

Initiative Petition to Amend New York City Charter Under New York Municipal Home Rule Law Section 37

I, the undersigned, do hereby state that I am a registered voter of the City of New York, that my present place of residence is truly stated opposite my signature hereto, and that I do hereby sign this Petition, as set forth below, to enable the within Proposed Charter Amendment to be submitted to the electors of the City of New York at a general election to be held on November 4, 2014.

PETITION TO AMEND THE CHARTER OF THE CITY OF NEW YORK TO ESTABLISH THE HIGH-RISE SAFETY INITIATIVE

WHEREAS, it is the obligation of the New York City Department of Buildings to ensure the safe and lawful use of buildings in the City;

WHEREAS, in cities across the country, as a result of construction and design defects, natural and man-made disasters, and other causes, buildings of various types, including high-rise structures, have suffered collapse; and

WHEREAS, it is in the best interest of the City to establish, within the Department of Buildings, a responsibility to investigate and report on the causes of collapses of high-rise structures in the City;

THE CHARTER OF THE CITY OF NEW YORK IS HEREBY AMENDED TO ADD A NEW SUBSECTION 645(e) TO CHAPTER 26 TO READ AS FOLLOWS AND TO BE PRESENTED TO THE VOTERS OF THE CITY OF NEW YORK AT THE GENERAL ELECTION OF VOTERS TO BE HELD ON NOVEMBER 4, 2014:

1. The title of this local law is "Act to Establish the High-Rise Safety Initiative."
2. **Definitions.** As used in this local law, the following terms shall have the following meanings:
 - a) "Act" shall mean Act to Establish the High-Rise Safety Initiative;
 - b) "Agent" shall mean any investigator, consultant, expert, or other person or entity hired or retained to assist in carrying out the Department's responsibilities under the Act;
 - c) "City" shall mean City of New York;
 - d) "Commissioner" shall mean Commissioner of the New York City Department of Buildings;
 - e) "Collapse" shall mean any incident, occurring on or after September 11, 2001, in which, in the Commissioner's judgment, a portion comprising most or all of a High-Rise Structure has collapsed to the ground, other than in the normal course of intentionally razing such High-Rise Structure for purposes of real property development, and in response to which the City has conducted rescue operations or debris removal at the site of such High-Rise Structure;
 - f) "Construction Permits" shall mean all permits encompassed in the term "Construction Permits" as used in The City of New York Comprehensive Annual Financial Report of the Comptroller for the Fiscal Year Ended June 30, 2013;
 - g) "Department" shall mean New York City Department of Buildings;
 - h) "Effective Date" shall mean the date on which the Act takes effect, as defined herein.
 - i) "Employee" shall mean any full-time or part-time City employee who works in or for the Department;
 - j) "Fund" shall mean the "New York City High-Rise Safety Fund" established under the Act to provide the moneys and revenues sufficient to meet expenditures necessary for implementation of the Act;
 - k) "High-Rise Structure" shall mean any building, whether used for commercial, residential, or other purposes, and without regard to its classification or categorization under any Law, that (i) has or had a height of at least 20 stories, and (ii) is or was located in the City. This term shall not, however, include the buildings that, on and prior to September 11, 2001, were located at and known as 1 World Trade Center and 2 World Trade Center;
 - l) "Investigation" shall mean the activities of the Department conducted pursuant to the Act; and
 - m) "Law" shall mean any City, New York State, or Federal law, regulation, or rule, or any applicable judicial decision.
3. **Investigatory Responsibilities.** The Department shall, to the extent permitted by and consistent with the Law, conduct an Investigation into the cause or causes of each Collapse. The Commissioner shall, to the extent the Commissioner deems necessary and to the extent permitted by and consistent with the Law:
 - a) Designate Employees to assist in conducting each Investigation and in carrying out the Department's other responsibilities under the Act;
 - b) Hire or retain Agents to assist in conducting each Investigation and in carrying out the Department's other responsibilities under the Act; and
 - c) Expend and direct the expenditure of Fund assets for purposes in furtherance of conducting each Investigation and of carrying out the Department's other responsibilities under the Act.

Each Investigation shall proceed, to the extent permitted by and consistent with the Law, even if a City, New York State, Federal, or other public or private entity conducted or participated in previous investigations relating to the High-Rise Structure at issue.

4. **Investigatory Authority.** Provided that the Department's powers under this Act shall be limited solely to the City, and that the Department shall not be authorized, under this Act, to exercise subpoena power over any non-City public official or to enter or inspect any building, structure, enclosure, or premises located outside the City, in the Commissioner's discretion, the Department and its Employees and Agents, to the extent permitted by and in compliance with the Law, shall have the following authority:

- a) To compel, through subpoena, the attendance of witnesses, the taking of oaths, the examination of witnesses, and the production of books, papers, and other documents;
- b) To enter and inspect any building, structure, enclosure, premises or any part thereof, anything therein, or anything attached thereto;
- c) To consult and coordinate with other City departments and agencies; and
- d) To exercise all other investigatory powers authorized by Law.

5. **Reporting on Investigations.** The Department shall prepare a report, to be submitted to the Mayor of the City and published on the Department's website, detailing and analyzing the results of each Investigation.

6. **Financing Plan Under New York State Municipal Home Rule Law Section 37 Paragraph 11.** There shall be established a special fund, to be known as the New York City High-Rise Safety Fund, for receipt and maintenance of moneys sufficient to meet expenditures necessary for implementation of the Act. Such expenditures are estimated to be approximately \$1.0 million (one million dollars) per year when an Investigation is being conducted. The Fund assets shall be obtained and maintained by adding a surcharge of .9% to all fees required to be paid in connection with applications for all Construction Permits submitted to the Department, which surcharge (i) shall first take effect on the Effective Date, (ii) shall cease to be in effect at any time Fund assets exceed \$3.0 million (three million dollars), and (iii) shall, after ceasing to be in effect, be re-imposed at any time Fund assets are depleted below \$1.0 million (one million dollars). All moneys collected from said surcharge shall be deposited into the Fund, which shall be an interest-bearing account and which shall be held separate and apart from any other funds or monies of the Department or City. The moneys in the Fund may be expended only by the Department, at the discretion of and pursuant to the control of the Commissioner, and only in connection with exercising the Department's responsibilities as set forth in the Act.

7. **Effective Date.** The "Effective Date" of the Act shall be the later of (i) the beginning of the first fiscal year for which a New York City budget is prepared and adopted after adoption of this local law; or (ii) 45 (forty five) days after adoption of this local law.

8. **Severability.** If any provision, sub-provision, sentence, clause, phrase, or other portion of this local law is for any reason deemed to be unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer Signature Required (printed name may be added)	Residence	County
1. _____, 2014 Printed Name →			
2. _____, 2014 Printed Name →			
3. _____, 2014 Printed Name →			
4. _____, 2014 Printed Name →			
5. _____, 2014 Printed Name →			
6. _____, 2014 Printed Name →			
7. _____, 2014 Printed Name →			
8. _____, 2014 Printed Name →			
9. _____, 2014 Printed Name →			
10. _____, 2014 Printed Name →			

STATEMENT OF WITNESS

I, _____, state: I am a duly qualified voter of the State of New York.
(Name of Witness)

I now reside at _____, New York.
(Residence address, also post office if not identical)

Each of the individuals whose names are subscribed to this petition sheet containing signatures, subscribed the same in my presence on the dates above indicated and identified him(her)self to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date: _____, 2014 _____
Signature of Witness

Witness Identification Information

The following information must be completed prior to filing with the Board of Election in order for this petition sheet to be valid.

City
City of New York

County
