later  
19 than at the third scheduled hearing of the board following the date  
20 of filing of the appeal, or five weeks following such date,  
21 whichever is sooner, and the decision of the board shall be  
22 rendered expeditiously. Upon the hearing any party may appear in  
23 person or by agent or attorney.

24 d. Any decision of the board under this section may be reviewed  
25 as provided by law.

3 CHAPTER 29

4 DEPARTMENT OF PORTS AND TRADE

6 Sec. 701. Department; commissioner; seal. There shall be a  
7 department of ports and trade, the head of which shall be the  
8 commissioner of ports and trade. The commissioner may adopt a  
9 seal for the department and direct its use.

10 Sec. 702. Deputies. The commissioner may appoint three  
11 deputy commissioners, one to be the first deputy commissioner.

12 Sec. 703. Secretary. The commissioner may appoint a  
13 secretary to the department, who shall keep and attest to the  
14 seal of the department and shall perform such other duties as may  
15 be assigned by the commissioner, consistent with law.

16 Sec. 704. Powers and duties of the commissioner. The  
17 commissioner shall have the power, and it shall be his or her  
18 duty, to promote and foster development of intrastate,  
19 interstate, and international commerce and trade in the city of  
20 New York and to exercise the functions, operations, powers and  
21 duties of the city relating to the development, construction,  
22 reconstruction, operation, maintenance, management,  
23 administration and regulation of public markets, wharf property,  
24 water front property and airports within the city of New York  
25 including, without limitation, the following:

1 (a) to exercise the powers of a commissioner of public markets  
2 of a city and a city department of public markets under the  
3 agriculture and markets law;

4 (b) to have exclusive charge and control of the wharf property  
5 and water front property owned or possessed by the city and of  
6 the building, rebuilding, repairing, altering, maintaining,  
7 strengthening, protecting, cleaning, dredging and deepening of  
8 such wharf property and water front property; [provided, that the  
9 board of estimate, on the recommendation of the city planning  
10 commission and after a public hearing, notice of which shall be  
11 given by publication in the City Record not less than seven or  
12 more than thirty days prior thereto, may withdraw from the  
13 jurisdiction of the department and assign for use for any public  
14 purpose or assign to the jurisdiction of any other agency any  
15 wharf property or water front property owned by the city and not  
16 under lease;]

17 (c) to have exclusive power to regulate water front property  
18 and the following structures on any water front property:  
19 wharves, piers, docks, bulkheads, structures wholly or partly  
20 thereon, and such other structures used in conjunction with and  
21 in furtherance of water front commerce and/or navigation;

22 (d) to have the exclusive power to enforce with respect to  
23 public markets, water front property and any structures on water  
24 front property under its jurisdiction, the labor law and such  
25 other laws, rules and regulations as may govern the dredging,  
26 filling, removal, construction, alteration, maintenance, use,

1 occupancy, safety, sanitary conditions, mechanical equipment and  
2 inspection of structures in the city, and the issuance of permits  
3 and certificates of completion in reference thereto, and to  
4 establish or amend fees to be charged for the issuance of such  
5 permits or certificates of completion, which fees shall be fixed  
6 by [the board of estimate on recommendation of the commissioner  
7 after a public hearing, notice of which shall be given by  
8 publication in the City Record for the five days of publication  
9 of the City Record immediately prior thereto] established by  
10 rules of the commissioner;

11 (e) to have exclusive power to regulate the use of marginal  
12 streets so that they may be used to the best advantage in  
13 connection with wharf property and to regulate by license or  
14 otherwise the transfer of goods and merchandise upon, over or  
15 under all such marginal streets;

16 (f) to administer and enforce the provisions of the zoning  
17 resolution of the city of New York in respect to the following  
18 structures on any water front property: wharves, piers, docks,  
19 bulkheads, structures wholly or partly thereon, and such other  
20 structures used in conjunction with and in furtherance of water  
21 front commerce and/or navigation in the same manner and in  
22 accordance with the same procedure as is prescribed therein;

23 (g) to lease, subject to the approval of the [board of  
24 estimate] council, any wharf property belonging to the city for  
25 purposes of water front commerce or in furtherance of navigation  
26 and to lease, pursuant to section three hundred eighty-four and



1 subject to review and approval pursuant to sections one hundred  
2 ninety-seven-c and, if applicable, one hundred ninety-seven-d,  
3 any wharf property belonging to the city for any other purpose.  
4 All such leases shall be for such terms and [in such manner]  
5 shall contain such conditions as may be provided by law. [Such  
6 leases] Leases of wharf property for purposes of water front  
7 commerce or in furtherance of navigation may be sold at public  
8 auction duly advertised in the City Record for at least ten days  
9 prior thereto, and if not so sold the terms of any lease must be  
10 approved by the [board of estimate by a three-fourths vote]  
11 council after a public hearing, notice of which shall be  
12 published in the City Record for the six days of publication of  
13 the City Record immediately prior thereto. The council shall act  
14 within forty-five days of the filing of the proposed terms and  
15 conditions of any such lease with the council. Failure of the  
16 council to act within such forty-five-day period shall be deemed  
17 to be approval of the lease. All votes of the council pursuant  
18 to this clause (g) may be disapproved by the mayor. Any such  
19 mayoral disapproval shall be subject to override by a two-thirds  
20 vote of the council within ten days of the disapproval. [If the  
21 department fails to agree upon terms of a lease with any person  
22 desiring to lease any wharf property, it shall, if the offer be  
23 made in writing, decline it in writing and such person may submit  
24 his proposed lease to the board of estimate at its next regular  
25 meeting, and if the board accepts the same by a three-fourths  
26 vote at such meeting or any one of its three regular meetings

1 next succeeding thereto, the department shall promptly execute  
2 such lease];

3 (h) to grant temporary permits terminable at will for a period  
4 not exceeding one year to use and occupy any wharf property  
5 belonging to the city;

6 (i) to set aside by order any wharf property belonging to the  
7 city, which has not been leased, for general wharfage purposes or  
8 for the use of any special kind of commerce, or of any class of  
9 vessel, or of any agency, and to revoke or modify such order as  
10 to any such wharf property at any time;

11 (j) to regulate [, subject to the approval of the board of  
12 estimate,] the charges for wharfage, cranage and dockage of all  
13 vessels or floating structures using any wharf property set aside  
14 under subdivision (i) of this section, provided that the rates  
15 which it shall be lawful to charge for wharfage, cranage and  
16 dockage from any vessel or floating structure which makes use of  
17 any other wharf property within the port of New York shall be  
18 fixed by [the board of estimate after public hearing on  
19 recommendation] rules of the [department] commissioner;

20 (k) to establish, amend and enforce all needful rules [and  
21 regulations] for the proper care of all public markets, wharf  
22 property, waterfront property and all airports, airplane landing  
23 sites, seaplane bases and heliports owned or possessed by the  
24 city and placed in his or her charge or over which he or she  
25 shall have power of regulation and to issue such orders as may be  
26 necessary for such enforcement. The violation of or the failure

1 to comply with any such order, rule or regulation shall be  
2 triable in criminal court and punishable, upon conviction, by  
3 not more than thirty days imprisonment or by a fine of not less  
4 than one hundred dollars nor more than five thousand dollars, or  
5 both;

6 (l) to sell[, subject to the approval of the board of  
7 estimate] buildings, structures and other improvements on market  
8 property and wharf property to a person leasing such property  
9 pursuant to subdivisions (a) and (g) of this section, provided,  
10 however, that any such sale of improvements shall be subject to  
11 the procedure for review and approval applicable to the lease  
12 related to the improvements;

13 (m) to manage and promote the economic development of all  
14 airports, airplane landing sites, seaplane bases and heliports  
15 owned or possessed by the city; and to lease any part of such  
16 property [in the same manner as wharf property] subject to the  
17 provisions of section three hundred eighty-four and to review and  
18 approval pursuant to sections one hundred ninety-seven-c and one  
19 hundred ninety-seven-d;

20 (n) to have charge and control of the regulation for the  
21 health and safety of the general public of all airports, airplane  
22 landing sites, seaplane bases, heliports, marginal streets and  
23 parking facilities appurtenant thereto owned or possessed by the  
24 city;

25 (o) to have the exclusive power to regulate all privately  
26 owned airports, airplane landing sites, seaplane bases and

1 heliports and the operation out of and into such bases as well as  
2 the control of ground effect craft and aircraft operations to or  
3 from other sites within the city not so designated as airports,  
4 heliports, airplane landing sites or seaplane bases;

5 (p) to promote and encourage the expansion and development of  
6 the city as a center for intrastate, interstate and international  
7 overland freight transportation;

8 (q) to promote, coordinate and implement activities, projects  
9 and programs designed to attract foreign direct investment and  
10 promote overseas sales by firms in the city and to otherwise  
11 encourage, stimulate and foster the well-being, development,  
12 growth and expansion of international business, commerce, and  
13 trade in the city; and

14 (r) to administer and promote the development of foreign trade  
15 zones within the city.

16 Sec. 705. Waterfront plans. (a) The plans for the water  
17 front of the city are continued in effect and may be changed by  
18 the commissioner [with the approval of the board of estimate  
19 after a public hearing before the board. Notice of such hearing  
20 shall be published in the City Record for the seven days of  
21 publication of the City Record immediately prior thereto. Such  
22 change shall take effect notwithstanding that any plan may have  
23 been wholly or partially physically perfected and improvements  
24 made in conformity therewith. The board of estimate, before  
25 approving any change, shall refer it to the city planning  
26 commission, and the procedure thereafter shall be the same as in



1 case of a change in the city map not initiated by the city  
2 planning commission], subject to review and approval pursuant to  
3 sections one hundred ninety-seven-c and, if applicable, one  
4 hundred ninety-seven-d.

5 (b) No wharf, pier, bulkhead, basin, dock, slip, marginal  
6 street or other structure shall be laid out, built, or rebuilt in  
7 the port of New York in the area included in such plans except in  
8 accordance with such plans as changed from time to time,  
9 provided, that the commissioner, with the approval of the [board  
10 of estimate] city planning commission, may from time to time  
11 change the width or location of any of the piers laid down on  
12 such plans and build or rebuild temporary wharf structures or  
13 license or permit the building or rebuilding thereof as may be  
14 provided by law.

15 (c) The commissioner may widen, open, construct, abandon or  
16 close any marginal street or avenue included in such plans and  
17 shall maintain the widened portion of such street or avenue, or  
18 the new street or avenue as a marginal street, and such new  
19 street, or such a widened street to the extent of the portion so  
20 widened, shall not be a public street. Before acting under this  
21 subdivision, the commissioner shall make a report to the city  
22 planning commission including a map showing any proposed change  
23 and such other information as the city planning commissioner  
24 shall require. If the city planning commission makes a finding  
25 that the proposed change is in accordance with the waterfront  
26 plan or approves the change, the commissioner may proceed with

1 it, but if the city planning commission makes a finding that it  
2 is not in accordance with such plan and disapproves the change,  
3 then the commissioner shall not proceed unless the [board of  
4 estimate by a three-fourths vote] council authorizes the  
5 commissioner to proceed. The city planning commission shall act  
6 on such change within six weeks from the time when it is filed in  
7 the office of the commission and if it does not act within such  
8 weeks the commissioner may proceed with the change.

FINANCIAL INFORMATION SERVICES AGENCY

Sec. 859. Financial information services agency. There shall be a financial information services agency which shall be headed by three directors appointed by the mayor, one of whom shall be appointed upon the recommendation of the comptroller, and one of whom shall be appointed upon the recommendation of the other two. The directors may be city employees. They shall receive no compenstion for their services to the agency (except that a city employee may continue to receive regular compensation) but shall be compensated for expenses actually and necessarily incurred in the performance of their duties.

Sec. 860. Powers and duties. a. The agency shall have the power and duty to:

(1) implement and manage the integrated financial management system;

(2) control and exercise responsibility for all data processing functions and operations of the city which support the activities of those officers, employees, and agencies of the city responsible for organizing, compiling, coordinating and reporting upon the city's central financial records, data and other related information;

(3) provide efficient, coordinated and rapid access to such

1 information for the use of those officers, employees, and agencies  
2 of the city responsible for the determination and administration  
3 of the estimated and actual expenditures of the city; the receipt,  
4 investment and disbursement of city funds; the issuance and payment  
5 of principal and interest on obligations of the city; and for the  
6 use of such other officers, employees, or agencies as may require  
7 such information;

8 (4) render services to, and receive information and assistance  
9 from, the bodies defined as "covered organizations" in the New York  
10 State Financial Emergency Act for the City of New York, as amended,  
11 upon such terms and conditions as may be agreed to by the agency  
12 and each such body.

13 b. All agencies shall furnish such information or equipment  
14 in their possession as shall be necessary and proper to carry out  
15 the functions of the financial information services agency as  
16 determined by its executive director with the approval of its  
17 directors.

18  
19 Sec. 861. Staff. The directors shall recommend and the mayor shall  
20 appoint an executive director of financial information services.  
21 Within the appropriations therefor, the agency shall employ such  
22 other officers and employees as may be required to perform its  
23 duties.



1 6/24

2 CHAPTER 39

3 OFFICE OF PAYROLL ADMINISTRATION

4  
5 Sec. 862. Office of payroll administration. There shall be an  
6 office of payroll administration which shall be headed by two  
7 directors appointed by the mayor, one of whom shall be appointed  
8 upon the recommendation of the comptroller. The directors may be  
9 city employees. They shall receive no compensation for their  
10 services to the office (except that a city employee may continue  
11 to receive regular compensation) but shall be compensated for  
12 expenses actually and necessarily incurred in the performance of  
13 their duties.

14  
15 Sec. 863. Powers and duties. a. The office of payroll  
16 administration shall have the power and duty to:

17 (1) support the development and continuing implementation of  
18 a computerized payroll management system,

19 (2) maintain the integrity and accuracy of the payroll system,

20 (3) develop uniform procedures for payroll processing and  
21 development,

22 (4) distribute and account for payroll and administer payroll  
23 deductions,

24 (5) coordinate payroll-related matters among the city  
25 agencies,

26 (6) render services to, and receive information and assistance

1 from, public corporations upon such terms and conditions as may be  
2 agreed to by the office and each such corporation.

3 b. All city agencies shall cooperate with the office as may  
4 be necessary and proper to ensure efficient operation of the  
5 payroll management system.

7 Sec. 864. Staff. Upon the recommendation of the directors, the  
8 mayor shall appoint an executive director of payroll  
9 administration. Within the appropriations therefor, the office  
10 shall employ such other officers and employees as may be required  
11 to perform its duties.

## CHAPTER 58

## DEPARTMENT OF FINANCE

Sec. 1501. Department; commissioner. There shall be a department of finance, the head of which shall be the commissioner of finance.

Sec. 1502. Deputies. The mayor may appoint three deputy commissioners. The commissioner and deputy commissioners shall provide a bond.

Sec. 1503. Powers and duties of the commissioner. In the performance of his functions, the commissioner shall have, in addition to such others as may be conferred upon him from time to time by law, the power and duty[:] to prepare and disperse payroll checks upon a master warrant prepared by the comptroller as prescribed in the administrative code.

Sec. 1504. Functions of the department. Except as otherwise provided by law, the department shall perform those functions and operations of the city which relate to the administration and collection of all taxes, assessments and charges imposed by the city, the collection of arrears due the city and all other sums due the city, including state and federal aid, the receipt and safekeeping of all moneys paid into the city treasury and payment of money out of the treasury, and the administration and management of certain trust funds held by the city, including, without limitation, the following:

1        1. Real property assessment. With respect to real property  
2 tax assessment, the department shall assess for taxation all the  
3 taxable real property in the city and prepare the assessment rolls.  
4 The commissioner shall appoint, within the appropriation therefor,  
5 as many assessors as shall be necessary for the performance of such  
6 functions in accordance with the provisions of this chapter.

7        2. Tax collection. a. The department shall administer all  
8 excise and non-property taxes imposed or administered by the city.  
9 With respect to such taxes, the department shall have the power to  
10 settle and adjust all claims in favor of or against the city and  
11 to make determinations in contested cases. For such purposes, the  
12 commissioner or [his] a delegate may hold hearings and administer  
13 oaths.

14        b. The department shall collect all real property taxes, water  
15 and sewer charges, other assessments and arrears against real  
16 property and all other taxes, assessments and arrears payable to  
17 the city.

18        3. Deposit and payment of moneys in the city treasury; trust  
19 funds.

20        a. The department shall have the power and duty to provide  
21 for the reception and safekeeping of all moneys paid into the  
22 treasury of the city and for the payment of all moneys on warrants  
23 drawn by the comptroller and countersigned by the commissioner.

24        b. The department shall administer and manage all trust funds  
25 received or held by the city pursuant to a judgment, decree or  
26 order of any court or under section eleven hundred twenty-three of



1 the surrogate's court procedure act, section ninety-nine-m of the  
2 general municipal law, section eighty-seven of the social services  
3 law, sections four hundred twenty-six and four hundred thirty-two  
4 of the real property law, section two hundred four of the lien law,  
5 section two hundred twenty-five of the family court act and section  
6 five hundred fifty-three of the county law, and in such  
7 administration it shall be deemed to be acting in a fiduciary  
8 capacity. The department shall provide for the receipt and  
9 safekeeping of all such moneys of the trust funds held by the city  
10 and disburse the same on warrants signed by the comptroller.

11 c. (i) Notwithstanding any provision of law to the contrary and  
12 unless otherwise determined by the court which directed payment of  
13 the funds in the first instance, for purposes of administering and  
14 managing the trust funds, other than cemetery trust funds,  
15 enumerated in paragraph b of this subdivision, whenever the  
16 department is permitted or required by law to deposit such funds  
17 in a savings bank, trust company, bank, or banking association, or  
18 to invest such funds in its discretion or in legal investments for  
19 trustees or savings banks, the department may combine all such  
20 trust funds into one or more common trust funds, which may be  
21 deposited in such savings banks, trust companies, banks or banking  
22 associations as are designated by the state comptroller pursuant  
23 to section one hundred eighty-two of the state finance law, or  
24 invested in legal investments for trustees or savings banks. Such  
25 funds, when deposited in a savings bank, trust company, bank or  
26 banking association, may be placed in demand or time deposit

1 accounts, including time certificates of deposit, and such deposits  
2 shall be either insured by a federal deposit insurance corporation  
3 or fully collateralized by securities acceptable to the state  
4 comptroller.

5 (ii) The department may retain trust funds temporarily pending  
6 investment or deposit or to meet cash requirements in connection  
7 with the deposit or withdrawal of such funds, but such temporary  
8 retention of trust funds shall not deprive any owner or beneficiary  
9 of any income therefrom to which [he] the owner or beneficiary  
10 would otherwise be entitled by law.

11 (iii) When trust funds are received by the department it shall  
12 forthwith open and maintain a separate ledger account for each  
13 action, proceeding or matter and shall keep an exact accounting  
14 of all such funds and all income earned thereon in such manner as  
15 the state comptroller may prescribe.

16 Sec. 1505. Real property tax assessment. The department shall  
17 have those powers and duties with respect to the assessment of  
18 real property for taxation as are prescribed by this chapter  
19 and, in addition such other powers and duties as may be conferred  
20 upon it by law. The department shall maintain in each borough an  
21 office for the performance of such powers and duties. Sec. 1506.  
22 Duties of the assessors. The assessors, under the direction of the  
23 commissioner, shall assess all the real property in the several  
24 districts that may be assigned to them by the commissioner and  
25 shall prepare the assessment rolls. The term "assessment" shall  
26 mean a determination by the assessors of (a) the taxable status of

1 real property as of the taxable status date; and (b) the valuation  
2 of real property, including the valuation of exempt real property,  
3 and where such property is partially exempt, the valuation of both  
4 the taxable and exempt portions.

5 Sec. 1507. Taxable status of property. The taxable status of  
6 all real property assessable for taxation in the city shall be  
7 fixed for the succeeding fiscal year on the fifth day of January  
8 in each year.

9 Sec. 1508. Assessment of real property. The assessors shall  
10 commence to assess real estate on the first day of July in each  
11 year, not a Sunday or holiday.

12 Sec. 1509. Statement of assessed valuation. An assessor or  
13 other person designated by the commissioner shall compute from the  
14 annual record of the assessed valuation of real estate in each  
15 borough the total aggregate amount of the assessed valuation of  
16 real property appearing on such annual record for such borough, and  
17 shall transmit a statement of such aggregate amount to the  
18 commissioner on or before the fifth day of January in each year.

19 Sec. 1510. Annual record of assessed valuation; public  
20 inspection. The books of the annual record of the assessed  
21 valuation of real estate shall be opened to the public not later  
22 than the fifteenth day of January in each year, not a Sunday or  
23 legal holiday, and remain open during the usual business hours for  
24 public inspection and examination until the first day of March  
25 thereafter. The commissioner, previous to and during the time such  
26 books are open to public inspection, shall advertise such fact in

1 the City Record and in such other newspaper or newspapers published  
2 in the several boroughs as may be authorized by the director of the  
3 City Record with the approval of the mayor and the comptroller.

4 Sec. 1511. Notice of increase in assessed valuation of real  
5 property. The department or division responsible for the  
6 assessment of real property shall, upon an increase in assessed  
7 valuation of real property, notify the owner, as recorded in said  
8 department or division, of such increase by first-class mail at  
9 least thirty days prior to the final date for filing any appeal.  
10 The department or division shall notify the commissioner of the  
11 mailing of such notices by the filing of an affidavit of such  
12 mailing in the main office of the department.

13 Sec. 1512. Annual record of assessed valuation, additions and  
14 changes. During the time the books of the annual record of the  
15 assessed valuation of real estate remain open for public inspection  
16 and examination, and, in the case of real estate other than  
17 residential real estate, during an additional period ending the  
18 tenth day of May in each year, the commissioner may place on such  
19 books any real estate and also the assessed valuation of any such  
20 real estate that may have been omitted from such books on the day  
21 of the opening thereof, and [he] may increase or diminish the  
22 assessed valuation of any real estate as in [his] the  
23 commissioner's judgment may be just or necessary for the  
24 equalization of taxation; excepting that in nineteen hundred and  
25 eighty-three, the commissioner may diminish the assessed valuation  
26 of improved real estate with taxes under \$2,500 annually until the



25th day of May; but no such addition to the books and no such increase in assessed valuation shall be made, except upon mailing ten days' prior written notice addressed to the person whose name appears on the records in the office of the city collector as being the owner or agent of the owner of the real estate affected thereby at the last known address of such owner or agent. Where no name appears on such records such notice shall be sent to the premises addressed to either the owner or agent. An affidavit of such mailing shall be filed in the main office of the department. When such notice is mailed after the first day of February, such owners may apply for a correction of such assessment so added or so increased within twenty days after the mailing of such notice with the same force and effect as if such application were made on or before the first day of March in such year. For purposes of this section the term "residential real estate" shall include but not be limited to one and two-family homes and multiple dwellings (including co-operative and condominium dwelling units), but shall not include hotels, apartment hotels and motels.

Sec. 1513. Apportionment of assessments. When any separately assessed parcel of real estate shall have been divided prior to the first day of June, the commissioner may apportion the assessment thereof in such manner as may be provided by law.

Sec. 1514. Assessment rolls; preparation and delivery. 1. Commencing immediately after the closing of public inspection and examination of the books of annual record of the assessed valuation of real estate, the commissioner shall cause to be prepared from

1 such books assessment rolls for each borough in such manner as  
2 shall be provided by law.

3 2. As soon as such rolls are completed, the commissioner  
4 shall annex to each of such rolls [his] a certificate that the same  
5 is correct in accordance with the entries and corrected entries  
6 in the several books of annual record. The rolls so certified  
7 must, on or before the twentieth day of June in each year, be  
8 delivered by the commissioner to the council.

9 Sec. 1515. Statement and estimate by the mayor. a. The mayor  
10 shall prepare and submit to the council, immediately upon the  
11 adoption of a single budget pursuant to section [one hundred  
12 twenty] eighty-one, a statement setting forth the amount of the  
13 budget as approved by the council [and board of estimate] for the  
14 ensuing year and the mayor shall prepare and submit to the council  
15 not later than the fifth day of June an estimate of the probable  
16 amount of (1) receipts into the city treasury during the ensuing  
17 fiscal year from all the sources of revenue of the general fund and  
18 (2) all receipts other than those of the general fund and taxes on  
19 real property. The mayor may include in [his] the statement of the  
20 amount of the budget as approved by the council [and board of  
21 estimate his] a confirmation of such amount, and thereby waive  
22 [his] mayoral veto power pursuant to section [one hundred  
23 twenty-one] eighty-two of the charter.

24 b. If, as a result of the exercise of the mayor's veto pursuant  
25 to section [one hundred twenty-one] eighty-two, the amount of the  
26 budget for the ensuing fiscal year differs from the amount of the

1 budget approved by [the board of estimate and] the council pursuant  
2 to section [one hundred twenty] eighty-one, not later than [the  
3 twenty-second day of June] two days after the budget is finally  
4 adopted the mayor shall prepare and submit to the council a  
5 statement setting forth the amount of the budget for the ensuing  
6 year, and the council shall, if necessary, fix a new annual tax  
7 rate pursuant to subdivision c of section one thousand five hundred  
8 sixteen.

9 c. The mayor, prior to establishing the final estimate of  
10 revenue for the ensuing fiscal year as required by this section,  
11 shall consider any alternative estimate of revenues which is  
12 submitted pursuant to subdivision d of this section and which is  
13 accompanied by a detailed statement of the methodologies and  
14 assumptions upon which such estimate is based.

15 d. Any person or organization may, prior to the fifteenth day  
16 of May, submit to the mayor an official alternative estimate of  
17 revenues for consideration by the mayor in accordance with  
18 subdivision c. Such estimate shall be in a form prescribed by the  
19 mayor.

20 Sec. 1516. Fixing of tax rate. a. The council shall fix the  
21 annual tax rate immediately upon the approval of the budget  
22 pursuant to section [one hundred twenty] eighty-one. The council  
23 shall deduct the total amount of receipts as estimated by the mayor  
24 from the amount of the budget, for the ensuing fiscal year, and  
25 shall cause to be raised by tax on real property such sum as shall  
26 be as nearly as possible but not less than, the balance so arrived

1 at, by fixing a tax rate in cents and thousandths of a cent upon  
2 each dollar of assessed valuation. The tax rate shall be such to  
3 produce a balanced budget within generally accepted accounting  
4 principles for municipalities.

5 b. If a single budget has not been adopted by the fifth day of  
6 June pursuant to subdivision b of section one hundred twenty, the  
7 tax rate adopted for the current fiscal year shall be deemed to  
8 have been extended for the new fiscal year until such time as a new  
9 budget is adopted.

10 c. In the event the mayor exercises the veto power pursuant to  
11 section [one hundred twenty-one] eighty-one, the council shall, if  
12 necessary, fix a new annual rate not later than the [twenty-third  
13 day of June], the date the budget is finally adopted in accordance  
14 with the requirements of subdivision a of this section.

15 Sec. 1516-a. Fixing of tax rate. Notwithstanding provisions of  
16 sections fifteen hundred sixteen, fifteen hundred seventeen and  
17 fifteen hundred eighteen of the charter or any other provisions of  
18 law to the contrary:

19 (a) If the city council has not fixed the tax rate for the  
20 ensuing fiscal year pursuant to section fifteen hundred sixteen of  
21 the charter on or before the fifth day of June, the commissioner  
22 of finance shall be authorized to complete the assessment rolls  
23 using an estimated rate and to collect the sums therein mentioned  
24 according to law. The estimated rate shall equal the tax rate for  
25 the current fiscal year.

26 (b) If, subsequent to the fifth day of June, the council shall,



1 pursuant to section fifteen hundred sixteen of the charter, fix the  
2 tax rate for the ensuing fiscal year at a percentage differing from  
3 the estimated rate, real estate tax payments shall nevertheless be  
4 payable in accordance with subdivision [(a)] of this section at  
5 the estimated rate. However, in such event, prior to the first day  
6 of January in such fiscal year, the commissioner of finance shall  
7 cause the completed assessment rolls to be revised to reflect the  
8 tax rate fixed by the council pursuant to section fifteen hundred  
9 sixteen of the charter, and an amended bill for the installment or  
10 installments for such fiscal year due and payable on or after the  
11 first day of January shall be submitted to each taxpayer in which  
12 whatever adjustment may be required as a result of the estimated  
13 bill previously submitted to the taxpayer shall be reflected.

14 Sec. 1517. Completion of assessment rolls. At such annual  
15 meeting the council shall cause to be set down in the assessment  
16 rolls, opposite to the several sums set down as the valuation of  
17 real property, the respective sums, in dollars and cents, to be  
18 paid as a tax thereon, rejecting the fractions of a cent. It shall  
19 also cause to be added and set down the aggregate valuations of the  
20 real property in the several boroughs, and shall transmit to the  
21 comptroller of the state by mail a certificate of such aggregate  
22 valuation in each borough.

23 Sec. 1518. Collection of the real property tax. 1. Immediately  
24 upon the completion of the assessment rolls, the city clerk shall  
25 procure the proper warrants authorizing and requiring the  
26 commissioner to collect the several sums therein mentioned

1 according to law. Such warrants need be signed only by the  
2 president of the council and counter-signed by the city clerk.  
3 Immediately thereafter and on or before the thirtieth day of June,  
4 the assessment rolls of each borough, as corrected according to  
5 law and finally completed, or a fair copy thereof, shall be  
6 delivered by the president of the council to the commissioner with  
7 the proper warrants, so signed and counter-signed, annexed thereto.  
8 At the same time the president of the council shall notify the  
9 comptroller of the amount of taxes in each book of the assessment  
10 rolls so delivered.

11 2. The commissioner upon receiving the assessment rolls and  
12 warrants shall immediately cause the assessment rolls and warrants  
13 to be filed in the respective borough offices.

14 Sec. 1519. Real property taxes due and payable. The  
15 commissioner, immediately after receiving the assessment rolls,  
16 shall give notice for at least five days in the City Record that  
17 the assessment rolls have been delivered to [him] the commissioner  
18 and that all taxes shall be due and payable at [his] the  
19 commissioner's office as follows:

20 1. a. With respect to all properties which are:

21 (1) real property with an assessed valuation of forty thousand  
22 dollars or less on such assessment roll, except such property held  
23 in a cooperative form of ownership; or

24 (2) real property held in a cooperative form of ownership,  
25 provided that the assessed valuation on such assessment roll of  
26 such property divided by the number of dwelling units contained in

such property shall equal forty thousand dollars or less; all taxes upon real estate for each fiscal year shall be due and payable in four equal installments each of which shall be due and payable in such year as follows: the first payment on the first day of July, the second payment on the first day of October, the third payment on the first day of January, the fourth payment on the first day of April. However, if any property is acquired by the city in condemnation proceedings, the proportionate share of the amount of the tax on such property which would be due and payable on the next succeeding installment date, shall be due and payable on the date when the title to such property vests in the city.

b. With respect to real property other than such property listed in paragraph a of this subdivision one:

(1) For the fiscal year commencing on the first day of July nineteen hundred eighty-two: all taxes upon real estate shall be due and payable in three installments as follows: the first payment, consisting of one-fourth of the total amount payable for the year, shall be due and payable on the first day of July, the second payment, consisting of one-fourth of the total amount payable for the year, shall be due and payable on the first day of September, and the third payment, consisting of one-half of the total amount payable for the year, shall be due and payable on the first day of January. However, if any property is acquired by the city in condemnation proceedings, the proportionate share of the amount of the tax on such property which would be due and payable on the next succeeding installment date, shall be due and payable

1 on the date when the title to such property vests in the city.

2 (2) For the fiscal year commencing on the first day of July  
3 nineteen hundred eighty-three and for each fiscal year thereafter:  
4 all taxes upon real estate for each fiscal year shall be due and  
5 payable in two equal installments, the first of which shall be due  
6 and payable on the first day of July in such year, and the second  
7 of which shall be due and payable on the first day of January in  
8 such year. However, if any property is acquired by the city in  
9 condemnation proceedings, the proportionate share of the amount of  
10 the tax on such property which would be due and payable on the next  
11 succeeding installment date, shall be due and payable on the date  
12 when the title to such property vests in the city.

13 2. All taxes shall be and become liens on the real estate  
14 affected thereby and shall be construed as and deemed to be charged  
15 thereon on the respective days when they become due and payable,  
16 and not earlier, and shall remain such liens until paid.

17 3. Any installment of taxes on real estate for any fiscal year  
18 may be paid, in full or in part, twenty-five days prior to the date  
19 on which the first installment for such fiscal year would otherwise  
20 become due and payable or at any time thereafter and, provided that  
21 payment of any installment or part thereof is made not later than  
22 fifteen days prior to the date that such installment would  
23 otherwise become due and payable and provided that all prior  
24 installments shall have been paid or shall be paid at the same  
25 time, a discount shall be allowed from the date of payment of such  
26 installment or part thereof to and including the fifteenth day of



1 the calendar month on which such installment would otherwise become  
2 due and payable at the rate fixed by the council and a receipt  
3 shall be furnished to the extent of such payment and the discount  
4 thereon. Upon payment of any such installment or part thereof prior  
5 to the date such installment would otherwise become due and  
6 payable, such installment or part thereof shall be deemed due and  
7 payable and shall be satisfied and extinguished to the extent of  
8 the amount so paid plus the discount provided for herein. Not  
9 later than the fifteenth day of May in each year, the banking  
10 commission shall transmit a written recommendation to the council  
11 of the proposed discount rate for the ensuing fiscal year. The  
12 council may adopt a discount rate for such ensuing fiscal year on  
13 the fifth day of June preceding such ensuing fiscal year or at any  
14 time thereafter. As used in this subdivision, the words "taxes on  
15 real estate," in the case of utility companies, shall also include  
16 special franchise taxes.

17 Sec. 1520. Interest and penalties on real property taxes.  
18 The commissioner shall charge, receive and collect the interest  
19 and penalties upon taxes on real estate not paid when due and  
20 payable in such manner and at such rates as shall be provided by  
21 law, provided, however, where such taxes are not escrowed, and  
22 where such interest does not exceed five dollars, it shall be  
23 forgiven.

24 Sec. 1521. Right of entry. The commissioner or any assessor  
25 may, in accordance with law, enter upon real property and into  
26 buildings and structures at all reasonable times to ascertain the

1 character of the property. Refusal by the owner or [his] an agent  
2 to permit such entry shall be a misdemeanor triable by a judge of  
3 the criminal court of the city of New York and punishable by not  
4 more than thirty days' imprisonment or a fine of not more than  
5 fifty dollars, or both.

6 Sec. 1522. Warrants. No money shall be paid out of the  
7 treasury except on a warrant authorized by law, signed by the  
8 comptroller and countersigned by the commissioner of finance which  
9 shall refer to the law under and to the appropriation against which  
10 it is drawn. No warrant shall be paid on account of any  
11 appropriation after the amount authorized to be raised for the  
12 purpose specified in the appropriation shall have been expended.  
13 In counter-signing warrants drawn by the comptroller, the  
14 commissioner shall be under no duty of inquiring as to the  
15 legality or propriety thereof but may rely on the comptroller's  
16 signature thereto.

17 Sec. 1523. Deposits. 1. The commissioner shall deposit all  
18 moneys which shall come into [his] the commissioner's hands on  
19 account of the city on the day of receipt thereof, or on the  
20 business day next succeeding, in such banks and trust companies as  
21 shall have been designated as deposit banks, but no amount shall  
22 be on deposit at any one time in any one bank or trust company  
23 exceeding one-half of the amount of the capital and net surplus of  
24 such bank or trust company. The moneys so deposited shall be  
25 placed to the account of the commissioner and [he] the commissioner  
26 shall keep a record in which shall be entered [his] the

1 commissioner's accounts of deposits in, and moneys drawn from, the  
2 banks and trust companies in which the deposits shall be made. Each  
3 such bank and trust company shall transmit to the comptroller a  
4 weekly statement of the moneys which shall be received and paid by  
5 it on account of the commissioner.

6 2. The commissioner shall draw moneys of the city from said  
7 banks or trust companies only by checks subjoined and attached to  
8 warrants and subscribed by [him] the commissioner, and no moneys  
9 shall be paid by any such banks or trust companies on account of  
10 the commissioner except upon such checks; but this provision shall  
11 not apply to transfer checks transferring such funds from one city  
12 depository to another.

13 Sec. 1524. Deposit banks. 1. The banking commission which  
14 consists of the mayor, the commissioner and the comptroller shall,  
15 by majority vote, by written notice to the commissioner, designate  
16 the banks or trust companies in which all moneys of the city shall  
17 be deposited, and may by like notice in writing from time to time  
18 change the banks and trust companies thus designated.

19 2. a. Except as provided in paragraph b of this subdivision,  
20 no bank or trust company shall be designated pursuant to this  
21 section unless:

22 (1) it shall agree to pay into the city treasury interest on  
23 the daily balances at a rate which the banking commission shall,  
24 by a majority vote, fix quarterly on the first day of February,  
25 May, August, and November in each year, according to the current  
26 rate of interest upon like balances deposited in banks and trust

1 companies in the city by private persons or corporations;

2 (2) it shall file with the banking commission and city clerk a  
3 certificate signed by the president or other duly authorized  
4 officer of such bank setting forth that its board of directors has  
5 established and will adhere to a policy of hiring and promotion of  
6 employees and officers without regard to race, color, creed,  
7 religious affiliation, sex, national origin or sexual orientation  
8 which certificate shall further set forth affirmatively the steps  
9 taken by the bank or trust company to implement said policy; and

10  
11 (3) it does not provide the following services, either directly  
12 or through a subsidiary or agent, to the government of the Republic  
13 of South Africa: (a) advertising or otherwise promoting the sale,  
14 outside of the Republic of South Africa or Namibia, of krugerrands  
15 or other coins minted in the Republic of South Africa or Namibia,  
16 (b) underwriting securities of the government of the Republic of  
17 South Africa, or (c) making loans to such government, other than  
18 loans for educational, housing or health facilities available to  
19 all persons on a totally nondiscriminatory basis and located in  
20 geographic areas accessible to all population groups without any  
21 legal or administrative restrictions.

22 b. The commission may designate a bank or trust company which  
23 does not meet the criteria set forth in clause three of paragraph  
24 a of this subdivision upon a determination, made in writing and  
25 forwarded to the council, that deposit of city moneys in such bank  
26 or trust company is necessary to obtain essential services which



1 are not reasonably obtainable from another bank or trust company.  
2 If the banking commission by majority vote shall decide that such  
3 policy not to discriminate or provide services to the government  
4 of the Republic of South Africa has been violated after giving the  
5 bank or trust company an opportunity to be heard, then upon giving  
6 thirty days' notice to the bank or trust company such designation  
7 may be revoked.

8 3. The commissioner may, with the approval of the comptroller,  
9 make time deposits of city moneys, for a period not to exceed six  
10 months, in any bank or trust company designated for deposit of city  
11 funds. Each such bank or trust company shall before deposits are  
12 made, other than such as are of a temporary character and  
13 specifically relate to the current business of the city, execute  
14 and file with the commissioner a bond to the city in such form and  
15 in such amount as may be prescribed and approved by the  
16 commissioner and the comptroller for the safekeeping and prompt  
17 payment of city moneys on demand with interest at the rate agreed  
18 upon and, as security for such funds, shall deposit with the  
19 comptroller outstanding unmatured obligations the value of which  
20 at the existing prices on the open market shall be equal to the  
21 estimated amount of the proposed deposit, for which the comptroller  
22 shall deliver a certificate of deposit containing the condition of  
23 such bond of the United States of America, or any obligation fully  
24 guaranteed or insured as to interest and principal by the United  
25 States of America acting through an agency, subdivision, department  
26 or division thereof, obligations of the state of New York or

obligations of the city of New York.

4. On the withdrawal of all or a part of the funds deposited in any depository and a closing or depleting of the account thereof, or in the event of the deposit actually made being less than the estimated amount of such deposit, the commissioner and the comptroller shall certify to such settlement or depletion or difference and direct the surrender of the whole or a proportionate share of the securities so deposited to the owner or owners thereof.

Sec. 1525. City register. 1. There shall be within the department a city register who shall be appointed by the mayor.

2. The functions, powers and duties formerly exercised by the registers or registrars of the several counties shall remain with the city register.

Sec. 1527. Contracts with collection agencies. 1. Notwithstanding any other provisions of law to the contrary, the commissioner may enter into contracts with collection agencies for the collection of (i) any or all tax warrants and judgments for all city taxes subject to collection by the department, other than real property taxes, or (ii) city water and sewer charges, or both, provided however, that any such contract shall be subject to the provisions of [section] sections three hundred forty-two and three hundred forty-three of this charter.

2. Any such contract shall apply only to such tax warrants and judgments and to such water and sewer charges as the commissioner may refer to the collection agency, and shall be terminable at

1 the will of the commissioner.

2 3. The consideration to be paid to such collection agency may  
3 be a percentage or percentages of the amount collected by such  
4 agency, or as otherwise provided in the contract, but shall be  
5 within the amount appropriated and available for such purpose.

6 4. No legal action to collect tax warrants and judgments or  
7 water and sewer charges under any contract entered into pursuant  
8 to this section shall be initiated without the express written  
9 permission of the corporation counsel, and the selection of any  
10 attorney to take such legal action shall be subject to the approval  
11 of the corporation counsel.

12 5. Before beginning performance of a contract authorized by  
13 subdivision one of this section, the contracting collection  
14 agency shall give security for faithful performance and shall  
15 provide such insurance policies, including but not limited to a  
16 comprehensive general liability insurance, naming the city as a  
17 party in interest, as the board of estimate may require. The  
18 adequacy and sufficiency of such security and insurance policies,  
19 as well as the justification and acknowledgement thereof, shall be  
20 subject to the approval of the comptroller. The commissioner, in  
21 [his] the commissioner's discretion, may require additional  
22 security or insurance in such amounts and running to such city  
23 officers and employees as the commissioner may require, to  
24 indemnify them for any liability incurred by reason of any act or  
25 omission of such collection agency.

26 6. No contract entered into pursuant to this section may be so

1 worded as to grant to any contracting collection agency the  
2 exclusive right to perform any work authorized by this section.

3 be a percentage or percentages of the amount collected by such  
4 agency, or as otherwise provided in the contract, but shall be  
5 within the amount appropriated and available for such purpose.

6 4. No legal action to collect tax warrants and judgments or  
7 water and sewer charges under any contract entered into pursuant  
8 to this section shall be initiated without the express written  
9 permission of the corporation counsel, and the selection of any  
10 attorney to take such legal action shall be subject to the approval  
11 of the corporation counsel.

12 5. Before beginning performance of a contract authorized by  
13 subdivision one of this section, the contracting collection  
14 agency shall give security for faithful performance and shall  
15 provide such insurance policies, including but not limited to a  
16 comprehensive general liability insurance, naming the city as a  
17 party in interest, as the board of estimates may require. The  
18 adequacy and sufficiency of such security and insurance policies,  
19 as well as the justification and acknowledgment thereof, shall be  
20 subject to the approval of the comptroller. The commissioner, in  
21 [his] the commissioner's discretion, may require additional  
22 security or insurance in such amounts and running to such city  
23 officers and employees as the commissioner may require, to  
24 indemnify them for any liability incurred by reason of any act or  
25 omission of such collection agency.

26 6. No contract entered into pursuant to this section may be so



2 CHAPTER 59

3 DEPARTMENT OF GENERAL SERVICES

4  
5 Sec. 1600. Department; commissioner. There shall be a  
6 department of general services, the head of which shall be the  
7 commissioner of general services.

8 Sec. 1601. Deputies. The commissioner may appoint four  
9 deputies, one of whom shall be first deputy commissioner.

10 Sec. 1602. Powers and duties of the commissioner. Except as  
11 otherwise provided by law, the commissioner shall have the power  
12 and it shall be the commissioner's duty to perform all the  
13 functions and operations of the city of New York relating to the  
14 construction, maintenance and care of public buildings and  
15 structures, the acquisition and disposal of personal property, the  
16 provision to city agencies of other than personal services, the  
17 acquisition, management, sale or lease by the city of real property  
18 other than housing, the provision of automotive, communication and  
19 data processing services, the provision, regulation and control of  
20 electrical activities and similar services, including without  
21 limitation, the following:

22 1. Public buildings and structures. With respect to public  
23 buildings and structures the commissioner shall have the following  
24 powers and duties:

25 (a) to have charge and control over the plans and  
26 specifications for and the construction of all buildings and

1 structures paid for in whole or in part from the city treasury;

2 (b) to manage, alter, repair, operate, maintain and clean  
3 buildings, structures and offices leased or occupied for public  
4 use by more than one city agency whose management, alteration,  
5 repair, operation, maintenance or cleaning is paid for in whole or  
6 in part from the city treasury, and as directed by the mayor, to  
7 perform services in space occupied for public use by a single city  
8 agency;

9 (c) except for the provisions of chapter nine of this charter,  
10 to employ when in the commissioner's opinion such services are  
11 necessary or desirable, subject to the approval of the mayor and  
12 in accordance with the provisions of section three hundred  
13 forty-nine of this charter, qualified consultants in private  
14 practice to aid the commissioner in carrying out his duties and  
15 responsibilities with respect to public building or structures;  
16 such consulting or advisory services shall be performed under the  
17 supervision of the commissioner;

18 (d) to consult with the agencies for whose use the buildings  
19 or structures are intended in preparing and considering plans and  
20 specifications and in carrying out such plans and specifications,  
21 and to consider any recommendations made by such agency.

22 Notwithstanding the provisions of this subdivision one, the  
23 exercise of the powers and duties set forth herein shall be subject  
24 to the jurisdiction of any city agency performing urban renewal and  
25 public and publicly-aided housing functions to the extent, and in  
26 such areas, as directed by the mayor;

1 (e) to exercise and perform such other powers and duties as  
2 may be prescribed by law or delegated to him in relation to  
3 laboratory testing of commodities and construction materials.

4 2. Supply services. With respect to the procurement and  
5 disposal of personal property and the procurement of other than  
6 personal services, the commissioner shall have the following powers  
7 and duties:

8 (a) the power to purchase, inspect, store and distribute all  
9 supplies, materials or equipment required by any city agency,  
10 except as otherwise provided by law, or by any office of any county  
11 wholly included in the city for which supplies, materials or  
12 equipment are required, payment for which is made from the city  
13 treasury;

14 (b) to establish and maintain one or more city storehouses, to  
15 operate therein a uniform, modern system of stores control based  
16 upon perpetual inventory and maintain a sufficient stock of staple  
17 commodities on hand to supply the estimated current needs of the  
18 agencies for which the commissioner is authorized to purchase. All  
19 purchases other than such purchases for stock for estimated needs  
20 and all deliveries from such stock shall be upon justified  
21 requisitions. The commissioner shall also oversee the establishment  
22 of efficient and economical systems of stores control in other city  
23 agencies and review the operations of such storehouses to assure  
24 their efficient and economical management;

25 (c) to receive all old or waste material and other personal  
26 property discarded, replaced or not required in storehouses or by

1 any agency for which the commissioner has the power to make  
2 purchases and all such agencies shall surrender such property to  
3 the commissioner who shall dispose thereof pursuant to rules and  
4 regulations promulgated by him governing its redistribution,  
5 exchange, transfer, sale or other disposition;

6 (d) to procure, supply and manage contractual services other  
7 than personal or professional services for the use of city  
8 agencies;

9 (e) to promulgate and codify rules and regulations governing  
10 the purchase, payment, storage, delivery of supplies and equipment  
11 by agencies of the city and the disposal of unusable and obsolete  
12 materials, and to supervise their enforcement;

13 (f) to classify all supplies, materials and equipment; to adopt  
14 as standards the minimum number of qualities, sizes and types of  
15 commodities consistent with efficient operation and life cycle  
16 costs; and to promulgate and enforce written specifications for all  
17 such standard commodities.

18 3. Real property. With respect to real property, the  
19 commissioner shall have the following powers and duties:

20 (a) [to exercise and perform the powers and duties imposed  
21 by law upon the board of estimate relating to the acquisition,  
22 selling, leasing, exchanging or otherwise disposing of real  
23 property of the city and the assignment to city agencies of space  
24 owned or leased by the city. The commissioner shall also  
25 undertake] to purchase, lease, condemn or otherwise acquire real  
26 property for the city and to sell, lease, exchange or otherwise



1 dispose of real property of the city, subject to the requirements  
2 of section three hundred eighty-four and to review and approval  
3 pursuant to sections one hundred ninety-seven-c and, if applicable,  
4 one hundred ninety-seven-d;

5 (b) to assign and reallocate to city agencies space and real  
6 property owned or leased by the city, to establish comprehensive  
7 and continuing programs [to manage] and standards for utilization  
8 of space owned or leased by the city and to [establish standards,]  
9 conduct surveys of space utilization [and assign space to all city  
10 agencies except as otherwise provided by law];

11 [(b)] (c) to manage and superintend all real property of the  
12 city not used for public purposes, including real property acquired  
13 for a public purpose and not being currently utilized for such  
14 purpose, but the commissioner shall not manage and superintend  
15 wharf property, real property under the jurisdiction of the  
16 department of housing preservation and development, real property  
17 under the jurisdiction of the New York city transit authority, real  
18 property under the jurisdiction of the New York city housing  
19 authority by virtue of an authorization granted by the mayor  
20 pursuant to the provisions of subdivision three of section one  
21 hundred twenty-five of the public housing law, or except as  
22 otherwise provided by law, real property under the jurisdiction of  
23 the triborough bridge and tunnel authority;

24 [(c)] (d) to exercise and perform such other powers and duties  
25 as may be prescribed by law or delegated to him in relation to the  
26 acquisition, disposition, demolition or other treatment of real

1 property of the city;  
2 [(d)] (e) to employ, where desirable, managing agents to manage  
3 city properties and collect rents therefrom and pay bills,  
4 pursuant to rules and regulations promulgated by [him and approved  
5 by the board of estimate] the commissioner.

6 4. Communications. With respect to communications facilities,  
7 the commissioner shall have the following powers and duties:

8 (a) WNYC Communications Group: to maintain, operate and  
9 administer in conformance with all federal, state and local laws  
10 and to use the facilities of such group in order to assist any  
11 agency which shall require and use such service and also for the  
12 instruction, enlightenment, entertainment, recreation and welfare  
13 of the inhabitants of the city by the broadcast of any matters  
14 which are deemed appropriate and necessary for the public interest  
15 and advantage and to connect such facilities with any broadcasting  
16 station to unite in the broadcasting of such matters and  
17 activities;

18 (b) Communication facilities: except for emergency or other  
19 special communication facilities, to provide to city agencies such  
20 telephone, radio, television or other communications facilities as  
21 they may require for the effective discharge of their  
22 responsibilities;

23 (c) City Record: (i) There shall be published daily, except  
24 Saturdays, Sundays and legal holidays, under contract or by the  
25 department, a paper to be known as the City Record;

26 (ii) there shall be inserted in the City Record nothing aside

1 from such official matters as are expressly authorized;

2 (iii) all advertising required to be done for the city, except  
3 as otherwise provided by law, shall be inserted at the public  
4 expense in the City Record and a publication therein shall be  
5 sufficient compliance with any law requiring publication of such  
6 matters or notices;

7 (iv) nothing herein contained shall prevent the publication  
8 elsewhere of any advertisement required by law to be so published;  
9 provided, however, that no such publication shall be made unless  
10 the same is authorized by the commissioner with the approval of the  
11 mayor and the comptroller and in a newspaper, magazine, journal or  
12 periodical designated by the commissioner with the approval of the  
13 mayor and the comptroller;

14 (v) the comptroller shall cause a continuous series of the City  
15 Record to be bound as completed quarterly and to be deposited with  
16 his certificate thereon in the office of the city register, in the  
17 county clerk's office of each county and in the office of the city  
18 clerk; and copies of the contents of any part of the same,  
19 certified by such register, county clerk or city clerk, shall be  
20 received in judicial proceedings as prima facie evidence of the  
21 truth of the contents thereof;

22 5. Data processing services. The commissioner shall operate  
23 one or more data processing service centers providing data  
24 processing equipment, programming services, and computer systems  
25 analysis services for city agencies when necessary or desirable,  
26 in accordance with executive orders promulgated by the mayor.

1        6. Gas and electricity. With respect to gas and electricity,  
2        the commissioner shall have charge and control of furnishing the  
3        city or any part thereof, by contract or otherwise, with gas,  
4        electricity or any other illuminant or steam; except such functions  
5        as are exercised by the public utility service of the city.

6        7. Automotive services. To acquire by purchase, lease or  
7        otherwise, vehicles and other automotive equipment for the use of  
8        city agencies; to manage, maintain, store and operate a fleet of  
9        motor vehicles; to assign such fleet in accordance with the  
10       direction of the mayor and to operate shops, yards, garages, fuel  
11       depots and other facilities required for the effective and  
12       economical use and maintenance of such fleet.

13       Sec. 1603. Right of entry. The commissioner, officers and  
14       employees of the department may, in accordance with law, enter upon  
15       public or private property for the purpose of making surveys,  
16       borings or other investigations necessary for the exercise of the  
17       powers or the performance of the duties of the commissioner and the  
18       department. Refusal to permit such entry shall be a misdemeanor  
19       punishable by not more than thirty days' imprisonment or by a fine  
20       of not more than fifty dollars, or both.

21       Sec. 1604. Maintenance of master list of leases. The  
22       department shall keep, maintain and annually update a master list  
23       of leases wherein the city or its agencies is a tenant. Such master  
24       list shall contain at least the following information: name and  
25       address of lessor, location wherein lease property is situated,  
26       base rent, square footage, escalation provisions, and any other



1 information which the department deems necessary and appropriate.

3 CHAPTER 61

4 DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

6 Sec. 1800. Department; commissioner. There shall be a  
7 department of housing preservation and development, the head of  
8 which shall be the commissioner of housing preservation and  
9 development.

10 Sec. 1801. Officials of the department. The commissioner  
11 may appoint not more than five deputy commissioners, one of whom  
12 may be a first deputy commissioner [1], one of whom shall be a deputy  
13 commissioner charged with powers and duties that include, but are  
14 not limited to, the control or regulation of rentals pursuant to  
15 state or local rent control laws, rules or regulations, [1] and one  
16 of whom shall be a deputy commissioner charged with the powers and  
17 duties that include, but are not limited to, the powers and duties  
18 described in subdivision eight of section eighteen hundred two of  
19 this chapter.

20 Sec. 1802. Powers and duties of the commissioner. Except as  
21 otherwise specifically provided by law, the commissioner may  
22 exercise or delegate any of the following functions, powers and  
23 duties which are vested in the department:

- 24 1. all functions of the city relating to the rehabilitation,  
25 maintenance, alteration and improvement of residential buildings  
26 and privately owned housing including, but not limited to, the

1 making of rehabilitation loans pursuant to article eight  
2 ("municipal loans"), article eight-a ("mini-loans") and article  
3 fifteen ("participation loans") of the private housing finance law,  
4 acting as liaison with the New York city rehabilitation mortgage  
5 insurance corporation established pursuant to article fourteen of  
6 the private housing finance law ("REMIC") and the New York city  
7 housing development corporation established pursuant to article  
8 twelve of the private housing finance law ("HDC"), the execution  
9 of emergency repairs to and the sealing, removal and demolition of  
10 buildings, structures and privately-owned housing in accordance  
11 with applicable provisions of law and the enforcement of those  
12 provisions of the multiple dwelling law or any other law, rule or  
13 regulation which relate to the maintenance, use, occupancy, safety  
14 or sanitary condition of any building or portion thereof which is  
15 occupied, arranged or intended to be occupied as a home, residence  
16 or dwelling place;

17 2. such functions and duties as may be prescribed by law with  
18 respect to the relocation of tenants of real property and the  
19 selection of tenants for publicly owned or publicly aided housing  
20 in the city;

21 3. all functions of the city, and all powers, rights and duties  
22 as provided by any federal, state or local law or resolution,  
23 relating to slum clearance, slum prevention and urban renewal;  
24 neighborhood conservation; prevention and rehabilitation of  
25 blighted, substandard, deteriorated or insanitary areas, and  
26 publicly-aided and public housing, including the regulation of

1 rents in housing built with state or local financing, except  
2 housing under the jurisdiction of the New York city housing  
3 authority;

4 4. all functions of the city relating to the control or  
5 regulation of rentals pursuant to state or local rent control laws,  
6 rules or regulations, including liaison with any body, such as, but  
7 not limited to the conciliation and appeals board, the real estate  
8 industry stabilization association and the rent guidelines board,  
9 in which any rent regulation functions or powers are vested;

10 5. the functions, rights, powers and duties and the offices  
11 granted to, vested in or delegated to the housing and redevelopment  
12 board, the housing and development administration or the  
13 administrator of the housing and development administration;

14 6. such powers, rights and duties vested in or exercised by  
15 the New York city housing authority as may be transferred to or  
16 vested in the city;

17 7. the functions, powers and duties to:

18 (a) establish and administer programs [including, but not  
19 limited to, the municipal loan program, "mini" loan program and  
20 participation loan program,] designed to encourage the  
21 rehabilitation and preservation of existing housing;

22 (b) administer laws authorizing tax exemption or tax abatement,  
23 or both, including, but not limited to, section 11-243 of the  
24 administrative code of the city of New York and section four  
25 hundred twenty-one of the real property tax law, which are in aid  
26 of the construction, rehabilitation, alteration or improvement of



1 residential buildings and structures and the elimination of  
2 substandard conditions therein, process applications for such  
3 exemption or abatement or both, and coordinate the activities of  
4 officers and agencies of the city relating thereto;

5 (b) manage and superintend all real property acquired by the  
6 city for, or devoted to, housing or urban renewal purposes;

7 (c) represent the city in carrying out the provisions of the  
8 private housing finance law including, but not limited to, article  
9 two (relating to limited-profit housing companies), article five  
10 (relating to redevelopment companies), article eight [(relating  
11 to municipal loans)], article eight-a [(relating to "mini" loans)],  
12 article eleven (relating to housing development fund companies) and  
13 article fifteen (relating to participation loans), and act as and  
14 exercise the powers, rights and duties vested in the "supervising  
15 agency" pursuant to the private housing finance law;

16 (d) represent the city in carrying out the provisions of article  
17 fifteen of the general municipal law ("urban renewal law")  
18 including, but not limited to, acquiring, leasing or disposing of  
19 real property pursuant to said law and establishing the disposition  
20 price of real property in an urban renewal area;

21 (e) undertake projects and exercise the rights, powers and  
22 privileges authorized by sections fifty-five and fifty-five-a of  
23 the public housing law;

24 (f) impose and collect charges and fees for the financing,  
25 regulation, supervision and audit of municipally-aided projects  
26 and loan programs administered by the commissioner, which charges

1 and fees shall be set aside in a special account for administrative  
2 expenses of the department;

3 (g) act as the coordinating agency with respect to the  
4 activities of officers and agencies of the city concerning areas  
5 designated by the planning commission or any analogous officer or  
6 body, as districts for development or improvement of  
7 neighborhoods;

8 (h) acquire real property, pursuant to the federal housing and  
9 community development act of nineteen hundred seventy-four, on  
10 behalf of other city agencies.

11 8. On and after September first, nineteen hundred  
12 seventy-eight.

13 (a) (j) sell, lease, exchange or otherwise dispose [the powers  
14 and duties imposed by law upon the board of estimate relating to  
15 the sale, lease, exchange or other disposition] of residential real  
16 property of the city, subject to review and approval pursuant to  
17 sections three hundred eighty-four, one hundred ninety-seven-c and,  
18 if applicable, one hundred ninety-seven-d, provided that any  
19 disposition by public auction shall be conducted by the department  
20 of general services;

21 [(b)] (k) manage[ment] and superintend[ence of] all residential  
22 real property of the city not used for public purposes, including  
23 real property acquired for a public purpose and not being currently  
24 utilized for such purpose, but not [management and superintendence  
25 of] wharf property, real property under the jurisdiction of the New  
26 York city transit authority, real property under the jurisdiction

1 of the New York city housing authority by virtue of an  
2 authorization granted by the mayor pursuant to the provisions of  
3 subdivision three of section one hundred twenty-five of the public  
4 housing law, or real property under the jurisdiction of the  
5 triborough bridge and tunnel authority;

6 [(c)] (1) excerise such other powers and duties as may be  
7 prescribed by law in relation to the management, demolition or  
8 sealing or other treatment of residential real property of the  
9 city; and

10 [(d) employment of] (m) employ professional, community and other  
11 personnel to manage residential real property of the city.

12 Sec. 1803. Inspectors, inspection. 1. Housing maintenance  
13 inspectors shall have such qualifications as shall be prescribed  
14 by the department of personnel after consultation with the  
15 commissioner.

16 2. The commissioner or any inspector or any officer of the  
17 department authorized in writing by the commissioner or the  
18 commissioner's delegate may, in accordance with law, for the  
19 purpose of performing their respective official duties, enter and  
20 inspect any building, structure, enclosure, premises or any part  
21 thereof, or anything therein or attached thereto, and any refusal  
22 to permit such entry or inspection shall be a misdemeanor triable  
23 in the criminal court and punishable upon conviction by not more  
24 than thirty days imprisonment, or by a fine of not more than one  
25 hundred dollars or both.

26 Sec. 1804. Organization of the department; notice. In

1 January, nineteen hundred seventy-eight and every six months  
2 thereafter, in accordance with the procedures of subdivision (b)  
3 of section one thousand forty-three of this charter, the  
4 commissioner shall cause to be published in the City Record and  
5 shall give notice of a written plan or chart describing the  
6 organization of the department.



6/25

## CHAPTER 69

### COMMUNITY DISTRICTS AND COTERMINALITY OF SERVICES

Sec. 2700. Declaration of intent. [The capacity of the city to provide services to residents and businesses, the welfare and orderly development of communities in the five boroughs, and the active participation of city residents in civic activities has been impeded by

(1) the dissimilarity of local service delivery districts of municipal agencies and (2) the disparity among such service districts and the community districts and city council districts.]

It is the intent of this chapter to encourage and facilitate coterminous community districts and service districts to be used for the planning of community life within the city, the participation of citizens in city government within their communities, and the efficient and effective organization of agencies that deliver municipal services in local communities and boroughs.

Sec. 2701. Community districts. a. [Not later than January first, nineteen hundred seventy-seven, the board of estimate, pursuant to this chapter, shall adopt a map of community districts.

b.] Each community district shall:

(1) [So far as feasible, lie] Lie within the boundaries of a single borough, except as provided in subdivisions d and e of this

1 section, and coincide with historic, geographic and identifiable  
2 communities from which the city has developed;

3 (2) Be suitable for the efficient and effective delivery of  
4 those services [by] of municipal agencies required to be made  
5 coterminous with the community districts, pursuant to section two  
6 thousand seven hundred four, including particularly the service and  
7 districting requirements of the police and sanitation departments;  
8 and,

9 (3) Be compact and contiguous and have a population of not more  
10 than two hundred fifty thousand persons.

11 [c]b. Community districts shall be as nearly equal in  
12 population with each other as is possible under the criteria in  
13 paragraphs one, two and three of [subsection b] subdivision a of  
14 this section.

15 [d. The community districts may serve as the basis for city  
16 council districts for the election of council members pursuant to  
17 section twenty-two and other applicable law.

18 e]c. With respect to the city's central business district in  
19 the borough of Manhattan from fifty-ninth street south, the [board  
20 of estimate] council may adopt as part of the community district  
21 map, districts which shall reflect its unique character as the  
22 city's financial, business and entertainment center. In so doing,  
23 the [board of estimate] council shall take into consideration the  
24 residential, working and other daytime populations as well as the  
25 hotel and transient or other nighttime populations and adhere as  
26 nearly as possible to the provisions of paragraph (3) of

subdivision [b] a of this section.

[f]d. The community district map for the borough of Manhattan shall include Roosevelt Island, located in the east river, as part of a community district in the borough of Manhattan, immediately opposite and to the west of Roosevelt Island. However, for the purposes of meeting the requirements of section twenty-seven hundred four relating to coterminality of local services, section twenty-seven hundred five relating to district service cabinets and section twenty-seven hundred seven relating to agency budget and service statements, Roosevelt Island shall be deemed included within a community district of the borough of Queens immediately opposite and to the east of Roosevelt Island. The chairperson of the community board of the Manhattan community district which includes Roosevelt Island, or his designee, shall be a member of the district service cabinet of each of the community districts in which Roosevelt Island is included in the respective boroughs.

e. The community district map for the borough of the Bronx shall include that portion of the borough of Manhattan which lies north of the Harlem River.

Sec. 2702. Preparation and adoption of map. a. The map of community districts in effect as of the seventh day of November of nineteen hundred eighty nine shall be continued until modified pursuant to this section. Not later than the first day of October[, ] of nineteen hundred [seventy-six] ninety-three and of every tenth year thereafter, the mayor shall, and at such other times as the mayor deems appropriate, the mayor may, prepare and

1 present to the [board of estimate] council a [preliminary] report  
2 reviewing the community district map [pursuant to this chapter]  
3 then in force and presenting such recommendations for changes in  
4 the map as the mayor deems appropriate. Such review shall consider  
5 shifts in population shown in the most recent decennial census that  
6 may require adjustments in the community district map to conform  
7 to the criteria in section twenty-seven hundred one. Such review  
8 shall also consider whether reducing the size of any community  
9 district would provide more efficient and effective service  
10 delivery within the district or districts involved. If the mayor's  
11 recommendations for changes in the map would produce a community  
12 district with a population below seventy-five thousand persons, the  
13 mayor may consider whether partial suspension of coterminality  
14 within the district is likely to provide more efficient or  
15 effective service delivery of one or more of the services for which  
16 coterminality is required, and may recommend that coterminality for  
17 one or more designated services within the community district and  
18 any adjacent district be suspended. The mayor's recommendations for  
19 changes shall be referred to as the preliminary revision of the  
20 community district map.

21 b. The borough presidents, city planning commission, community  
22 boards and other civic, community and neighborhood groups and  
23 associations shall be consulted and their recommendations  
24 considered in the preparation of the preliminary revision of the  
25 community district map.

26 c. The mayor shall publish the preliminary revision of the



1 community district map in the City Record and in each [county]  
2 borough of the city and shall, jointly with the borough president,  
3 conduct one or more public hearings on it in each borough of the  
4 city. Within sixty days of the last such hearing, the mayor shall  
5 submit to the council such preliminary revisions of the community  
6 district map as he or she deems appropriate.

7 d. The [board of estimate] council shall conduct public  
8 hearings on the preliminary revision of the community district map  
9 submitted by the mayor and it shall, by resolution, within one  
10 hundred twenty days of such submission, adopt, adopt with  
11 modifications, or disapprove the map as submitted [or as modified  
12 by it not later than the date specified in subsection a of section  
13 twenty-seven hundred one]. If the council adopts the proposed map  
14 without modifications, or if the mayor concurs in any modifications  
15 adopted by the council, the new map shall be effective as of the  
16 date specified in the mayor's proposal or in the modifications  
17 adopted by the council and concurred in by the mayor. If the  
18 council disapproves the map as submitted by the mayor, or if the  
19 council fails to act within the one hundred twenty day period, or  
20 if the mayor does not concur in any modifications adopted by the  
21 council, the community district map then in force shall remain in  
22 effect.

23 [Sec. 2703. Modification and review. a. The community  
24 district map shall be reviewed within one year following the  
25 publication of each decennial census, and a new or revised  
26 community district map may be adopted pursuant to the criteria and

1 procedures applicable to the creation of community districts  
2 pursuant to of sections twenty-seven hundred one and of  
3 twenty-seven hundred two. Such review shall consider shifts in  
4 population shown in the new census that may require adjustments in  
5 the community district map to conform to the criteria in section  
6 twenty-seven hundred one.

7 b. The board of estimate, after public hearing on notice and  
8 consideration of any recommendation from the mayor, at any time may  
9 modify the community district map to assure conformance to the  
10 criteria in section twenty-seven hundred one.]

11 Sec. 2704. Coterminality of local services. a. [Within three  
12 years after the effective date of the community district map  
13 adopted pursuant to this chapter, the] The head of each agency  
14 responsible for one or more of the services listed below shall  
15 organize the local service delivery districts of such agency as  
16 follows.

17 (1) To be coterminous with each of the community districts [for]:  
18 local parks services; local recreation services; street cleaning  
19 and refuse collection services; the patrol services of the police  
20 department; and social services, including community services,  
21 community development, youth services, child development, and  
22 special services for children; and,

23 (2) To be coterminous with one or more community districts or  
24 aggregates of them [for]: housing code enforcement, highway and  
25 street maintenance and repair; sewer maintenance and repair, and  
26 health services, other than municipal hospitals.

1       b. [Not later than the first day of January, nineteen hundred  
2       eighty-three the commissioner of the department of parks and  
3       recreation shall organize the department's service districts for  
4       local recreation services to be coterminous with each of the  
5       community districts.

6       c.] No later than the first day of January, nineteen hundred  
7       eighty-three, the police commissioner shall organize the patrol  
8       services of the police department in the boroughs of the Bronx,  
9       Manhattan, Queens and Staten Island to be coterminous with each of  
10      the community districts in such boroughs. Not later than the first  
11      day of April, nineteen hundred eighty-four, the police commissioner  
12      shall organize the patrol services of the police department in the  
13      borough of Brooklyn to be coterminous with each of the community  
14      districts in that borough.] Notwithstanding the provisions of  
15      [this] subdivision a, the requirement that patrol services of the  
16      police department be coterminous with each of the community  
17      districts in any borough shall not apply to any community district  
18      where the mayor, after consultation with the police commissioner,  
19      shall determine that establishment of such coterminality would be  
20      inconsistent with the most effective delivery of such services. The  
21      mayor shall promptly notify the council of any such determination,  
22      and the council may, by majority vote, disapprove such  
23      determination with respect to any community district within sixty  
24      days after the first stated meeting of the council following the  
25      receipt of such notice. If the council shall disapprove such  
26      determination with respect to any community district, the police

1 commissioner shall organize patrol services to be coterminous with  
2 such district within ninety days of such disapproval.

3 [d] c. The [board of estimate, upon the recommendation] council,  
4 by resolution subject to the approval of the mayor, or the mayor  
5 by executive order, may direct that city services in addition to  
6 those specified [pursuant to subsection] in subdivision a of this  
7 section be made coterminous with one or more community districts  
8 or aggregates of them.

9 [e] d. The head of each agency whose local service delivery  
10 districts are not required to be coterminous with community  
11 districts pursuant to [subsection] subdivision a [or b] of this  
12 section shall organize the local service delivery districts of the  
13 agency to coincide as closely as possible to the boundaries of the  
14 community districts.

15 [f] e. For purposes of this section, coterminality of services  
16 shall mean that

17 [(1)] the boundaries of the local service districts of each  
18 [designated] agency service listed in subdivision a shall coincide  
19 with the boundaries of community districts[, and].

20 f. [(2)the] The head of each [designated] agency responsible  
21 for one or more of the services listed in subdivision a shall: (1)  
22 assign to each such local service district at least one official  
23 with managerial responsibilities involving the exercise of  
24 independent judgment in the scheduling, allocation and assignment  
25 of personnel and equipment and the evaluation of performance or the  
26 management and planning of programs [ . Each]; each such official



1 shall have operating or line authority over agency programs,  
2 personnel and facilities within the local service district; (2)  
3 assign to each borough at least one borough commissioner, or  
4 official with an equivalent title, who shall have line authority  
5 over agency programs, personnel and facilities within the borough  
6 related to such services; such official shall consult regularly  
7 with the borough president and shall be a member of the borough  
8 service cabinet established pursuant to section twenty-seven  
9 hundred six of the charter; (3) publish semi-annually in the City  
10 Record and make available to interested parties a list, by  
11 community district and borough, of the name, title, office mailing  
12 address, and office telephone number of the officials appointed  
13 pursuant to paragraphs one and two of this subdivision and to  
14 subdivision a of section twenty-seven hundred six.

15 g. The head of any agency may assign or reallocate personnel,  
16 equipment or other resources outside a community district to meet  
17 emergency needs, special situations, or temporary conditions.

18 h. Nothing in this chapter shall prohibit any agency from  
19 maintaining sub-districts within a community district for purposes  
20 of efficient and effective service delivery so long as the combined  
21 sub-districts shall coincide with the boundaries of the community  
22 district. Nothing contained in this section shall prevent the  
23 establishment of any special district authorized pursuant to  
24 federal, state or local law, the boundaries of which do not  
25 coincide with the boundaries of a community district.

26 i. [Whenever the population of a community district falls below

1 seventy-five thousand persons, the city planning commission may  
2 consider whether partial suspension of coterminality within the  
3 district is likely to provide more efficient or effective service  
4 delivery of one or more of the services for which coterminality is  
5 required. The city planning commission shall give notice to all the  
6 affected community districts and shall hold a public hearing.  
7 Following the hearing, the commission may recommend to the board  
8 of estimate that coterminality for one or more designated services  
9 within the community district and any adjacent district be  
10 suspended. If the board of estimate votes to approve the  
11 recommendation, coterminality shall be suspended for the designated  
12 services. The city planning commission may at any time recommend  
13 to the board of estimate that the suspension be terminated and that  
14 coterminality be restored for one or more of the services.] The  
15 mayor shall report biennially to the council on the implementation  
16 of the requirements of this section. Such report shall include: (1)  
17 an evaluation of the quality of the services delivered to community  
18 districts pursuant to subdivision a of this section during the  
19 preceding two fiscal years, (2) a review of the agencies'  
20 implementation of subdivisions d and f of this section, and of  
21 subdivision a of section twenty-seven hundred six, and (3) any  
22 recommendations for changes in the services listed or in the  
23 requirements for those services which the mayor deems appropriate.

24 Sec. 2705. District service cabinet. a. There shall be a  
25 district service cabinet within each community district established  
26 pursuant to this chapter. The members of the district service

cabinet shall include:

(1) The agency officials designated pursuant to [subsection d] paragraph one of subdivision f of section twenty-seven hundred four;

(2) Representatives of other agencies that provide local services on a regular basis in the community district, who shall be the ranking line official assigned to the district;

(3) Each council member whose district comprises all or part of the community district;

(4) A representative of the department of city planning designated by the director of city planning;

(5) The district manager appointed pursuant to [subsection] subdivision f of section twenty-eight hundred; and,

(6) The chairperson of the community board for the community district or his representative.

b. Each district service cabinet shall:

(1) Coordinate service functions and programs of the agencies that deliver services in the community district;

(2) Consider interagency problems and impediments to the effective and economic delivery of services in the district;

(3) Plan and recommend joint programs to meet the needs and priorities of community districts and their residents; and

(4) Consult with residents of the community district and their representatives about local service problems and activities;

(5) Keep a public record of its activities and transactions, including minutes of its meetings.

1       Sec.    2706.   Borough agency managers and borough service  
2   cabinets.   a.   The head of each agency delivering services in the  
3   boroughs [so far as is practicable] shall designate [a] one or more  
4   senior [official] officials of the agency with line authority as  
5   borough [representative] representatives of the agency with such  
6   coordinative or other duties and responsibilities as the head of  
7   the agency may specify in a written statement filed in the agency  
8   and with the director of operations and the appropriate borough  
9   president.

10       b.   There shall be a borough service cabinet within each borough  
11   whose members shall include the borough representatives designated  
12   pursuant to [subsection] subdivision a of this section and the  
13   borough president, who shall be the chairperson.   Each borough  
14   service cabinet shall:

15       (1)   Coordinate at the borough level service delivery functions  
16   and programs of agencies that provide services in the borough;

17       (2)   Consider interagency problems and impediments to the  
18   effective and economic delivery of services in the borough;

19       (3)   Plan and develop programs addressed to the needs and  
20   priorities of the borough and its residents; and

21       (4)   Consult with residents of the borough and representatives  
22   of the community boards about service problems and activities.

23       (5) Keep a public record of its activities and transactions,  
24   including minutes of its meetings.

25       Sec. 2707.   Agency budgets and service statements.   a.   Each  
26   agency with service districts within the community districts and



1 boroughs shall prepare annually a statement of its service  
2 objectives, priorities, programs and projected activities within  
3 each community district and each borough for the new fiscal year,  
4 if requested by the respective community board or borough board.

5 b. In preparing such statements for community districts the  
6 agencies shall consult with the respective district service  
7 cabinets and community boards. In preparing such statements for  
8 the borough, the agencies shall consult with the borough service  
9 cabinet and borough board. The statements shall be filed no later  
10 than August fifteenth with the mayor, [board of estimate,] council,  
11 borough president, community board [or] and borough board.

12 c. By no later than [~~three~~]four months after the end of the  
13 fiscal year, each agency with service districts within the  
14 community districts [or] and boroughs shall report to the  
15 respective community and borough boards the amount of expenditures  
16 within each service district for each unit of appropriation for the  
17 preceding year.

18 Sec. 2708. Agency information. Each agency with service  
19 districts within the community districts and boroughs shall make  
20 available to each community board and borough board and to the  
21 respective borough presidents current information on its operations  
22 and programs within each community district and borough.

6/24

## CHAPTER 70

### CITY GOVERNMENT IN THE COMMUNITY

Sec. 2800. Community boards. a. For each community district created pursuant to chapter sixty-nine there shall be a community board which shall consist of (1) not more than fifty persons appointed by the borough president for staggered terms of two years, at least one-half of whom shall be appointed from nominees of the council members elected from council districts which include any part of the community district, and (2) all such council members as non-voting members. The number of members appointed on the nomination of each such council member shall be proportional to the share of the district population represented by such council member. The city planning commission, after each council redistricting pursuant to chapter two-A, and after each community redistricting pursuant to section twenty-seven hundred two, shall determine the proportion of the community district's population represented by each council member. Copies of such determinations shall be filed with the appropriate borough president, community board, and council member. One-half of the members [first] appointed to any [new] community board shall serve for a term of [one year] two years [. The terms of all appointed members shall be calculated from] beginning on the first day of [January] April in [the] each odd-numbered year in which they take office and one

1 half of the members appointed to any community board shall serve  
2 for a term of two years beginning on the first day of April in each  
3 even-numbered year in which they take office. Members shall serve  
4 until their successors are appointed but no member may serve for  
5 more than sixty days after the expiration of his or her original  
6 term unless reappointed by the borough president. Not more than  
7 twenty-five percent of the appointed members shall be city  
8 employees. No person shall be appointed to or remain as a member  
9 of the board who does not have a residence, business, professional  
10 or other significant interest in the district. The borough  
11 president shall assure adequate representation from the different  
12 geographic sections and neighborhoods within the community  
13 district. In making such appointments, the borough president shall  
14 consider whether the aggregate of appointments fairly represents  
15 all elements of the community. Community boards, civic groups and  
16 other community groups and neighborhood associations may submit  
17 nominations to the borough president and to council members.

18 b. An appointed member may be removed from a community board  
19 for cause, which shall include substantial nonattendance at board  
20 meetings, by the borough president or by a majority vote of the  
21 community board. Vacancies among the appointed members shall be  
22 filled promptly upon the occurrence of the vacancy by the borough  
23 president for the remainder of the unexpired term in the same  
24 manner as regular appointments.

25 c. Members of community boards shall serve as such without  
26 compensation but shall be reimbursed for actual and necessary

1 out-of-pocket expenses in connection with attendance at regularly  
2 scheduled meetings of the community board.

3 d. Each community board shall:

4 (1) Consider the needs of the district which it serves;

5 (2) Cooperate with, consult, assist and advise any public  
6 officer, agency, local administrators of agencies, legislative  
7 body, or the borough president with respect to any matter relating  
8 to the welfare of the district and its residents;

9 (3) At its discretion hold public or private hearings or  
10 investigations with respect to any matter relating to the welfare  
11 of the district and its residents, but the board shall take action  
12 only at a meeting open to the public;

13 (4) Assist city departments and agencies in communicating with  
14 and transmitting information to the people of the district;

15 (5) Cooperate with the boards of other districts with respect  
16 to matters of common concern;

17 (6) Render an annual report to the mayor, the council and the  
18 borough board within three months of the end of each year and such  
19 other reports to the mayor or the borough board as they shall  
20 require (such reports or summaries thereof to be published in the  
21 City Record);

22 (7) Elect its own officers, adopt and make available for public  
23 inspection by-laws and statements of duties for its district  
24 manager and planner, and keep a public record of its activities and  
25 transactions, including minutes of its meetings, [and] majority and  
26 minority reports, and all documents requiring the board's review,



1 which shall be made available [to elected officials upon request]  
2 for inspection by elected officials and members of the public;

3 (8) Request the attendance of agency representatives at  
4 meetings of the community board;

5 (9) Prepare comprehensive and special purpose plans for the  
6 growth, improvement and development of the community district;

7 (10) Prepare and submit to the mayor, on or before a date  
8 established by the mayor, an annual statement of community district  
9 needs, including a brief description of the district, the board's  
10 assessment of its current and probable future needs, and its  
11 recommendations for programs, projects, or activities to meet those  
12 needs;

13 [(10)](11) Consult with agencies on the capital needs of the  
14 district, review departmental estimates, hold public hearings on  
15 such needs and estimates and prepare and submit to the mayor  
16 capital budget priorities for the next fiscal year and the three  
17 succeeding fiscal years;

18 [(11)](12) Conduct public hearings and submit recommendations  
19 and priorities to the mayor, [the board of estimate,] the council  
20 and the city planning commission on the allocation and use within  
21 the district of funds earmarked for community development  
22 activities under city, state or federal programs;

23 [(12)](13) Consult with agencies on the program needs of the  
24 community district to be funded from the expense budget, review  
25 departmental estimates, hold public hearings on such needs and  
26 estimates, and prepare and submit to the mayor expense budget

1 priorities for the next fiscal year;

2 ~~[(13)]~~(14) Assist in the planning of individual capital  
3 projects funded in the capital budget to be located in the  
4 community district and review scopes of projects and designs for  
5 each capital project;

6 ~~[(14)]~~(15) Evaluate the progress of capital projects within the  
7 community district based on status reports to be furnished to the  
8 board;

9 (16) Be authorized to assign a representative to attend and  
10 participate in any meeting held by a city agency to determine, in  
11 advance of drafting, the form and content of any environmental  
12 impact statement required by law for a proposal or application for  
13 a project in such board's district.

14 ~~[(15)]~~(17) Exercise the initial review of applications and  
15 proposals of public agencies and private entities for the use,  
16 development or improvement of land located in the community  
17 district, including the conduct of a public hearing and the  
18 preparation and submission to the city planning commission of a  
19 written recommendation;

20 ~~[(16)]~~(18) Assist agencies in the preparation of service  
21 statements of agency objectives, priorities, programs and projected  
22 activities within the community district and review such  
23 statements;

24 ~~[(17)]~~(19) Evaluate the quality and quantity of services  
25 provided by agencies within the community district; [and]

26 ~~[(18)]~~(20) Within budgetary appropriations for such purposes,

1 disseminate information about city services and programs, process  
2 complaints, requests, and inquiries of residents of the community  
3 district; and

4 (21) Conduct substantial public outreach, including identifying  
5 the organizations active in the community district, maintaining a  
6 list of the names and mailing addresses of such community  
7 organizations, and making such list available to the public upon  
8 request.

9 e. Each agency shall furnish promptly to each community board  
10 on request any information or assistance necessary for the board's  
11 work. Each agency shall also report periodically to each board on  
12 its service activities programs and operations within the community  
13 district.

14 f. Each community board, within the budgetary appropriations  
15 thereof, shall appoint a district manager and a planner, who shall  
16 serve at the pleasure of the community board. The district manager  
17 shall (1) have responsibility for processing service complaints,  
18 (2) preside at meetings of the district service cabinet and (3)  
19 perform such other duties as are assigned by the community board.  
20 One of the board members shall be elected by the other members to  
21 serve as chairperson. The chairperson shall use no title other  
22 than chair or chairperson of the community board and the other  
23 members shall use no title other than member of the community board  
24 or community board member, except that any member who is elected  
25 or appointed to an official position on the board, including but  
26 not limited to, vice-chairperson, secretary, treasurer, or chair

1 of a committee or subcommittee of the board shall be allowed to use  
2 such title when acting in such capacity. The department of  
3 [investigations] investigation shall investigate any allegations  
4 concerning the misuse of a community board title and shall report  
5 its findings to the mayor, the council and the borough president  
6 in whose borough the community board is located. The knowing and  
7 intentional use of an improper title by any member of a community  
8 board shall be punishable by a civil penalty of not less than one  
9 hundred dollars nor more than two hundred and fifty dollars for  
10 every infraction thereof. The chairperson of the community board  
11 or his or her representative shall be a member of the district  
12 service cabinet. A member of a community board shall be eligible  
13 for appointment to the position of district manager provided that  
14 such member does not participate in any manner in the selection of  
15 the district manager by the board and resigns as a member of any  
16 board prior to or upon assuming the duties of district manager.

17 g. Each community board may employ such other assistants as it  
18 may require within budgeted appropriations for such purposes or  
19 funds contributed for such purpose. Any funds appropriated by the  
20 city to enable the community boards to conduct their duties and  
21 responsibilities pursuant to this chapter shall be allocated  
22 directly to each board subject to the terms and conditions of such  
23 appropriations. The basic budget appropriation for the personal  
24 service and other than personal service needs of each community  
25 board shall not include rent. Within reasonable limits appropriate  
26 to each board's location, rent shall be separately appropriated for



1 the board.

2 h. Except during the months of July and August, each community  
3 board shall meet at least once each month within the community  
4 district and conduct at least one public hearing each month. Each  
5 board shall give adequate public notice of its meetings and  
6 hearings and shall make such meetings and hearings available for  
7 broadcasting or cablecasting. At each public meeting, the board  
8 shall set aside time to hear from the public. The borough president  
9 shall provide each board with a meeting place if requested by the  
10 board.

11 i. Each community board may create committees on matters  
12 relating to its duties and responsibilities. It may include on  
13 such committees persons with a residence or significant interest  
14 in the community who are not members of the board, but each such  
15 committee shall have a member of the board as its chairperson.  
16 Except as otherwise provided by law, meetings of such committees  
17 shall be open to the public.

18 Sec. 2801. Actions of community boards. a. A majority of  
19 the appointed members of any community board shall constitute a  
20 quorum of such board.

21 b. Whenever any act is authorized to be done or any  
22 determination or decision made by any community board, the act,  
23 determination or decision of the majority of the members present  
24 entitled to vote during the presence of a quorum, shall be held to  
25 be the act, determination or decision of such board.

3 CHAPTER 71

4 DEPARTMENT OF TRANSPORTATION

5 Sec. 2901. Department; commissioner. There shall be a  
6 department of transportation, the head of which shall be the  
7 commissioner of transportation.

8 Sec. 2902. Deputies. The commissioner may appoint four  
9 deputies, one of whom shall be in charge of highway operations and  
10 be a licensed professional engineer in good standing under the  
11 education law. The first deputy commissioner shall supervise and  
12 be responsible for the operations of the parking violations bureau.

13 Sec. 2903. Powers and duties of the commissioner. Except as  
14 otherwise provided by law, the commissioner shall have control over  
15 and be responsible for all those functions and operations of the  
16 city relating to transportation including, without limitation, the  
17 following:

18 a. Parking and traffic operations. The commissioner shall:

19 (1) make such rules and regulations for the conduct of vehicular  
20 and pedestrian traffic in the streets, squares, avenues, highways  
21 and parkways of the city as may be necessary. The violation of such  
22 rules and regulations shall be a traffic infraction triable by a  
23 judge of the criminal court of the city of New York and, except as  
24 otherwise provided by law, punishable by not more than fifteen  
25 days' imprisonment, or by a fine of not more than fifty dollars,  
26 or both, and may also be adjudicated pursuant to title nineteen of

1 the administrative code or pursuant to articles 2-A and 2-B of the  
2 vehicle and traffic law. The police commissioner may, in an  
3 emergency, suspend for a period of forty-eight hours the provisions  
4 of any such rule or regulation and shall immediately notify the  
5 commissioner of such suspension. In order to expedite the movement  
6 of traffic or to safeguard pedestrians or property, a police  
7 officer or authorized employee of the transportation department may  
8 order a person to disregard any traffic signal or any such rule or  
9 regulation;

10 (2) establish, determine, control, install and maintain the  
11 design, type, size and location of any and all signs, signals,  
12 marking, and similar devices indicating the names of the streets  
13 and other public places and for guiding, directing or otherwise  
14 regulating and controlling vehicular and pedestrian traffic in the  
15 streets, squares, parks, parkways, highways, roads, alleys,  
16 marginal streets, bridges and other public ways of the city;

17 (3) make recommendations to the mayor as to the design and  
18 location of highway lighting devices, poles and fixtures, and the  
19 type of intensity of illumination of streets and highways;

20 (4) prepare and submit to the mayor a proposed comprehensive  
21 city traffic plan;

22 (5) collect and compile traffic data and prepare engineering  
23 studies and surveys in regard to vehicular and pedestrian traffic;

24 (6) prepare and submit to the mayor detailed reports in regard  
25 to traffic conditions in the city;

26 (7) make recommendations to the mayor in regard to methods of

ameliorating traffic conditions which adversely affect the welfare of the city and which cannot be remedied by traffic rules and regulations;

(8) submit to the mayor from time to time for consideration and forwarding to appropriate city agencies, specific proposals for amendment of any resolutions, rules, or regulations of any city agency which affect traffic conditions in the city, and proposed legislation which may be necessary to implement and effectuate such proposals;

(9) prepare and submit to the mayor, for consideration and forwarding [by him] to [the board of estimate,] the council, the city planning commission and to other agencies of the city, recommendations and proposals for the improvement of existing streets, street widening and the location of new streets, avenues, highways and parkways; the location and design of parking garages and parking areas; the establishment of public parking garages and parking areas; the location, type and design of off-street loading and unloading and parking facilities; and other matters relating to traffic control;

(10) coordinate the efforts of and consider the reports, recommendations and suggestions of public and private agencies and civic groups in regard to traffic conditions and traffic control in the city;

(11) prepare analyses of traffic accidents with a view to determining their causes and means for their prevention;

(12) carry on educational activities for the purpose of



1 promoting traffic safety and free movement of vehicular and  
2 pedestrian traffic in the city;

3 (13) establish parking meter zones, determine the design, type,  
4 size, location and use of parking meters and fix the fees for  
5 parking in parking areas and public parking garages except that  
6 regulations pertaining to the use of parking meter zones shall not  
7 apply to vehicles operated by disabled persons duly displaying  
8 special vehicle identification cards issued by the commissioner  
9 other than at those periods of time when "no standing" restrictions  
10 are in effect in the metered zones. The parking fees and fines and  
11 penalties for violation of parking rules so collected shall be paid  
12 into a special fund to be known as the "traffic improvement fund."  
13 The revenues of such fund, upon authorization by the [board of  
14 estimate] council, shall be used for the payment of all costs of  
15 purchase, rental, engineering, installation, operation, maintenance  
16 and repair of parking meters, for the collection of coins, for the  
17 enforcement of rules and regulations pertaining to vehicular  
18 parking, the collections of fines and penalties for violation of  
19 such rules and regulations, and for the payment of interest on,  
20 amortization of, or payment of any indebtedness contracted by the  
21 city in connection with the installation, operation and maintenance  
22 of parking meters. Any revenues remaining after such payments are  
23 made shall be used for capital and other expenditures to ameliorate  
24 traffic conditions which adversely affect the welfare of the city;

25 (14) enforce laws, rules and regulations concerning the parking  
26 of vehicles and the movement and conduct of vehicular and

1 pedestrian traffic;

2 (a) Notwithstanding the provisions of any other law the  
3 commissioner shall have the power, concurrently with the police  
4 department, to enforce all laws, rules and regulations prohibiting,  
5 regulating, directing, controlling or restricting both the parking  
6 of vehicles and the movement and conduct of vehicular and  
7 pedestrian traffic in and on all streets, squares, avenues,  
8 highways, parkways and public off-street parking facilities in the  
9 city. As used in this section the term "parking" shall mean and  
10 include the parking, standing and stopping of vehicles at meters  
11 and off-street parking metered areas and on any highway in the city  
12 as such terms are defined in the traffic regulations of the city  
13 promulgated pursuant to law; and the term "highway" shall mean and  
14 include any highway or public highway as defined in sections one  
15 hundred thirty-four and sixteen hundred forty-two of the vehicle  
16 and traffic law.

17 (b) The commissioner may employ, hire and retain officers,  
18 agents and employees for the purpose of enforcing laws, rules and  
19 regulations prohibiting, regulating, directing, controlling or  
20 restricting the parking of vehicles and the movement and conduct  
21 of vehicular and pedestrian traffic, which officers, agents and  
22 employees are hereby authorized, empowered and designated to issue,  
23 make and serve tickets, summonses and complaints for traffic  
24 infractions pursuant to article two-A of the vehicle and traffic  
25 law and such rules and regulations as may be promulgated  
26 thereunder, to issue, make and serve simplified traffic information

1 and to issue, make and serve appearance tickets for traffic  
2 infractions, misdemeanors and violations related to the movement  
3 and conduct of vehicular traffic, pursuant to article two-B of the  
4 vehicle and traffic law and title nineteen of the administrative  
5 code of the city of New York and such rules and regulations as may  
6 be promulgated thereunder.

7 (15) issue special vehicle identification permits;

8 (a) Upon application, the commissioner shall issue a special  
9 vehicle identification permit to a New York city resident certified  
10 by the department of health as suffering from a permanent  
11 disability seriously impairing mobility, who requires the use of  
12 private automobile for transportation and to a non-resident  
13 similarly certified who requires the use of a private automobile  
14 for transportation to a school in which such applicant is enrolled  
15 or to a place of employment, provided, however, that an applicant  
16 for such permit must possess an operator's or chauffeur's license  
17 with any restrictions indicating special devices or equipment  
18 required for the operation of a motor vehicle noted thereon by the  
19 department of motor vehicles.

20 (b) A vehicle bearing such special vehicle identification permit  
21 when parked shall not be deemed in violation of any of the  
22 provisions of the rules and regulations governing parking in the  
23 city except where such a vehicle shall be parked in a bus stop, a  
24 taxi-stand, within fifteen feet of a fire hydrant, a fire zone, a  
25 driveway, a crosswalk, a no stopping zone, a no standing zone, or  
26 where such vehicle is double parked.

(c) The name, address and telephone number where the permittee can be reached shall be written on the reverse side of the permit, not to be displayed to the public, but to be available for emergency purposes.

(d) Any person to whom a permit has not been issued, and who shall use a permit issued pursuant to this section for any purpose other than parking a motor vehicle while transporting a physically handicapped person, shall be guilty of a misdemeanor.

(e) Certifications by the department of health of applications for special vehicle identification permits shall be made at those district health offices designated for such purpose by the commissioner of health. At least one such district health office shall be designated in each borough for special vehicle identification permit certifications. Such certifications shall be available by appointment at each of said borough health offices, or an alternative location within the borough as designated by the commissioner by regulation, on a regular basis.

(16) operate and control the parking violations bureau.

(17) Establish and publicize a telephone number for citizen reporting of violations section 1203-c of the vehicle and traffic law;

(a) The department shall affix a sign indicating the aforementioned telephone number to all above grade signs, located on city property which display the international symbol of access;

(b) Any person, firm or corporation that is required by law to install such above grade signs, which display the international



symbol of access, shall affix a sign indicating the aforementioned telephone number to these signs.

(c) Whenever the department shall determine that such a sign should be installed or affixed, it may order the owner of the property to perform such work. Such order shall specify the work to be performed and shall fix a reasonable time for compliance. The department shall, by appropriate regulations, provide for a reinspection by a departmental inspector, if the owner of the property requests such reinspection.

(d) Upon the owner's failure to comply with such order or notice within thirty days of service thereof, the department may perform the work or cause same to be performed, the cost of which, together with administrative expenses, as determined by the commissioner, but not to exceed twenty percent of the cost of performance, shall constitute a debt recoverable from the owner by lien of the property affected or otherwise. Upon entry by the city collector, in the book in which such charges are to be entered, of the amount definitely computed as a statement of account by the department, such debt shall become a lien prior to all liens or encumbrances on such property, other than taxes. An owner shall be deemed to have complied with this subdivision if he or she performs such work as specified in the order within the time set forth therein.

(e) Service of a notice or order upon an owner pursuant to the provisions of this section shall be made upon such owner or upon his or her designated managing agent personally or by certified or

1 registered mail, return receipt requested, addressed to the person  
2 whose name appears on the records of the city collector as being  
3 the owner of the premises. If the records of the city collector  
4 show that a party, other than the owner, has been designated to  
5 receive tax bills for such property, the notice shall be mailed to  
6 such party as well as the owner of record, at his or her last known  
7 address. If the postal service returns the order with a notation  
8 that the owner refused to accept delivery of such notice, it may  
9 be served by ordinary mail and posted in a conspicuous place on the  
10 premises.

11 (f) A copy of such notice or order shall also be filed in the  
12 office of the clerk of the county where the property is situated,  
13 together with proof of service thereof.

14 (g) A notice of such account, stating the amount due and the  
15 nature of the charge, shall be mailed by the city collector, within  
16 five days after such entry, to the last known address of the person  
17 whose name appears on the records of the city collector as being  
18 the owner or the agent or as the person designated by the owner to  
19 receive tax bills or where no name appears, to the premises,  
20 addressed to either the owner or the agent.

21 (h) If such charge is not paid within ninety days from the date  
22 of entry, it shall be the duty of the city collector to charge and  
23 receive interest thereon, to be calculated to the date of payment  
24 from the date of entry.

25 (i) Such charge and interest shall be collected and the lien  
26 thereof may be foreclosed in the manner provided by law for the

1 collection and foreclosure of the lien of taxes, sewer rents, sewer  
2 surcharges and water charges due and payable to the city, and the  
3 provisions of chapter four of title eleven of the code shall apply  
4 to such charge and the interest thereon and the lien thereof.

5 (j) In addition to collecting the charge for the cost of  
6 installation or affixing of such a sign, the city may maintain a  
7 civil action for recovery of such charge against a property owner  
8 who is responsible under this section for such work in the first  
9 instance, provided however, that in the event that the department  
10 performs the work without duly notifying such person in the manner  
11 prescribed in subdivision e, the cost to the city of performing  
12 such work shall be prima facie evidence of the reasonable cost  
13 thereof.

14 b. Highway operations. The commissioner shall have charge and  
15 control of the following functions relating to the construction,  
16 maintenance and repair of public roads, streets, highways,  
17 parkways, bridges and tunnels:

18 (1) regulating, grading, curbing, flagging and guttering of  
19 streets, including marginal streets and places, and the laying of  
20 crosswalks;

21 (2) designing, constructing and repairing of public roads,  
22 streets, highways and parkways;

23 (3) paving, repaving, resurfacing and repairing of all public  
24 roads, streets, including marginal streets and places, highways  
25 and parkways and the relaying of all pavement removed for any cause  
26 including cleaning, sweeping, landscaping and maintenance functions

1 for arterial highways as defined by regulation;

2 (4) filling of sunken lots, fencing of vacant lots, digging down  
3 of lots and licensing of vaults under sidewalks;

4 (5) regulation of the use and transmission of gas, electricity,  
5 pneumatic power and steam for all purposes in, upon, across, over  
6 and under all streets, roads, avenues, parks, public places and  
7 public buildings; regulation of the construction of electric mains,  
8 conduits, conductors and subways in any streets, roads, avenues,  
9 parks and public places and the issuance of permits to builders and  
10 others to use or open a street; and to open the same for the  
11 purpose of carrying on the business of transmitting, conducting,  
12 using and selling gas, electricity or steam or for the service of  
13 pneumatic tubes, provided, however, that this subdivision shall not  
14 be construed to grant permission to open or use the streets except  
15 by persons or corporations otherwise duly authorized to carry on  
16 business of the character above specified;

17 (6) construction, alteration and maintenance of all bridges and  
18 tunnels. The commissioner shall issue a report to the mayor, [board  
19 of estimate,] city council and the people of the city about the  
20 condition of all bridges and tunnels operated and maintained by the  
21 department on March first, as of December thirty-first of the  
22 preceding calendar year. The report shall include a description of  
23 all capital and revenue budget funds appropriated for  
24 rehabilitation and maintenance of bridges and tunnels as well as  
25 the program developed by the commissioner for the maintenance of  
26 all bridges and tunnels in the city of New York;



1 (7) removal of encroachments on public roads, streets, highways  
2 and parkways, with the exception of seasonal horticultural  
3 operations, as defined by regulations to be adopted by the  
4 commissioner, to be executed by the department of parks and  
5 recreation, and snow removal and de-icing operations to be carried  
6 out by the department of sanitation;

7 (8) clearing, grubbing, grading, filling or excavating of vacant  
8 lots and other land areas, as provided by law;

9 (9) installation of metal chain link fences or barriers on  
10 overpasses, footbridges, bridges or walkways extending over  
11 highways, roadways, parkways and streets. Every fence or barrier  
12 so installed shall extend a suitable height above the surface level  
13 of such overpass, footbridge, bridge or railing, abutment or  
14 curbing thereon or adjacent thereto;

15 (10) designing, constructing and maintaining a lighting system  
16 for streets, highways, parks and public places in the city.

17 c. Ferries and related facilities. The commissioner shall:

18 (1) maintain and operate the ferries of the city;

19 (2) be responsible for constructing, acquiring, operating,  
20 maintaining or controlling all ferry boats, ferry houses, ferry  
21 terminals and equipment thereof and all wharf property and marginal  
22 roads adjacent to such wharves, ferry houses and terminals  
23 necessary for the operation of the ferries and related facilities,  
24 including parking sites; any ferry and any other such property,  
25 including but not limited to, all or part of such wharf property,  
26 may be leased in the same manner as other wharf property provided,

1 however, that from and after the sixtieth day next succeeding the  
2 date on which the provisions of this paragraph as hereby amended  
3 take effect, no substantial or general change in the level of  
4 services furnished upon any such ferry facility under the  
5 jurisdiction of the commissioner shall be instituted, allowed or  
6 continued except upon not less than thirty days notice to the  
7 [board of estimate] city planning commission and the [city]  
8 council. Provided, further that notice of such change shall be  
9 conspicuously posted in a public place at each ferry house and  
10 terminal for a continuous period of at least thirty days in advance  
11 of any such change taking effect and in addition, such notice shall  
12 further be published at least once during such thirty day period  
13 in a daily newspaper of general circulation in the city;

14 (3) have charge and control of all marine operations within the  
15 city and the power to regulate public and private ferry operations  
16 originating or terminating within the city;

17 (4) establish tours of ferry facilities and their related  
18 operations as well as tours of the New York harbor at fees to be  
19 established by the commissioner, together with the authority to  
20 publicize and advertise the same;

21 (5) issue permits for the control of television and photography  
22 activities within or upon ferries and related facilities; and

23 (6) construct, operate and maintain marinas and public boat  
24 launching ramps and related facilities of ferry property and  
25 collect fees for the use thereof; such fees to be deposited in a  
26 special fund for the continued maintenance, operation or

1 reconstruction of public marine facilities.

2 d. Mass transportation facilities. The commissioner shall:

3 (1) prepare or review plans and recommendations with respect to  
4 the nature, location, construction, operation and financing of  
5 roads, highways, bridges, tunnels, subways or other facilities for  
6 mass transportation other than aviation facilities for use in whole  
7 or in part within the city whether or not the funds provided for  
8 such facilities are derived from the city treasury;

9 (2) develop and coordinate planning and programming for all  
10 forms of mass transportation within the city of New York whether  
11 or not said transportation is within the sole operating  
12 jurisdiction of the city of New York; and

13 (3) make recommendations to the mayor, the metropolitan  
14 transportation authority, the New York city transit authority, the  
15 port authority of New York and New Jersey and other city, state and  
16 federal authorities and agencies concerning the mass transit needs  
17 of the city of New York.

18 Sec. 2904. Duties and obligations of property owner with  
19 respect to sidewalks, fencing of vacant lots and filling of sunken  
20 lots or cutting down of raised lots. The owner of any property at  
21 his own cost, shall

22 (1) install, reconstruct, repave and repair the sidewalk in  
23 front of or abutting such property, including but not limited to  
24 the intersection quadrant for corner property, and

25 (2) fence any vacant lot or lots comprising part or all of such  
26 property and fill any sunken lot or lots comprising part or all of

1 such property or cut down any raised lot or lots comprising part  
2 or all of such property whenever the transportation department  
3 shall so order pursuant to standards and policies of the  
4 transportation department. In the event that the owner fails to  
5 comply with the provisions of this section, the transportation  
6 department may provide for the doing of same at the expense of the  
7 owner in the manner to be provided by local law.

8 Sec. 2905. Right of entry. The commissioner or his agent  
9 when authorized by him may in accordance with law enter upon public  
10 or private property for the purpose of making surveys, borings or  
11 other investigations necessary for the exercise of the powers or  
12 the performance of the duties of the department. Refusal to permit  
13 such entry shall be triable by the judge of the criminal court of  
14 the city of New York and punishable by not more than thirty days'  
15 imprisonment or by a fine of not more than fifty dollars or both.

16 Sec. 2906. Improved traffic flow at highway construction sites.  
17 The commissioner may provide that on any city-sponsored, authorized  
18 or assisted arterial highway construction site, or major repair  
19 site that in the discretion of the commissioner is likely to  
20 substantially disrupt traffic, signs be posted at least one half  
21 mile or more prior to the area under construction or repair warning  
22 motorists of the fact that such work is in progress and, wherever  
23 possible, advising of an available alternate route.