

# New York City Council Watch

## 2009 Human Rights Report Card

### Introduction

The 51 members of the New York City Council are elected to protect the interests of all New Yorkers. As the primary law-making body of the City, and with the power to approve the City's budget, the City Council makes decisions that affect the lives of New Yorkers on a daily basis.

Like every governmental body, the New York City Council has a duty to protect the basic human rights of its constituents. Health, housing, education, work, and freedom from discrimination are some of the human rights that the City Council, along with the Mayor, makes decisions about. New Yorkers need to be informed when these human rights are advanced or violated by the actions of their elected representatives.

The Human Rights Report Card aims to provide reliable and accessible information on the performance of City Council representatives in protecting and advancing the human rights of New Yorkers in 2009. ***Please note that since this report is being released in September 2009, the actual assessment period is from September 2008 to August 2009.*** We hope that readers will give us their feedback at [councilwatch@hrpujc.org](mailto:councilwatch@hrpujc.org). Please visit <http://www.hrpujc.org/CouncilWatch.html> for additional information on the report card.

### Human Rights R Us

Human rights are the fundamental rights that we are all entitled to by virtue of our humanity. The bread and butter issues that New Yorkers deal with everyday are human rights concerns, and the New York City government has a duty to respect, protect and advance these rights as a matter of policy. Some universally accepted human rights include:

***Human Right to Health:*** Every New Yorker has the right to enjoy the highest attainable standard of physical and mental health. This means that we have the right to be as healthy as possible, within the limits posed by our bodies and behaviors. It also indicates that under universally accepted human rights standards, the New York City government has a duty to dedicate the maximum available resources to ensuring that New Yorkers have access to timely and appropriate health care; the underlying determinants of health such as food and nutrition, housing, safe and potable water, and adequate sanitation; safe and healthy working conditions; and a healthy environment.

***Human Right to Housing:*** Every New Yorker has the right to safe, adequate, and affordable housing. Under universally accepted human rights standards, the New York City government has an obligation to adopt clear policies to promote the right of all persons to adequate housing, and to ensure that adequate housing is accessible to all persons without discrimination. The City also has a duty to ensure procedural protections for New Yorkers in the case of forced evictions.

**Human Right to Work:** Every New Yorker has the right to work in a safe and healthy environment in an occupation of his or her free choosing. Each person should earn a decent living in that work to provide for adequate shelter, food and clothing. All New Yorkers are equally entitled to exercise their right to work without discrimination. The New York City government has a responsibility to promote just and favorable working conditions including a minimum wage that provides all workers with a decent living for themselves and their families; promotes worker's rights including collective bargaining; and protects and assists families of workers including with paid family and sick leave.

**Human Right to Education:** Every child has the right to a quality education without discrimination, including quality teachers and curricula, and a safe and welcoming school environment. The government has a duty to provide functioning educational institutions and to formulate, develop, and apply policy that will promote equality of opportunity and treatment in schools. New York City must also ensure that education is culturally appropriate, and that schools protect students against disciplinary measures that do not respect human dignity.

These basic rights are codified in the Universal Declaration of Human Rights (UDHR) which the United States was instrumental in drafting. The Human Rights Project compiled this report card to share information with New Yorkers on how their elected representatives have been protecting their rights. Complete results can be found at the centerfold within and online at <http://www.hrpujc.org/CouncilWatch.html>.

## Acknowledgements

We thank the following organizations and advocates for their contributions in producing the report card: Community Development Project of the Urban Justice Center, Coalition for Fair Business Rents, Parents in Action, New York Association for Gender Rights Advocacy, United Food and Commercial Workers Union, Picture the Homeless, Restaurant Opportunities Center - New York, and the Independent Commission on Public Education (ICOPE). Primary research support was done by Tatiana Bejar and Michael Blottin. Other research and coordinating support provided by Mai Schwartz. Harvey Epstein provided helpful advice on the project. The report was edited by Ejim Dike.

We thank the Overbrook Foundation and the US Human Rights Fund for their ongoing and generous support. We are immensely grateful to Davis, Polk and Wardwell for printing the report.

## About HRP

The Human Rights Project (HRP) at the Urban Justice Center works to hold the New York City government accountable to universally accepted human rights laws and standards. Our methods include education and training, organizing, human rights documentation, and policy advocacy. HRP is one of a growing number of organizations in the United States working to apply globally accepted human rights standards to domestic social policy.

Human Rights Project at the Urban Justice Center  
123 William Street, 16<sup>th</sup> Floor, New York, NY 10038  
[www.hrpujc.org](http://www.hrpujc.org)

© Human Rights Project (HRP) at the Urban Justice Center

September 2009

## Methodology

The three criteria detailed below were used to assess the City Council Members:

### 1. Votes on Key Legislation

The Human Rights Project consulted advocates with expertise in housing, health, education, workers rights, environmental justice, criminal justice, juvenile justice, at-risk youth, domestic violence, women's rights, immigrant rights, LGBTQ rights, and racial justice in order to identify key legislation that was passed from September 2008 to August 2009, as well as bills that have been introduced and are pending a vote at City Council. Council Members' votes on key legislation were assessed on whether or not they advanced human rights.

Legislation was determined to advance or violate human rights by measuring its mandate against universally accepted standards drawn from human rights law. For example, a Council Member's vote for a bill that will expand access to health insurance is a positive indicator of his or her support towards advancing the right to health. See [www.hrpujc.org/CouncilWatch.html](http://www.hrpujc.org/CouncilWatch.html) for details on the human rights standards used.

<i>Criteria</i>	<i>%</i>
1) Votes on Key Legislation (60% for vote plus 10% for primary sponsorship)	70%
2) Sponsorship on Intros (20% for co-sponsorship plus 5% for primary sponsorship)	25%
3) Questionnaire	5%

In this year's report card, primary sponsors of bills were allotted extra points in addition to the points they received or lost for their vote on a bill. Excused absences counted against a Council Member's record. Abstentions were awarded half the points of a vote.

### 2. Sponsorship of Bills Pending a Vote (Introductions or Intros)

The overwhelming majority of bills voted on from September 2008 to August 2009 passed with the unanimous support of all Council Members present. However, this does not indicate that Council Members are uniform in all their positions. Some very important bills that are introduced in City Council languish for years without coming up for a vote, often because they do not have the strong backing of the Speaker or the Mayor. Bills can have an improved chance of moving through the legislative process if a significant number of Council Members sponsor and push them. In order to obtain a more complete measure of a Council Member's support for specific issues, we have allotted points to sponsors of pending legislation. Primary sponsors of bills were allotted extra points in addition to the points they received for sponsorship of a bill.

### 3. Human Rights Questionnaire

A human rights questionnaire was sent to every Council Member, and Council Members were allotted points based on their responses. A sample of the questionnaire is available at [www.hrpujc.org/CouncilWatch.html](http://www.hrpujc.org/CouncilWatch.html). All Council Members received letters about the report card, and at least one follow-up call.

### Criteria Used for the City Council Speaker

This year's report card includes an additional assessment of the Speaker of the New York City Council. The Speaker is responsible for setting the legislative agenda of the Council and essentially determines whether and when bills that are introduced are scheduled for a hearing and/or a vote. The criteria used to assess the Speaker's performance include:

### **1. Substance of Bills moved through the Legislative Process**

The Human Rights Project considered the number of bills that were scheduled for a vote from September 2008 to August 2009 to determine the type of bills that were prioritized in the legislative agenda this past year.

### **2. Review of Bills Supported by the Mayor (i.e. requested or introduced in conjunction with the Mayor)**

The Mayor can request that legislation be introduced at City Council by working with a Council Member to introduce the bill. Council Members may also introduce bills in conjunction with the Mayor. For the purposes of this report, legislation is referred to as being “supported” by the Mayor if the Mayor requested the bill or if the bill was introduced in conjunction with the Mayor. The Human Rights Project assessed bills that were voted on from September 2008 to August 2009, and compared the percentage of bills that were requested by the Mayor, or introduced in conjunction with the Mayor, to the percentage of bills that were requested by other City Council Members. This criterion was used to gauge how the Speaker maintained the independence of the City Council (as the City’s legislative body and therefore an independent branch of government) from the executive branch.

### **3. Review of Bills scheduled for a Vote or a Hearing**

The Human Rights Project also assessed the number of bills that were introduced in City Council but had not been scheduled for a hearing or a vote. Hearings permit public discussion and debate on bills that have been introduced to identify the merits and/or drawbacks of the bill, as well as to clarify outstanding questions. This criterion was used to evaluate how the Speaker was advancing the basic democratic principles of promoting debate and the will of the City Council Members.

## **Issues Covered in the 2009 Human Rights Report Card**

The issues covered in this Human Rights Report Card are largely dictated by legislation that has been passed or is pending at the City Council during the time period starting September 2008 to August 2009, as long as the issue addressed related to human rights. The topics included this year are: Democracy, Equality, Environmental Justice, Health, Housing, and Education. In the case where bills fall under more than one broad topic area, we have taken the liberty to choose which topic the bill is categorized under. We did not include bills that addressed broad environmental concerns because the New York League of Conservation Voters issues a very good report card on the environmental record of Council Members. Nevertheless, to the extent that a bill addresses an environmental concern that has a disproportionate impact on low-income communities or communities of color, the bill was included as an Environmental Justice issue.



## Snapshot: State of Human Rights in New York City

Where do things stand in New York City with respect to the range of human rights from political and civil rights to economic, social and cultural rights? For a brief overview, we share some findings from the city government, as well as recent studies by advocacy groups on a number of human rights concerns in New York City. We have selected information that highlights the situation of the City's more vulnerable residents including those with the least economic or political power.

**Advancing Democracy:** *A functioning democracy requires that the government respect and protect civil and political rights, as well as economic, social and cultural rights, and that the will of the people be the basis of the authority of government.*

### Term Limits

In a reversal from past pledges to respect the will of New Yorkers who voted twice by public referendum to keep term limits to two four-year terms, Mayor Bloomberg and Speaker Quinn partnered to ensure the passage of a bill last October to extend the time city politicians can serve in office from two to three terms. Their partnership, along with the votes of 28 other Council Members, not only circumvented the public's will but also enabled the Mayor, Speaker, and all term-limited Council Members to run for office again if they so desired.<sup>1</sup>

### New York City Parade Permit Law

In 2007, the New York Police Department (NYPD) adopted new rules that let the police ticket or arrest any "recognizable group" of 50 or more, whether on foot or bicycle, if the group did not obtain a parade permit from the police department. The old rule did not designate a numerical limit. Speaker Quinn's office worked with the NYPD to develop these new rules, which restrict core first amendment activities. The rule is being challenged in court.<sup>2</sup>

**The Right to Equality and Non Discrimination:** *All human beings are born free and equal in dignity and rights. However, entitlements, opportunities and access are not equally distributed throughout society and some groups have advantages while other groups face systemic barriers that result in unequal outcomes for them. The government has a duty to advance substantive equality for all groups.*

### Equal Protection and Treatment Under the Law

There has been a 500% increase since 2002 in the number of New Yorkers stopped, questioned and/or frisked by the NYPD. And nine in ten of those stopped and frisked are Black or Latino. Furthermore, only 10% of the stops resulted in a summons or arrest signifying that the stops lacked reasonable suspicion.<sup>3</sup> Black children *who are arrested* are 5.3 times as likely as White children *who are arrested* to be placed in facilities.<sup>4</sup>

### Health Disparities

Women in the poorest New York neighborhoods have a life expectancy 5 years shorter than those who live in the highest income neighborhoods.<sup>5</sup> Hispanic women and women with low incomes are less likely than others to have health care coverage.<sup>6</sup> AIDS mortality is 7 times higher for Black women than White women.<sup>7</sup> LGBT New Yorkers experience hostility and discrimination in New York City's health care system.<sup>8</sup>

### Housing Disparities

Black households making more than \$68,000 a year are almost five times as likely to hold high-interest subprime mortgages as are Whites of similar — or even lower — incomes.<sup>9</sup> Over 90% of the homeless population in New York City is Black or Latino.<sup>10</sup> The vast majority of families in shelters are headed by women.<sup>11</sup>

### Education Disparities

New York City schools disproportionately suspend poor and minority students for the same infractions.<sup>12</sup>

### Work Disparities

The unemployment rate for Black New Yorkers rose four times as fast as that of White New Yorkers from the first quarter of 2008 through the first three months of 2009.<sup>13</sup> White job applicants with a felony conviction fare just as well and sometimes better than Black job applicants with no criminal background in New York City.<sup>14</sup>

### Environmental Racism

The MTA, a city- and state-directed entity, runs the largest diesel bus fleet (4,000 vehicles) in the country, of which one-third is housed in Northern Manhattan home to a primarily Black and Latino population. Six of Manhattan's seven bus depots are in northern Manhattan, which has asthma rates well above the City's average.<sup>15</sup>

**The Human Right to Health:** *The right to health is more than the right to health care. It also includes access to food, nutrition, housing, safe and clean water – some of the underlying determinants of health – and security in the event of sickness or disability.*

### Health Insurance

An estimated 1.2 million non-elderly New Yorkers did not have health insurance in 2005, and the uninsured are overwhelmingly from working families.<sup>16</sup> New York City government can act to provide health care to these New Yorkers by following the example set by San Francisco with the Healthy San Francisco program which provides access to primary and preventive care, emergency room visits, prescription medications, and more to their city residents.<sup>17</sup>

### Paid Sick Leave

Over 900,000 workers in New York City—65% of the City's working poor and 34% of moderate and higher income workers—lack even a single day of paid sick time.<sup>18</sup> The importance of paid sick time was underscored with the recent swine flu scare when New Yorkers were advised to stay home and get treatment if they were sick. However, this meant that nearly 1 million New Yorkers were at risk losing pay or their jobs if they followed the advice. Again, New York City can follow San Francisco's example by requiring paid sick leave for all workers.<sup>19</sup>

**The Human Right to Housing:** *The right to housing includes access to safe, adequate and affordable housing without discrimination, as well as procedural protections from forced evictions.*

### Affordable Housing

Only one in ten houses in New York City is affordable to people earning the median income. This is lower than anywhere else in the country.<sup>20</sup> In fact, a recent survey by the Bloomberg Administration showed that high housing costs was the top reason for people moving out of the City.<sup>21</sup> The Bloomberg Administration has prioritized high profile development projects like the construction of sports stadiums—projects with average minimal benefit to middle and low income residents—over affordable housing.<sup>22</sup>

### Foreclosures

Foreclosure filings increased by 50% citywide from 2006, and a disproportionate number of foreclosures have been borne by communities of color throughout the City.<sup>23</sup>

### Homelessness

It has been estimated by housing advocates that housing could be provided for all the City's unsheltered homeless if vacant housing units were converted to provide housing for the homeless, and that the cost of conversion would be cheaper than the current and temporary solutions seen in shelters.<sup>24</sup>

**The Human Right to Work:** *Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. Everyone who works has the right to just and favorable remuneration.*

#### Poverty among Workers

According to the New York City Center for Economic Opportunity, the poverty rate for full-time employed workers in New York City is 8.5%, and 23.2% for part-time employees. The rate for adults with no work is 41.3%.

#### Wages in New York City

Hourly Wages	One Adult	One Adult, One Child	Two Adults	Two Adults, One Child	Two Adults, Two Children
Living Wage	\$11.86	\$19.66	\$16.29	\$24.10	\$30.30
Minimum Wage	\$7.25	\$7.25	\$7.25	\$7.25	\$7.25
Median NYC Wage <sup>25</sup>	\$19.93	\$19.93	\$19.93	\$19.93	\$19.93

#### Small Business Enterprises

New York City's small businesses account for two-thirds of the city's private sector jobs. During the last few years under Mayor Bloomberg, 2005-2008, 27,809 warrants were issued to evict small businesses, and an estimated 83,000 small businesses were forced to close.<sup>26</sup> A recent U.S.A. Latino Chamber of Commerce survey of Hispanic businesses, which make up about 45% of all small business in New York, found that 53% said they are in danger of closing, with 74% reported "high rents and unreasonable lease terms" as the main reason. The Bloomberg Administration has further aggravated this problem with its big development projects—e.g. Willets Point and Albee Square—that result in the displacement of small business owners and workers with little or no compensation.

#### Unemployment Benefits

According to New York City Comptroller's office, the current maximum unemployment benefits in New York—\$405 per week—is lower than many adjoining states. For example, it is \$560 in New Jersey and \$576 in Connecticut.<sup>27</sup> Furthermore, less than one third of unemployed New Yorkers receive unemployment benefits.<sup>28</sup>

**The Human Right to Education:** *Everyone has the right to education. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.*

#### Graduation Rates

In New York City, about 54% of freshmen graduate within four years compared with 83% from suburban New York high schools.<sup>29</sup>

#### Class Size and Overcrowding

New York City class sizes increased despite an infusion of \$150 million in state funds last year earmarked specifically to reduce the numbers of children in each room.<sup>30</sup> A government report found that class size had increased at almost every grade last year, and according to a New York City Comptroller report, a number of rapidly expanding communities now—or in the next few years—will suffer from overcrowded elementary and middle schools, notwithstanding the school capacity expansion projects in the city's 2005-09 Capital Plan.<sup>31</sup>





## Speaker's Report

*Christine C. Quinn was elected the Speaker of City Council by her peers in 2006. Speaker Quinn is a Council Member representing District 3 in Manhattan including Chelsea, the West Village, SoHo, NoHo, the Flatiron District, Hell's Kitchen/Clinton, and parts of Murray Hill.*

### The Key Role of the Speaker

The Speaker is the most powerful City Council Member. She is responsible for setting the legislative agenda of the City Council, and essentially controls the legislative agenda. In short, the Speaker bears the primary responsibility for setting an agenda at City Council that protects the human rights of New Yorkers. Every bill once introduced in City Council is assigned to a Committee. The Speaker should then work with the Committee Chair to set a date for a public hearing on the bill. The public hearing allows for debate and information gathering. After the Committee has held hearings, good bills are hopefully voted out of Committee, and then scheduled for a full Council vote. The Speaker controls this process. Unfortunately, some very important bills that have been introduced in City Council have languished for years without ever being scheduled for a hearing or coming up for a vote. When this happens, it is usually a reflection of the Speaker's priorities.

### The Makings of a Good Speaker

One of the Speaker's duties is to facilitate the functioning of the City Council as a democratic body. A good Speaker would promote dialogue and public debate on legislative initiatives in true democratic spirit. The Speaker would establish an environment where transparency and democratic principles rule. In addition, a good Speaker would ensure that the City Council balances out the powers of the executive branch. Speaker Quinn unfortunately has not displayed many of these characteristics.

### The Legislative Priorities of Speaker Quinn

As New Yorkers endure an economic crisis, they may be puzzled to learn some of the legislative priorities of the City Council led by Speaker Quinn. The number of bills that were enacted from September 2008 through August 2009 suggests that Speaker Quinn's biggest legislative priority this past year related to construction and building with an emphasis on ensuring safer construction sites. This priority largely reflects the Mayor's legislative agenda. Coming in second was the less substantive effort to rename New York City's thoroughfares and public spaces.

Top three legislative priorities from September 2008 – August 2009		
1.	Construction and building related issues	24%
2.	Name changes for thoroughfares and public spaces	9%
3.	Establishing business improvement districts and empire zones	8%
3.	Environmental protection	8%
		<b>49%</b>

The Speaker was the primary sponsor of seven bills during the assessment period. All but one bill have been voted on. Commendable among her bills is the Clinic Access bill, which prohibits activity designed to prevent access to reproductive health care facilities. The Speaker also spearheaded two name change bills; a bill to encourage licensing of pedicabs; a bill requiring the chancellor of the city school district to submit to the council an annual report concerning school enrollment, capacity and utilization; a bill requiring the department of city planning to file a comprehensive waterfront



plan; and a bill to give redevelopment companies J-51 tax benefits to encourage rehabilitation of housing.

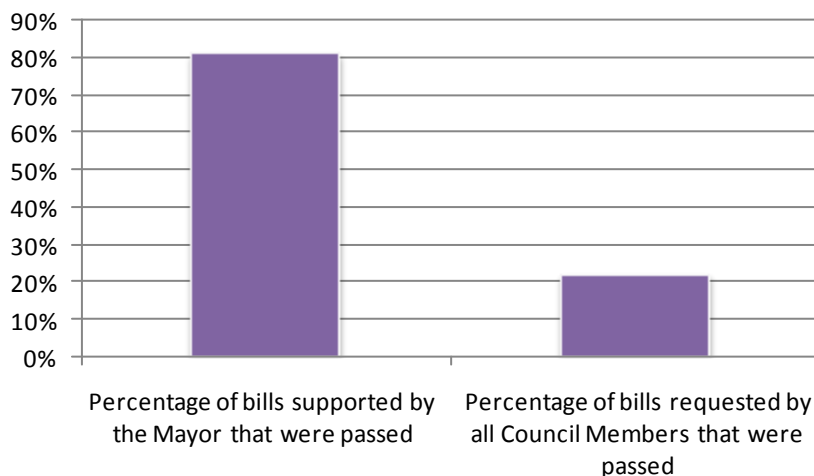
It is disappointing that the legislative agenda promoted by Speaker Quinn does not reflect a recognition of the systemic problems facing New Yorkers including: the lack of safe and affordable housing commensurate with the need in the City; the closings of small businesses; the displacement of workers and residents from their communities; racial profiling and police violence targeting people of color; systemic discrimination and inequalities faced by New Yorkers on a daily basis; and high poverty rates.

### Separation of Powers

The three branches of government are designed to serve as a check and balance for each other so that no one branch becomes too powerful. The Human Rights Project assessed the extent to which the Speaker maintained the City Council's independence from the executive branch by looking at the number of bills that were passed at the request of, or in conjunction with the Mayor, and comparing it to the number of bills that were passed at the introduction of other Council Members. **We found that the Speaker essentially pushed the Mayor's agenda during her tenure, and prioritized the Mayor's bills over that of fellow Council Members.**

Likelihood that a bill supported by the Mayor would get passed: **4 in 5**

**Comparing Percentage of Bills Supported by Mayor to the rest of the Council**



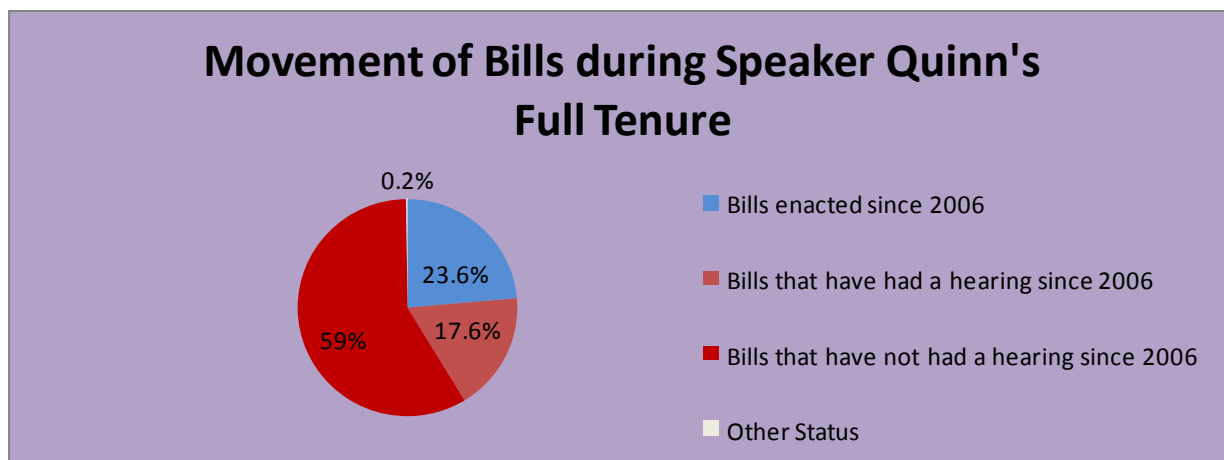
In 2008, only 2 out of the 28 bills supported by the Mayor were not passed. One of the bills not passed would have created a civil cause of action for victims of domestic violence. In 2007, only 4 of the 29 bills supported by the Mayor were not passed. In 2006, only 3 of the 31 bills supported by the Mayor were not passed. One was filed.

✓ Likelihood that a bill supported by the Mayor and Speaker will be scheduled for a vote compared to bills requested by the other 50 Council Members combined: **1 to 1**

✓ Most bills scheduled for a vote get passed.

## Promoting the Democratic Process

We assessed Speaker Quinn's performance in advancing the democratic process by reviewing the number of bills that she scheduled for debate or a vote.



In order to pass, a bill needs at least 26 Council Member votes. **Since she took office as Speaker, Christine Quinn has prevented debate**, not to mention a vote, **on at least 13 bills with 26 or more sponsors**, and at least 34 bills with more than 20 sponsors. These include bills that would promote the welfare of New Yorkers like the Human Rights in Government Operations Audit Law, which would promote equal treatment of city employees and equitable delivery of city services; the School Safety Act, which would protect students of color from discriminatory school disciplinary policies; and the Counsel to Foreclosure bill, which would provide legal counsel for certain tenants subject to eviction or foreclosure proceedings. Unfortunately, unless these bills get a hearing in the next few months, they will need to be reintroduced next year. The Speaker will have contributed to weakening the democratic process.

## Overview of the City Council's 2009 Human Rights Record

The City Council had a mediocre human rights record from September 2008 to August 2009. While it enacted some important laws to advance the human rights of New Yorkers, it did not pass bills to protect renters and homeowners from eviction or foreclosure, promote small business survival, guard workers against exploitation, or protect youth from discriminatory disciplinary practices. The Council also neglected to pass bills that would institute accountability measures in promoting the equal treatment of New Yorkers in the delivery of city services, as well as big development projects. It is worth noting again that the Speaker plays a key role in defining this agenda.

An assessment of the bills voted on and introduced by Council Members indicates strong support for advancing equality for all New Yorkers particularly groups vulnerable to discrimination and abuse including senior citizens and youth in juvenile detention. The overall score for bills to advance equality was 70%. The City Council also showed solid support for environmental justice, with an overall score of 72%, and health with a score of 64%. There was one bill passed on housing to secure rent stabilization laws through 2012, and most Council Members voted in favor of this bill. As a result of the term limits vote—the most controversial vote of the assessment period—the City Council scored much lower when its record on advancing democracy was assessed; an average of 32%. The Council also scored poorly on protecting the rights of workers and small/micro businesses with an average score of 40%. There were no laws passed on education during the assessment period. Council Members were assessed on their support of the right to education by looking at their sponsorship of two pending bills on education.

It may surprise some to know that the vast majority of bills that are voted on in City Council are passed without a single negative vote. The most controversial bill of the assessment period was **term limits**, and **twenty-nine Council Members scored an F** for their vote in favor of it thereby extending the maximum number of terms that elected officials can run for office from two to three terms. The term limits bill was introduced at the request of Mayor Bloomberg and passed in just **two weeks**, despite major public opposition. By deciding the matter legislatively, 29 Council Members chose to disregard the will of New Yorkers as twice expressed by public referendum. This year, Council Members were assessed on the following issue areas: **democracy, advancing equality, environmental justice, health, housing, workers' rights, and education**. Some issues may appear absent from this report card—**criminal justice, juvenile justice**, and **child welfare**—were included under the advancing equality category.

**The Human Rights Project congratulates the following Top Ten Council Members for their legislative work in advancing human rights.**

1 <sup>st</sup>	Tony Avella ( <i>Queens</i> )	7 <sup>th</sup>	David Yassky ( <i>Brooklyn</i> )
2 <sup>nd</sup>	Letitia James ( <i>Brooklyn</i> )	8 <sup>th</sup>	Bill de Blasio ( <i>Brooklyn</i> ) & Kendall Stewart ( <i>Brooklyn</i> )
3 <sup>rd</sup>	Melissa Mark-Viverito ( <i>Manhattan</i> )	9 <sup>th</sup>	David Weprin ( <i>Queens</i> ) & Alan Gerson ( <i>Manhattan</i> ) & G. Oliver Koppell ( <i>Bronx</i> )
4 <sup>th</sup>	John Liu ( <i>Queens</i> )	10 <sup>th</sup>	Eric Gioia ( <i>Queens</i> )
5 <sup>th</sup>	Rosie Mendez ( <i>Manhattan</i> ) & Daniel Garodnick ( <i>Manhattan</i> )		
6 <sup>th</sup>	Gale Brewer ( <i>Manhattan</i> ) & Thomas White ( <i>Queens</i> )		

# New York City Council Watch: 2009 Human Rights Report Card

	Democracy	Term Limits	Policing Free Speech	Voter Registration	Equality	Elder Abuse Prevention	NYPD Firearms Data	Consumer Debt	Jail Data Reporting	Senior Citizen Rent	Community Impact	Human Rights GOAL	Immigrant Services	Foster Care Data	Environmental Justice	Waste Permit Fee	Diesel fuel	Engine Idling	Brownfields	Asthma Free Act	Health	Water Inspection	Food Allergy Posters	Health Insurance	Clinic Access	HIV/AIDS Patients	Housing	Rent Stabilization	Notice of Foreclosure	Rent Stabilizat. Online	Fair Housing	Foreclosure Counsel	Foreclosure Counsel2	Illegal Hotels	Work	MWBE	Willeys Point	Small Business Act	Paid Family Leave	Restaurant Act	Vendor Licenses	Education	PTA Web Webcast	School Safety Act	RANK
Avella	80	v	s	s	80	v	v	v	v	v	s	s	s	s	80	v	v	v	v	s	65	v	v	v	X	s	81	v	s	p	s	s	s	s	75	v	v	s	s	s	s	20	s	s	1
James	80	v	s	s	81	v	v	v	v	v	s	s	s	s	80	v	v	v	v	s	80	v	v	v	v	s	78	v	s	s	p	s	s	s	66	v	A	s	p	s	s	20	s	s	2
Mark-Viverito	80	v	s	s	80	v	v	v	v	v	s	s	s	s	80	v	v	v	v	s	80	v	v	v	v	s	17	e	s	s	s	s	s	s	50	v	x	s	s	s	s	20	s	s	3
Liu	80	v	s	s	80	v	v	v	v	v	s	s	s	s	83	v	v	v	v	s	80	v	v	v	v	s	67	v	s				s		40	v	x	s		s		20	s	s	4
Garodnick	70	v		s	77	v	v	v	v	v	s		s	s	60	v	v	v	v		63	v	v	v	v		73	v	s	s			s	s	40	v	x		s	s		10		s	5
Mendez	83	v	p	s	75	v	v	v	v	v	s	s		s	85	v	v	v	v	p	60	v	v	v	v		78	v	s	s	s		p	s	46	v	x	s		p	s	20	s	s	5
Brewer	70	v	s		70	v	v	v	v	v	s			s	80	v	v	v	v	s	60	v	v	v	v		71	v	s				s	p	40	v	x	s	s			10	s		6
White, Jr.	10	x		s	80	v	v	v	v	v	s	s	s	s	60	v	v	v	v		60	v	v	v	v		71	v	p			s		s	45	v	e	s		s		20	s	s	6
Yassky	20	x	s	s	80	v	v	v	v	v	s	s	s	s	80	v	v	v	v	s	60	v	v	v	v		70	v	s	s			s		30	v	x					20	s	s	7
de Blasio	60	v			76	v	v	v	v	v	s	s		p	60	v	v	v	v		60	v	v	v	v		67	v			s		s		35	v	x	s				13	p		8
Stewart	10	x		s	76	v	v	v	v	v		s	p	s	80	v	v	v	v	s	60	v	v	v	v		77	v	s	s	s	s	s		40	v	x			s	s	10		s	8
Gerson	20	x	s	s	68	e	v	v	v	v	s	s	s	s	83	v	v	v	v	s	80	v	v	v	v	s	74	v	s	s		p	s	s	40	v	x	s		s		10		s	9
Koppell	10	x		s	75	v	v	v	v	v		s	s	s	80	v	v	v	v	s	80	v	v	v	v	s	73	v			s	s	s	s	35	v	x			s		20	s	s	9
Weprin	70	v		s	62	v	v	v	v	v					80	v	v	v	v	s	80	v	v	v	v	s	70	v	s			s	s		40	v	x	s		s		10	s		9
Gioia	60	v			60	v	v	v	v	v					80	v	v	v	v	s	60	v	v	v	v		63	v					s		35	v	x			s		10		s	10
Barron	70	v	s		58	v	v	e	v	v	s	s			65	e	v	v	v	s	80	v	v	v	v	s	67	v			s		s		76	v	v	s		s	p	10		s	11
Ferreras*	-	*			65	*	*	*	v	v		s			80	*	*	*	v	s	-	*	*	*	*		60	v							-	*	*	s				10		s	11
Mealy	25	x	s	p	65	v	v	v	v	v		s			80	v	v	v	v	s	60	v	v	v	v		70	v		s	s		s		40	v	e	s			s	10		s	12
Martinez**	10	x	s		65	v	v	v	v	v		s			80	v	v	v	v	s	80	v	v	v	v	s	63	v					s		45	v	x	s		s	s	10		s	na
Palma	70	v	s		75	v	v	v	v	v	s	s		s	65	v	v	e	v	s	70	v	v	e	v	p	73	v	s		s		s	s	40	v	x	s		s		10	s		13
Gentile	70	v		s	65	v	v	v	v	v	s				80	v	v	v	v	s	45	v	v	v	e		73	v	s	s		s	s		30	v	x					10	s		14
Arroyo	0	x			60	v	v	v	v	v					80	v	v	v	v	s	80	v	v	v	v	s	63	v					s		45	v	x	s		s	s	10		s	15
Crowley*	-	*			60	*	v	v	v	v					60	v	v	v	v		60	v	v	v	*		60	v							-	*	*					0			15
Lappin	70	v	s	s	65	v	v	v	v	v		s			60	v	v	v	v		48	v	v	v	e		67	v					s	s	40	v	x		s	s		0			15

Reyna	0	x			65	√	√	√	√	√	s				80	√	√	√	√	s	60	√	√	√	√	67	√			s		s		45	√	x	s	s		s	0			15		
Ulrich*	-	*			60	*	*	*	√	√					60	*	*	*	√		-	*	*	*	*	60	√							-	*	*					0			15		
Comrie, Jr.	0	x			70	√	√	√	√	√	s	s			63	√	√	√	√		60	√	√	√	√	67	√	s				s		40	√	x	s		s		0			16		
Dickens	0	x			65	√	√	√	√	√		s			60	√	√	√	√		60	√	√	√	√	67	√			s			s	40	√	x	s		s		10		s	16		
Nelson	0	x			60	√	√	√	√	√					60	√	√	√	√		60	√	√	√	√	73	√	s			s	s	s	40	√	x	s		s		0			16		
Eugene	60	√			60	√	√	√	√	√					60	√	√	√	√		60	√	√	√	√	63	√	s						30	√	x					10		s	17		
Foster	0	x			76	√	√	√	√	√	s	p		s	80	√	√	√	√	s	45	e	√	√	√	63	√					s		45	√	e	s	s	s		10		s	17		
Recchia, Jr.	0	x			65	√	√	√	√	√	s				80	√	√	√	√	s	60	√	√	√	√	63	√					s		30	√	x					10		s	18		
Sanders, Jr.	10	x		s	75	√	√	√	√	√	s	s		s	60	√	√	√	√		60	√	√	√	√	70	√					s	s	s	0	e	x					10		s	18	
Seabrook	10	x		s	58	√	√	√	e	√	s	s			65	√	√	√	e	s	83	√	√	√	√	s	67	√			s		s		45	√	x	s		s	s	10		s	18	
Baez	0	x			53	√	√	√	e	√		s			65	√	√	√	e	s	60	√	√	√	√	63	√					s		40	√	e	s			s	0			19		
Gonzalez	0	x			41	e	e	√	√	√		s			80	√	√	√	√	s	65	√	√	√	e	s	77	√					s	s	45	√	x	s		s	s	10		s	19	
Jackson	0	x			58	√	√	√	e	√	s	s			65	√	√	√	e	s	80	√	√	√	√	s	70	√	s				s	s	41	√	x	p		s		13		p	19	
Rivera	0	x			65	√	√	√	√	√		s			60	√	√	√	√		60	√	√	√	√	63	√					s		35	√	e	s				0			19		
Sears	0	x			60	√	√	√	√	√					60	√	√	√	√		60	√	√	√	√	67	√	s					s		35	√	x	s				0			19	
Gennaro	60	√			60	√	√	√	√	√					63	√	√	√	√		60	√	√	√	√	60	√							5	e	x	s				10		s	20		
Vann	0	x			76	√	√	√	√	√	p	s		s	65	√	√	e	√	s	45	√	√	e	√	67	√	s					s		35	√	x	s				20		s	s	20
Katz	0	x			60	√	√	√	√	√					60	√	√	√	√		60	√	√	√	√	60	√							35	√	x	s				0			21		
Fidler	10	x		s	65	√	√	√	√	√				s	45	√	√	X	√		60	√	√	√	√	63	√	s						30	√	x					10		s	22		
Quinn	0	x			60	√	√	√	√	√					60	√	√	√	√		63	√	√	√	√	60	√							30	√	x					0			22		
Dilan	0	x			53	√	e	√	√	√		s			60	√	√	√	√		60	√	√	√	√	60	√							30	√	x					10		s	23		
Vallone, Jr.	0	x			62	√	√	√	√	√					60	√	√	√	√		45	√	√	√	X	60	√							30	√	x					0			24		
Vacca	0	x			67	√	√	√	√	√			s		45	√	√	X	√		65	√	√	√	X	s	63	√					s		30	√	x					0			25	
Mitchell*	-	*			60	*	*	*	√	√					60	*	*	*	√		0	*	*	*	X	60	√							-	*	*					0			26		
Oddo	60	√			60	√	√	√	√	√					60	√	√	√	√		30	√	X	√	X	0	X							30	√	x					10		s	27		
Ignizio	60	√			60	√	√	√	√	√					60	√	√	√	√		30	√	X	√	X	0	X							30	√	x					0			28		
Felder	0	x			48	√	√	e	√	√					30	e	√	X	√		45	√	√	√	X	63	√					s		30	√	x					10		s	29		

### Legend

√ = Vote for Human Rights	e = Excused Absence	na = Not Applicable	A = Abstention
X = Vote against Human Rights	s = Co-sponsor	P = Primary Sponsor	

\*Council Member not elected in office during votes on the issue. Boroughs are color coded: Bronx (green), Brooklyn (yellow), Manhattan (orange) Queens (light orange), & Staten Island (light blue). Numeric score for each category was calculated by: averaging the votes of all legislation in that category (weighted at 60%) + primary sponsorship of legislation (weighted at 10%) + average of sponsorship on legislation pending a vote (20%) + primary sponsorship of pending legislation (weighted at 5%) + questionnaire responses (5%). Questionnaire results are not shown in table. Excused absences counted against Council Members. Scores for education are low because they are based solely on sponsorship of pending legislation; there was no education related legislation passed in the past year. \*\*Miguel Martinez resigned from City Council in July 2009.

## Summary of Legislation including Resolutions and Intros

---

**Advancing Democracy:** Respect for basic civil and political rights is key to any functioning democracy. We have included the issue of term limits in this year's report card again because the timeframe for the report card shifted up to September 2008. Again, this year, the term limits law marks the defining legislative moment of City Council and continues to be the most controversial votes of the past 12 months. In addition to the term limits bill, a bill requiring more New York Police Department (NYPD) transparency in policing protest, and a bill on voter registration was used to measure Council Members' support for democratic principles:

»**Term Limits. Int. 845 (Passed: 10/23/08. Intro: 10/7/08)** ☹: Int. 845 changes the numbers of consecutive terms that New York City's elected officials can serve as mayor, public advocate, comptroller, borough president and council member from two full terms to three full terms. The bill set the interests of the Mayor and several term-limited Council Members in opposition to the wishes of the New York City public who had expressed their desire for a two-term limit previously by passing two public referenda on the subject. By sidestepping a public vote, the bill violates the human rights principles that the basis of government's authority rest with the will of the people.

»**Policing Free Speech and Assembly. Int. 743 (Intro: 3/26/08)** ☺: Int. 743 would require the NYPD to keep records of all applications for and policy interactions with First Amendment assemblies. These records would explain any modifications or denials of applications as well as any police interaction with First Amendment assemblies. Along with providing strict guidelines for the NYPD's record keeping and conduct, this bill also gives organizers flexible registration timeframes and allows for spontaneous protests and demonstrations. The bill is intended to protect the rights to freedom of assembly and expression.

»**Voter Registration for Youth. Int. 690 (Intro: 1/30/08)** ☺: Int. 690 would require the New York City Department of Education to provide postage paid voter registration forms to students within thirty days of their eighteenth birthday. Previously the department was only required to provide voter registration forms to students receiving diplomas. The bill promotes increased access to the political process.

**Advancing Equality:** New York City has one of the most comprehensive civil rights laws in the nation, protecting against discrimination based on: race, age, national origin, alienage or citizenship status, gender (including gender identity and sexual harassment), sexual orientation, disability, marital status, partnership status, arrest or conviction record, and status as a victim of domestic violence. In housing, the law also provides protections against discrimination based on any lawful source of income. The elimination of all forms of discrimination is a key step to ensuring equal enjoyment of rights by all groups. The following bills were used to measure Council Members' support in advancing equality:

»**Elder Abuse Prevention. Int. 737 (Passed: 9/4/08. Intro: 3/12/08)** ☺: Int. 737 requires senior centers contracting with the City to undergo trainings, establish resource networks, run formal education campaigns, and post helpful information regarding domestic abuse of the elderly. The elderly are particularly vulnerable to abuse, and this law would promote their rights to health, and to be free from degrading treatment and violence.

»**Annual NYPD Firearm Discharge Reports. Int. 516 (Passed: 1/7/09. Intro: 2/1/07)** ☺: Int. 516 requires the NYPD to produce an annual report on the discharge of firearms including all intentional, unintentional and unlawful shootings. Such incidents are to be disaggregated by the subject's age, race and gender, among other characteristics. The bill requires that the reports be automatically shared with the City Council, but does not require the data to be made public. Collection and publication of information by the NYPD is key to addressing the disproportionate use of force on young men of color.

»**Buyers of Consumer Debt. Int. 660 (Passed: 3/11/09. Intro: 12/11/07) ☺:** Int. 660 amends the definition of “debt collection agency” to include debt-buyers who use third party agencies or attorneys to collect debt. Many debt buyers have claimed that they do not have to comply with the City’s licensing requirements because they do not engage in collection work themselves, but hire others to do it for them. However, this change clarifies that debt buyers are subject to the City’s licensing requirements and oversight including the federal Fair Debt Collection Practices Act and New York’s General Business Law. Some debt buyers have been among the worst perpetrators of abusive debt collection practices against New York City residents, disproportionately affecting those who are poor, disabled, or elderly. Int. 660 helps to restore the right of low-income households in New York City to fair and ethical lending practices.

»**Jail Data Reporting on Adolescents. Int. 937 (Passed: 4/22/09. Intro: 2/26/09) ☺:** Int. 937 requires that the Commissioner of the Department of Corrections post a quarterly report on the department’s website containing information regarding census data and security indicators for adolescents in city jails. Census data will include the total number of adolescent admissions to city jails, disaggregated by age, gender, percentage previously admitted to a facility operated by the department and those admitted to a facility under the jurisdiction of the department of juvenile justice. Security shall include separate indicators, disaggregated by facility, such as incidents of stabbing, slashing, assaults on staff, fight infractions, allegations and incidents of use of force, hospitalization resulting from the use of force, use of chemical, homicides, attempted suicides, suicides and allegations of and sexual assault related to adolescents. This bill will help maintain a safer detention environment for youth, in particular youth of color who comprise the vast majority of the detention population, however the bill would be greatly enhanced if it is amended to include race data.

»**Senior Citizen Rent Increase Exemption. Int. 1026 (Passed: 3/18/09. Intro: 6/19/09) ☺:** Int. 1026 streamlines the administration of the Senior Citizen Rent Increase Exemption (“SCRIE”) program by replacing the Department for the Aging with the Department of Finance as the agency that administers the program. The SCRIE program protects eligible renters from increases in rent above one-third of their household income. In return, the landlord receives a real estate tax abatement equal to the amount of the rent forgiven. The change was intended to make the administration of SCRIE more efficient, and would reduce the turnaround time for low-income seniors waiting for their benefits.

»**Community Impact Reports. Int. 801 (Intro: 6/29/08) ☺:** Int. 801 would require that any city agency or affiliate complete an assessment of the impacts of any city-subsidized economic development project on the surrounding community, prior to granting its approval. The assessment would include: the number of businesses and employees who would be displaced; the demographic characteristics of those negatively affected tracking race, economic-status, gender, and age; the number and types of jobs to be produced with a breakdown of the range of remuneration offered; and the number of positions that would be filled by individuals from the surrounding community. This bill would promote accountability and equal protection in development projects.

»**Human Rights in Government Operations. Int. 731 (Intro: 3/12/08) ☺:** Int. 731 would require the City to ensure that policies that have a disproportionate negative impact based on gender, race, sexual orientation, and other protected classes are corrected to guarantee the full enjoyment of human rights by all New Yorkers. City agencies would be required to conduct a human rights analysis to proactively identify and propose solutions to policies and practices that have the unintentional consequence of discriminating in the areas of employment practices, allocation of funding and human resources, and public service delivery. The bill would require city agencies to consult with people directly affected by discriminatory policies in assessing and developing solutions to them. By addressing the disparate negative impact of policies on historically vulnerable groups, the bill would advance equality.



»**Transparency in Immigration Services. Int. 720 (Intro: 2/27/08)** ☺: Int. 720 would require immigration service providers to post bilingual signs notifying customers that they are neither licensed attorneys nor accredited by the Board of Immigration Appeals to give legal advice. The signs would also include information on the client's right to cancel any contract with the provider, as well as information on where to anonymously complain against the provider. This law promotes equal access to information for immigrants who are particularly disadvantaged by language barriers.

»**Collecting and Reporting Data Related to Youth Aging Out of Foster Care. Int. 950 (Intro: 3/24/09)** ☺: Int. 950 would require the Administration for Children's Services (ACS) to collect and disseminate data related to the education, employment, income security, housing, and criminal justice involvement of youth within the foster care system. This data would assist the City Council in evaluating how successful the ACS is in fulfilling its mandate to adequately prepare youth who age out of foster care for stable and independent lives, as well as the need for policy changes. This bill would facilitate improved services for youth in foster care, who are disproportionately low-income youth of color and LGBT youth, and vulnerable to discrimination.

**Environmental Justice:** Environmental Justice links social injustice to environmental problems. The City Council generally has a better record on broader environmental legislation but not when viewed through a lens of racial or social justice. Environmental justice requires that we consider the disproportionate negative effect of environmental problems on low-income communities and communities of color. The following bills were used to assess Council Members' record on environmental justice:

»**Increasing and Establishing Fees for Solid Waste Transfer Stations. Int. 840 (Passed: 3/11/09. Intro: 9/24/08)** ☺: Int. 840 increases fees for land (including piers and land under water) used as a dump or solid waste transfer station. This bill also establishes an annual fee to be collected from operators of solid waste container facilities. The increased fees would generate funding needed to better enforce the Department of Sanitation's regulations. Communities that host the majority of the City's waste transfer stations and bear the impacts are predominantly low-income communities and communities of color. Environmentally sound and equitable solid waste management would have a positive impact on these communities.

»**Ultra Low Diesel Fuel. Int. 684 (Passed: 2/26/09. Intro: 1/30/08)** ☺: Int. 684 requires that all diesel-powered generators used in the production of films, television programs and advertisement and at street fairs be powered by ultra low diesel fuel. The Mayor's office of film, theatre and broadcasting, along with the street activity permit office, are required to issue notices of this requirement to all applicants. The bill would contribute to the reduction of diesel pollution generated in New York City neighborhoods and would benefit low-income communities with poor air quality.

» **Engine Idling Violations. Int. 631 (Passed: 1/28/09. Intro: 10/17/07)** ☺: Int. 631 amends city law restricting the motor engine idling to prohibit the idling of vehicles adjacent to public or non-public schools for more than one minute. This bill requires that reports including data on the number of violations, summons, and penalties incurred as a result of the law be submitted to the City Council, and also requires that applicants for driver's licenses be tested on their knowledge of city and state laws governing engine idling. Idling is an issue for low-income communities of color, where emissions from idling trucks around the many industrial and manufacturing facilities located there aggravate already poor air quality. Poor air quality is felt most acutely by children especially those suffering from asthma and other respiratory problems; a health problem disproportionately affecting low-income children of color.

» **Brownfield and Community Revitalization Act. Int. 21 (Passed: 4/22/09. Intro: 2/1/06) ☺:** Brownfield sites are properties that are difficult to redevelop or utilize due to the potential presence of hazardous waste, petroleum, pollutant and other contaminants. Int. 21 requires that the City develop a comprehensive and coordinated program to facilitate the re-use of Brownfield sites, and to periodically report to the public on the program's implementation. The bill would aid clean-up and redevelopment of contaminated sites that are predominantly found in low to moderate income neighborhoods and communities of color.

»**Asthma-Free Housing Act 2008. Int. 750 (Intro: 4/16/08) ☺:** Int. 750 would require owners of multi-family homes to inquire yearly on whether any resident has been diagnosed with asthma, chronic pulmonary obstructive disease, or lung cancer. Owners would be required to inspect units where a susceptible person lives for indoor allergen hazards and provide notice of the owner's obligations to residents under this Act. The bill would classify indoor allergens as a violation of the housing code, and the City would be required to report on the cost of implementation, violations, and asthma rate. Asthma rates are particularly high in low-income communities of color, and this bill would promote a healthier living environment.

**Health:** The City Council's record on advancing the right to health was generally positive over the past year. However, the City Council could take a much bolder step towards fulfilling the right to health by following the example of San Francisco and providing accessible and affordable primary and preventive care, emergency room visits, prescription medications, and more to city residents. The following bills were used to measure Council Members' support in advancing the human right to health for all New Yorkers:

»**Inspection of Drinking Water Supply and Distribution Tanks. Int. 408 (Passed: 2/11/09. Intro: 8/16/06) ☺:** Int. 408 requires owners of buildings that employ storage or distribution tanks in their water supply system have their tanks inspected at least once annually, and maintain such records for at least five years from the date of inspection. The bill also requires that building owners post a notice stating that these records are available upon request, and that one may contact the Department of Mental Health and Hygiene if they are not made available within five days. The bill would promote the health of tenants and homeowners by ensuring that they have safe and clean drinking water that is inspected annually.

»**Food Allergy Posters. Int. 818 (Passed: 2/26/09. Intro: 8/14/08) ☺:** Int. 818 requires that food service establishment display a poster of food allergy information in several of the main languages spoken in New York City including, at a minimum, Chinese, English, Korean, Russian and Spanish. The poster must be displayed in plain sight of all employees involved in the preparation and service of food. This bill would help educate restaurant staff on allergies to reduce the possibility of customers suffering harmful allergic reactions.

»**Expansion of Health Insurance Coverage to Families of Certain Deceased Employees Int. 917 (Passed: 1/28/09. Intro: 1/28/09) ☺:** This bill expands the health insurance coverage provided by the city code to families of employees of the police, fire, corrections and sanitation departments, who died as result of an accident or injury sustain in the course of duty, to include families of deceased employees of the department of environmental protection. This bill promotes the right to health by expanding health insurance coverage even if for a limited category of New Yorkers.

»**Clinic Access. Int. 826 (Passed: 4/2/09. Intro: 9/24/08) ☺:** Int. 826 prohibits any person from obstructing access to reproductive health care facilities, and making such conduct subject to criminal and civil penalties. This bill protects women's right to reproductive health.

»**Services for HIV/AIDS Patients. Int. 691 (Intro: 1/30/08) ☺:** Int. 691 would expand services offered to all people infected with HIV, including those who are asymptomatic. Previously services were only available to people with clinical or symptomatic HIV. This bill would promote increased access to appropriate health services.

**Housing:** The lack of adequate housing in the City is one of the biggest issues facing New Yorkers. There are several bills that would protect tenants and homeowners in New York currently pending a hearing or vote in City Council. The City Council can also use its legislative power on land use issues to push for an increased number of affordable housing units provided by developers. The following bills were used to measure Council Members' support in advancing human right to adequate housing:

»**Extending Rent Stabilization. Int. 923 (Passed: 3/24/09. Intro: 2/11/09)** ☺: Int. 923 states that rent stabilization laws will stay in effect until 2012 in order to address the city's housing crisis particularly given the current economic crisis.

»**Tenant's Right to Notice of Foreclosure. Int. 956 (Intro: 3/24/09. Hearing held: 4/21/09)** ☺: Int. 956 would require any entity or individual, other than government entities, that initiates an action for foreclosure of homes comprising one to five dwelling units, to notify all tenants living in those homes of the action within ten days. The bill is responding to a recent report that 60% of foreclosure filings in 2007 were on buildings with less than five units. In addition to ensuring that tenants receive adequate notice of foreclosure of their home, the bill also requires that tenants be provided with information on their legal rights and at least one governmental entity that they may contact with questions regarding the foreclosure.

»**Rent Stabilization Online. Int. 698 (Intro: 2/13/08)** ☺: Int. 698 would require the New York City Department of Buildings to provide online access to the rent control or rent stabilization status of an apartment or building. Each borough superintendent would be required to keep a record of all applications regarding construction, alteration and removal of buildings, and all city and state departments would be required to coordinate, share and publish such information. By providing more information on affordable housing, the bill would promote the right to housing.

»**Fair Housing. Int. 685 (Intro: 1/30/08)** ☺: Int. 685 would promote measures to fight segregation in residential housing on the neighborhood, borough, city and regional levels, and would attempt to counteract the current impact of past discrimination and segregation. New York City is one of the most segregated cities in the United States. The bill would promote equal access to housing.

»**Counsel for Foreclosing. Int. 682 (Intro: 1/30/08)** ☺: Int. 682 would provide legal counsel to renters or occupant owners who are subject to eviction or foreclosure proceedings including in rental dwellings, co-ops, condominiums, in certain one or two family homes, and/or if a minor is living with the family. Eligible individuals must proactively request this service. The bill would protect the right to legal security of tenure in housing.

»**Counsel for Foreclosing 2. Int. 648 (Intro: 11/15/07)** ☺: Similar to Int. 682 above, Int. 648 would provide legal counsel to renters or occupant owners who are subject to eviction, ejectment or foreclosure proceedings including in rental dwellings, co-ops, condominiums, in certain one or two family homes, and/or if a minor is living with the family. More expansive than Int. 682, this service would be provided not only at the request of eligible individuals, but also the courts or organizations designated to represent such renters or occupant owners. The bill would protect the right to legal security of tenure in housing.

»**Illegal Hotels. Int. 534 (Intro: 3/14/07. Hearings held: 12/3/07)** ☺: Int. 534 makes it illegal to convert dwelling units legally approved for residential use to hotel use. Violators would be fined per dwelling unit converted from residential to hotel, in monetary terms, increasing with the frequency of infractions. This bill would help preserve permanent residential affordable housing for tenants in New York City.

**Workers Rights:** The rights of workers and to work are even more vulnerable in an insecure economic environment. City Council Members were assessed on legislation they voted on or sponsored that would increase protections for workers. We included the 2008 approval by City Council of the Willets Point Development Plan in this year's report card again because it falls into the timeframe of this report. The Willets Point Development Plan

has already resulted in the harassment by city officials of small business owners and workers in the auto industry located at Willet Points. Two other bills that would protect small and micro business owners have also been included in this assessment, as has a bill that would promote equal employment of minority and women-owned businesses.

**»Participation of Minority- and Women-Owned Business Enterprises. Int. 888 (Passed: 12/9/08. Intro: 12/9/08)** ☺: Int. 888 amends City law to require all applicants for construction projects to participate in a program that ensures meaningful participation of minority- and women-owned business enterprises in order to receive tax benefits in accordance with the industrial and commercial abatement program. Applicants are also required to agree to comply with all applicable city, state and federal laws designed to ensure equal employment opportunity.

**Willets Point Development Plan. Res. 1687, 1688, 1689, 1690, 1691, 1692 (Passed: 11/13/08. Intro: 11/13/08)** ☺: Res. 1687-1692 approved rezoning plans for redevelopment of Willets Point, a 62-acre expanse that has been home to auto-related businesses near Shea Stadium over the past few decades. The plan was approved by a majority of Council Members despite initial opposition echoing community concerns about the inadequate provision of affordable housing in the new plan, and the forcible displacement of approximately 1700 workers in about 250 small tenant businesses using eminent domain. The approved plan offers 35% of its new units as affordable housing, and a paltry \$3 million for the displaced businesses. The resolutions authorize the use of eminent domain to acquire properties in Willets Point. The City agreed to negotiate a deal to aid the displaced workers and tenant businesses and negotiations are still in process. While the final plan is much better than what was initially proposed, the process did not meet human rights standards for forcible displacement by neglecting to engage in genuine consultation with the Willets Point tenant businesses and workers; neglecting to provide them with adequate notice of the proposed evictions; and failing to ensure legal aid and remedies. Since passage of the plan, the City has engaged in a campaign to harass several of the Willets Point workers. The Urban Justice Center will be releasing a report on this issue this fall.

**»Small Business Survival Act. Int. 847 (Intro: 10/7/08. Hearings held: 6/29/09)** ☺: Int. 847 would create new guidelines regarding the renewal of commercial leases. Unless the tenant requests a shorter period, the bill would require renewals for commercial leases to extend for a minimum of ten years. In the case of any dispute, the renewal process would be conducted in three phases: negotiation, mediation, and arbitration. If the tenant and landlord cannot reach an agreement through the negotiation phase, a process of mediation, and later of arbitration, begins under the guidance of a person chosen by the parties or by an association such as the American Arbitration Association. This bill would protect New York City's small businesses which are most vulnerable to price hikes and extortion during the lease renewal process.

**»Paid Family Leave. Int. 805 (Intro: 7/23/08)** ☺: Int. 805 would require private employers of one or more employees to provide paid leave following the federal Family and Medical Leave Act, limited to twelve weeks during any twelve month period. Employers may use accrued sick leave and/or paid disability leave for the purposes of providing paid family leave. The bill would improve work conditions for New Yorkers and enable more workers—particularly women who have historically borne the disproportionate burden for care work—to balance family needs with employment.

**»Responsible Restaurant Act. Int. 569 (Intro: 5/9/07. Hearings held: 3/31/08)** ☺: Int. 569 would require the City to consider whether food service establishments (FSE) meet the standards of the City's Health Code *and* are operated and maintained in compliance with city, state and federal minimum wage law, hours of work law, overtime compensation law and employment discrimination law before issuing or renewing a permit to operate the FSE. The bill also would make retaliation against those who report any infractions of FSEs unlawful. This bill would protect the labor rights of the City's more than two-hundred thousand food service workers.


























»**Vendor Licenses. Int. 324 (Intro: 5/10/06. Hearings held: 11/14/08)** ☺: Int. 324 would increase the maximum number of full-term permits issued to general and food cart vendors to 25,000 and allow for a yearly increase once that maximum number has been reached. The current cap on permits issued by the City forces thousands of vendors to work without a license. Increasing the number of permits issued would improve access to work opportunities for New Yorkers particularly immigrants, who comprise the majority of street vendors, and enable them to provide an adequate standard of living for themselves and their families.



























**Education:** Education policy is largely decided at the state level but the City Council can take some legislative action to improve the quality of education and parent participation in schools. The City Council did not pass any laws on education in the past year however there are two important bills used in this report card pending a hearing and vote.

»**Making Webcast Equipment Available to PTAs. Int. 948 (Intro: 3/24/09)** ☺: Int. 948 would make webcast technology and equipment available to all parent associations, parent teacher associations, and community education councils, and would allow such groups to record meetings and produce live webcasts. The bill would promote parent and community participation in education.

»**School Safety Act. Int. 816 (Intro: 8/14/08)** ☺: Int. 816 would expand the jurisdiction of the Civilian Complaint Review Board to include complaints against abusive police behavior in schools by School Safety Agents. The bill would require the Department of Education and Police Department to report to the City Council quarterly on school safety matters. This report would include a breakdown by race/ethnicity, age, sex and student status of the suspects and victims involved in any incidents, those against whom action was taken by the policy as well as those suspended or expelled from school. The bill would identify and mitigate increased police involvement in non-criminal, non-violent incidents affecting the quality of education of youth, and the disproportionate impact of school safety policies on students of color.

## 2009 Human Rights Report Card \*\* NYC Council Watch

Council Member			Advancing Democracy	Advancing Equality	Environmental Justice	Health	Housing	Work	Education***	Overall Grade	Rank
	Tony Avella District 19		A+	A+	A+	B	A+	A	A+	A+	1
	Leticia James District 35		A+	A+	A+	A+	A	B	A	A	2
	Melissa Mark-Viverito District 8		A+	A+	A+	A+	F	C	A+	A	3
	John Liu District 20		A+	A+	A+	A+	B	D	A+	A	4
	Daniel Garodnick District 4		A	A	B	B	A	D	B	A	5
	Rosie Mendez District 2		A+	A	A+	B	A	C	A+	A	5
	Gale Brewer District 6		A	A	A+	B	A	D	B	A	6
	Thomas White, Jr. District 28		F	A+	B	B	A	C	A+	A	6
	David Yassky District 33		F	A+	A+	B	A	F	A+	A	7
	Bill de Blasio District 39		B	A	B	B	B	D	A	B	8
	Kendall Stewart District 45		F	A	A+	B	A	D	B	B	8
	Alan Gerson District 1		F	B	A+	A+	A	D	B	B	9
	G. Oliver Koppell District 11		F	A	A+	A+	A	D	A+	B	9
	David Weprin District 23		A	B	A+	A+	A	D	B	B	9
	Eric Gioia District 26		B	B	A+	B	B	D	B	B	10
	Charles Barron District 42		A	B	B	A+	B	A	B	B	11
	Julissa Ferreras* District 21		-	B	A+	-	B	-	B	B	11
	Darlene Mealy District 41		F	B	A+	B	A	D	B	B	12
	Annabel Palma District 18		A	A	B	A	A	D	B	B	13
	Miguel Martinez** District 10		F	B	A+	A+	B	C	B	na	na
	Vincent Gentile District 43		A	B	A+	C	A	F	B	B	14
	Maria del Carmen Arroyo District 17		F	B	A+	A+	B	C	B	B	15
	Elizabeth Crowley District 30		-	B	B	B	B	-	D	B	15
	Jessica Lappin District 5		A	B	B	C	B	D	D	B	15
	Diana Reyna District 34		F	B	A+	B	B	C	D	B	15

	Eric Ulrich* District 32	-	B	B	-	B	-	D	B	15
	Leroy Comrie District 27	F	A	B	B	B	D	D	B	16
	Inez Dickens District 9	F	B	B	B	B	D	B	B	16
	Michael Nelson District 48	F	B	B	B	A	D	D	B	16
	Mathieu Eugene District 40	B	B	B	B	B	F	B	B	17
	Helen Foster District 16	F	A	A+	C	B	C	B	B	17
	Domenic Recchia, Jr. District 47	F	B	A+	B	B	F	B	B	18
	James Sanders, Jr. District 31	F	A	B	B	A	F	B	B	18
	Larry Seabrook District 12	F	B	B	A+	B	C	B	B	18
	Maria Baez District 14	F	C	B	B	B	D	D	B	19
	Sara Gonzalez District 38	F	D	A+	B	A	C	B	B	19
	Robert Jackson District 7	F	B	B	A+	A	D	A	B	19
	Joel Rivera District 15	F	B	B	B	B	D	D	B	19
	Helen Sears District 25	F	B	B	B	B	D	D	B	19
	James Gennaro District 24	B	B	B	B	B	F	B	B	20
	Albert Vann District 36	F	A	B	C	B	D	A+	B	20
	Melinda Katz District 29	F	B	B	B	B	D	D	C	21
	Lewis Fidler District 46	F	B	C	B	B	F	B	C	22
	Christine Quinn District 3	F	B	B	B	B	F	D	C	22
	Erik Martin Dilan District 37	F	C	B	B	B	F	B	C	23
	Peter Vallone, Jr. District 22	F	B	B	C	B	F	D	C	24
	James Vacca District 13	F	B	C	B	B	F	D	C	25
	Kenneth Mitchell* District 49	-	B	B	F	B	-	D	C	26
	James Oddo District 50	B	B	B	F	F	F	B	C	27
	Vincent Ignizio District 51	B	B	B	F	F	F	D	C	28
	Simcha Felder District 44	F	C	F	C	B	F	B	D	29

**Borough Color Code:** Brooklyn (■) Bronx (■) Manhattan (■) Queens (■) Staten Island (■). Details on back page.

A+ = 80-100. A = 70-79. B = 55-69. C = 45-54. D = 35-44. F = 0-34. \*Not elected during vote. \*\*Miguel Martinez resigned from City Council in July 2009. \*\*\*Education graded on a different scale - bill sponsorships and not actual votes.

To find your City Council Member, please go to <http://council.nyc.gov/html/members/members.shtml>



## Endnotes

- <sup>1</sup> Council Votes, 29 to 22, to Extend Term Limits. New York Times. By Sewell Chan and Jonathan P. Hicks. October 23, 2008. <http://cityroom.blogs.nytimes.com/2008/10/23/council-to-debate-term-limits-change/>
- <sup>2</sup> New Permits for Mass Bike Rides. By Al Baker. January 27, 2007. [http://www.nytimes.com/2007/01/27/nyregion/27parade.html?\\_r=1](http://www.nytimes.com/2007/01/27/nyregion/27parade.html?_r=1).
- <sup>3</sup> Group Bicycling Goes to Court. By J. David Goodman. May 12, 2009. <http://cityroom.blogs.nytimes.com/2009/05/12/group-bicycling-goes-to-court/?scp=1&sq=NYPD%20parade%20law&st=cse>
- <sup>4</sup> <http://ccrjustice.org/newsroom/press-releases/ccr-charges-nypd-racial-profiling-federal-lawsuit>
- <sup>5</sup> [http://www.chcfinc.org/policy/StateofLatinoFamilies/Race\\_and\\_Ethnicity-Path\\_Through\\_the\\_Juvenile\\_Justice\\_System.pdf](http://www.chcfinc.org/policy/StateofLatinoFamilies/Race_and_Ethnicity-Path_Through_the_Juvenile_Justice_System.pdf)
- <sup>6</sup> Health and Wealth: Assessing and Addressing Income Disparities in the Health of New Yorkers. Office of the New York City Comptroller. September 2007. [http://www.comptroller.nyc.gov/bureaus/opm/reports/09-27-07\\_health-wealth-report.pdf](http://www.comptroller.nyc.gov/bureaus/opm/reports/09-27-07_health-wealth-report.pdf)
- <sup>7</sup> Health Insurance Coverage in New York, 2005-2006. Urban Institute and United Hospital Fund. [http://www.uhfnyc.org/usr\\_doc/Health\\_Insurance\\_Coverage\\_in\\_New\\_York\\_2005\\_2006.pdf](http://www.uhfnyc.org/usr_doc/Health_Insurance_Coverage_in_New_York_2005_2006.pdf).
- <sup>8</sup> Women at Risk: The Health of Women in New York City. The New York City Department of Health and Mental Hygiene. March 2005.
- <sup>9</sup> Improving Lesbian, Gay, Bisexual and Transgender Access to Healthcare at New York City Health and Hospitals Corporation Facilities. Office of the New York City Public Advocate. December 2008. <http://pubadvocate.nyc.gov/policy/documents/LGBThealthrecsreportfinal.pdf.pdf>
- <sup>10</sup> Minorities Affected Most as New York Foreclosures Rise. New York Times. By Michael Powell and Janet Roberts. May 15, 2009. <http://www.nytimes.com/2009/05/16/nyregion/16foreclose.html?scp=2&sq=New%20York%20African%20Americans%20foreclosures%202009&st=cse>
- <sup>11</sup> Race Realities in New York City. Human Rights Project at the Urban Justice Center. December 2007.
- <sup>12</sup> New York City Department of Homeless Services. <http://www.nyc.gov/html/dhs/downloads/pdf/dailyreport.pdf>
- <sup>13</sup> Race Realities in New York City. Human Rights Project at the Urban Justice Center. December 2007.
- <sup>14</sup> Job Losses Show Wider Racial Gap in New York City. New York Times. By Patrick McGeehan and Mathew R. Warren. July 12, 2009. <http://www.nytimes.com/2009/07/13/nyregion/13unemployment.html>
- <sup>15</sup> Race At Work: Realities of Race and Criminal Record in the NYC Job Market. By Devah Pager and Bruce Western. December 2005. [http://www.nyc.gov/html/cchr/pdf/race\\_report\\_web.pdf](http://www.nyc.gov/html/cchr/pdf/race_report_web.pdf)
- <sup>16</sup> Breathe At Your Own Risk: Transit Justice in West Harlem. The Urban Habitat. By Peggy Shepard. Winter 2005-2006. <http://www.urbanhabitat.org/node/326>.
- <sup>17</sup> The MTA, Bus Depots and Race. The Nation. By Rebecca Tuhus-Dubrow. October 17, 2003. <http://www.thenation.com/doc/20031103/tuhusdubrow>
- <sup>18</sup> Health Insurance Coverage in New York, 2005-2006. Urban Institute and United Hospital Fund. [http://www.uhfnyc.org/usr\\_doc/Health\\_Insurance\\_Coverage\\_in\\_New\\_York\\_2005\\_2006.pdf](http://www.uhfnyc.org/usr_doc/Health_Insurance_Coverage_in_New_York_2005_2006.pdf).
- <sup>19</sup> No More Delay: Proven Policy Solutions for New York City. Drum Major Institute. <http://drummajorinstitute.org/library/report.php?ID=91>
- <sup>20</sup> Estimates by Community Service Society of New York (CSS) and Vicky Lovell, IWPR based on The Unheard Third 2007 and 2008, Survey of New York City residents by Community Service Society of New York (CSS)
- <sup>21</sup> No More Delay: Proven Policy Solutions for New York City. Drum Major Institute. <http://drummajorinstitute.org/library/report.php?ID=91>
- <sup>22</sup> Reviving the City of Aspirations: A study of the challenges facing New York City's middle class. Center for an Urban Future. February 2009.
- <sup>23</sup> Id.
- <sup>24</sup> Id.
- <sup>25</sup> State of New York City's Housing and Neighborhoods 2008. The Furman Center for Real Estate and Urban Policy.
- <sup>26</sup> Homeless People Count: Vacant Properties in Manhattan. Picture the Homeless. May 2007.
- <sup>27</sup> [http://www.bls.gov/oes/2008/may/oes\\_35644.htm#b41-0000](http://www.bls.gov/oes/2008/may/oes_35644.htm#b41-0000)
- <sup>28</sup> City court records from 1986 -2008 Commercial Warrants for Eviction
- <sup>29</sup> The federal economic stimulus package (American Recovery and Reinvestment Act) temporarily adds \$25 per week to the maximum amount.
- <sup>30</sup> [http://www.comptroller.nyc.gov/press/2009\\_releases/st09-08-084.shtm](http://www.comptroller.nyc.gov/press/2009_releases/st09-08-084.shtm)
- <sup>31</sup> <http://www.nytimes.com/2009/04/22/education/22dropout.html>
- <sup>32</sup> Class Size in New York City Schools Rises, but the Impact Is Debated. New York Times. By Jennifer Medina. February 21, 2009.
- <sup>33</sup> 2008-2009 Class Size Report. New York City Department of Education. <http://schools.nyc.gov/AboutUs/data/classsize/classsize.htm>.
- <sup>34</sup> Growing Pains: Reform Department of Education Capital Planning to Keep Pace with New York City's Residential Construction. Office of the New York City Comptroller. May 2008. [www.comptroller.nyc.gov](http://www.comptroller.nyc.gov).

---

New York City Council Watch: 2009 Human Rights Report Card

Human Rights Project at the Urban Justice Center  
123 William Street, 16<sup>th</sup> Floor, New York, NY 10038  
[www.hrpujc.org](http://www.hrpujc.org). [www.urbanjustice.org](http://www.urbanjustice.org).

© Human Rights Project (HRP) at the Urban Justice Center

