

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, September 23, 2021, 2:05 p.m.

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

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Vanessa L. Gibson	Deborah L. Rose
Alicka Ampry-Samuel	Mark Gjonaj	Helen K. Rosenthal
Diana Ayala	Barry S. Grodenchik	Rafael Salamanca, Jr
Joseph C. Borelli	Robert F. Holden	Mark Treyger
Justin L. Brannan	Ben Kallos	Eric A. Ulrich
Selvena N. Brooks-Powers	Peter A. Koo	Paul A. Vallone
Fernando Cabrera	Karen Koslowitz	James G. Van Bramer
Margaret S. Chin	Bradford S. Lander	Kalman Yeger
Robert E. Cornegy, Jr	Stephen T. Levin	
Laurie A. Cumbo	Alan N. Maisel	
Darma V. Diaz	Steven Matteo	
Ruben Diaz, Sr.	Carlos Menchaca	
Eric Dinowitz	Francisco P. Moya	
Daniel Dromm	Keith Powers	
Mathieu Eugene	Kevin C. Riley	
Oswald Feliz	Carlina Rivera	
James F. Gennaro	Ydanis A. Rodriguez	

Absent: Council Member Barron, Levine, Miller, Perkins, and Rodriguez.
Medical Leave: Council Member Louis.

At the time of this Stated Meeting, there were two vacancies in the Council (22nd District, Queens and 48th District, Brooklyn) pending the swearing-in of the respective certified winners of the November 2, 2021 General Election.

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these virtual proceedings. Following the gaveling-in of the Meeting and the recitation of

the Pledge of Allegiance, the Roll Call for Attendance was called by the City Clerk and the Clerk of the Council (Mr. McSweeney).

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo).

There were 43 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Father James O'Shea, CP, who serves as a spiritual leader at The Passionists, located at 86-45 Edgerton Boulevard, Jamaica, N.Y. 11432.

Creator of the ever-emerging universe,
 By many names we call upon you!
 Attend to the needs of each one of us this day
 as we join together to serve our city.
 In the midst of all that can attract or distract our energies,
 we ask that you settle our anxieties and fears
 in order that we might,
 be most attentive to the cries
 of our struggling sisters and brothers
 and the cries of our suffering Earth.
 May this deep listening lead us
 to take those actions
 most in accord with your vision
 for both a just and compassionate human community
 as well as a healthy and life-giving Planet.
 Amen.

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

The Speaker (Council Member Johnson) acknowledged that as of September 23, 2021, the number of coronavirus deaths in New York City had reached 34,122. He expressed his hope that, despite the suffering, the city would soon show its resiliency and recover.

The Speaker (Council Member Johnson) acknowledged the death of retired FDNY Firefighter and first responder Dennis B. McClean who passed away from 9/11-related illnesses on September 6, 2021 at the age of 71.

The Speaker (Council Member Johnson) acknowledged the death of three New Yorkers who died during the course of their employment: ride-sharing driver Kuldip Singh, 21, was killed by a stray bullet in Harlem and died of his injuries on September 8, 2021; delivery worker Noe Amador Licona, 31, was killed when his scooter collided with an automobile on September 10, 2021; and iron worker Michael R. Melfi, 33, died unexpectedly at his place of employment on September 14, 2021.

The Speaker (Council Member Johnson) acknowledged the death of long-time community activist Doris Diether on September 16, 2021 at the age of 92. He noted that Ms. Diether was a member of Community Board 2 as well as a critical part of the fabric of Greenwich Village and lower Manhattan since 1964. The area of Community Board 2 covers the Speaker's district and parts of Council Member Chin's district. The Speaker (Council Member Johnson) added that Ms. Diether had organized with Jane Jacobs and had helped defeat Robert Moses. He praised her impactful activism and noted that her legacy would live on.

The Speaker (Council Member Johnson) asked for a Moment of Silence for those New Yorkers who died from COVID-19, for those who died from 9/11 related illnesses, for those who died on the job, and for Doris Diether.

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

* * *

ADOPTION OF MINUTES

Council Member Feliz made a motion that the Minutes of the Stated Meeting of August 26, 2021 be adopted as printed by Council Member Feliz.

MESSAGES & PAPERS FROM THE MAYOR

M-329

Communication from the Mayor - Submitting the Mayor's Management Report, Fiscal Year 2021, pursuant to Section 12 of the New York City Charter.

TO: Corey Johnson, Speaker, New York City Council
FROM: Jeff Thamkittikasem, Director, Mayor's Office of
DATE: Operations September 17, 2021
SUBJECT: Fiscal 2021 Mayor's Management Report

Today we are releasing the Fiscal 2021 Mayor's Management Report (MMR), which presents the performance of City agencies from July 1, 2020 through June 30, 2021. Attached is a digital copy of the report. We would like to direct other members of the Council to our website to view the report at www.nyc.gov/mmr.

(For text of the Fiscal 2021 Mayor's Management Report [MMR], please refer to the Mayor's Office of Operations page on the City of New York website at <https://www1.nyc.gov/site/operations/performance/mmr.page>)

Received, Ordered, Printed and Filed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-330

Julio Medina, candidate for appointment by the Council to the New York City Board of Correction pursuant to § 626 of the *New York City Charter*.

(For text of report and coupled resolution, please see the Report of the Committee on Rules, Privileges and Elections for M-330 & Res. No. 1747 printed in these Minutes)

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-331

Herman Merrit, a resident of Brooklyn, candidate for designation by the Council and subsequent appointment by the Mayor to the New York City Civilian Complaint Review Board, pursuant to § 440 (b)(1) of the New York City Charter.

(For text of report and coupled resolution, please see the Report of the Committee on Rules, Privileges and Elections for M-331 & Res. No. 1748 printed in these Minutes)

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-332

Patricia Marthone, MUDr, a resident of Brooklyn, Council candidate for designation and subsequent appointment by the Mayor to the New York City Health + Hospitals Board of Directors pursuant to the *By-Laws* of the NYC Health + Hospitals.

(For text of report and coupled resolution, please see the Report of the Committee on Rules, Privileges and Elections for M-332 & Res. No. 1749 printed in these Minutes)

Referred to the Committee on Rules, Privileges and Elections.

LAND USE CALL-UPS

M-333

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application No. N 201353 ZSM (New York Blood Center) be subject to Council review. This item is related to Application Nos. C 210351 ZMM and N 201352 ZRM.

Coupled on Call-Up Vote.

M-334

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application No. C 210326 PCM (495 Eleventh Ave – Slaughterhouse) be subject to Council review. This item is related to Application No. N 210325 ZRM.

Coupled on Call-Up Vote.

M-335

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application Nos. C 210053 PPK, C 210179 MMK, and C 210180 MMK (Gowanus Neighborhood Plan) be subject to Council review. This item is related to Application Nos. C 210177 ZMK, N 210178 ZRK, and C 210052 HAK.

Coupled on Call-Up Vote.

M-336

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application Nos. C 210280 ZSK and C 210281 ZSK (130 St. Felix Street) be subject to Council review. These items are related to Application Nos. C 210278 ZMK and N 210279 ZRK.

Coupled on Call-Up Vote.

M-337

By Council Member Powers:

Pursuant to Sections 11.20b and 11.20c of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application Number C 210369 ZSM (343 Madison Avenue) shall be subject to Council review. This item is related to Application No. C 210370 ZSM.

Coupled on Call-Up Vote.

M-338

By Council Member Powers:

Pursuant to Sections 11.20b and 11.20c of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application Number C 210370 ZSM (343 Madison Avenue) shall be subject to Council review. This item is related to Application No. C 210369 ZSM.

Coupled on Call-Up Vote.

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

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Maisel, Menchaca, Moya, Powers, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **43**.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Consumer Affairs and Business Licensing

Report for Int. No. 1846-A

Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the disclosure of gratuity policies for food delivery workers.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on January 8, 2020 (Minutes, page 14), respectfully

REPORTS:

I. INTRODUCTION

On September 23, 2021, the Committee on Consumer Affairs and Business Licensing, chaired by Council Member Diana Ayala, voted on a package of eight pieces of legislation designed to provide workplace protections to food delivery and hotel workers. The Committee previously heard testimony from the Department of Consumer Affairs and Worker Protection (DCWP), third-party delivery platforms, Los Deliveristas Unidos and other delivery workers, hotel workers and trade groups, advocates, and business groups, and this feedback informed the final versions of the bills.

The package of legislation includes the following bills: 1) Preconsidered Bill Number__ (Int.__), in relation to limitations on distance and route for food delivery workers; to amend three local laws for the year 2021 amending the administrative code of the city of New York, relating to providing food delivery workers with insulated food delivery bags and denying, suspend, revoking or refusing to renew a license for a third party delivery service, minimum per trip payments to third-party food delivery service and courier service workers, and standards for payment of food delivery workers, respectively, as proposed in introduction numbers 2288-A, 2294-A, and 2296-A, respectively; and in relation to requiring a study of the working conditions for food delivery workers; 2) Proposed Introduction Number 1846-A (Int. 1846-A), in relation to the disclosure of gratuity policies for food delivery workers; 3) Proposed Introduction Bill Number 2288-A (Int. 2288-A), in relation to requiring third-party food delivery services and third-party courier services to provide food delivery workers with insulated food delivery bags, and authorizing the commissioner of the department of consumer and worker protection to deny, suspend, revoke or refuse to renew a license for violations of chapter 15 of title 20 of such code; 4) Proposed Introduction Bill Number 2289-A (Int. 2289-A), in relation to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries; 5) Proposed Introduction Bill Number 2294-A (Int. 2294-A), in relation to establishing minimum per trip payments to third-party food delivery service and third-party courier service workers; 6) Proposed Introduction Number 2296-A (Int. 2296-A), in relation to establishing standards for payment of food delivery workers; 7) Proposed Introduction Number 2298-A (Int. 2298-A), in relation to the agreements between third-party food delivery services and food service establishments and the provision of toilet facility access to food delivery workers; and 8) Proposed Introduction Bill Number 2397-A (Int. 2397-A), in relation to severance pay for hotel service employees.

The bills passed with eight in the affirmative, two in the negative, and no abstentions; with the exception of Int. 2296-A and 2298-A, which passed with nine in the affirmative, zero in the negative and no abstentions.

II. BACKGROUND

Food Delivery Workers

There are approximately 80,000 food delivery workers in New York City,¹ and although some may work directly for restaurants, third-party platforms (TPPs) such as DoorDash, Grubhub and Uber Eats, have redefined the food delivery market over the past decade.² Under a TPP model, a restaurant signs a contract with a TPP to offer a range of services, including access to a fleet of delivery workers, advertising, and placement of the restaurant on the TPP app, which centralizes food ordering for customers. The restaurants then pay either a monthly fee or commission for such services.³ Although some research suggests that hiring delivery workers directly is actually cheaper for restaurants,⁴ the growth in customer use of TPPs means that restaurants rely heavily on this model. Prior to the COVID-19 pandemic, consumers in New York City spent the most in the country on food ordered through TPPs, spending more than \$770 per capita per year, and way ahead of the second most common consumers in San Francisco, who spent just under \$580, per capita each year.⁵

TPPs advertise to prospective delivery workers that they are independent contractors, touting the benefits of having no employer and flexible work schedules. The lived reality, however, is very different, and one worker described it more of a “hustle” akin to selling drugs on a corner rather than a steady job where you can make a living wage.⁶ Part of the difficulty for delivery workers is navigating the complicated conditions set by TPPs. Typically, a TPP will pay a delivery worker a fee based on the number of miles travelled, how successful the delivery was, and how many minutes an order took to be delivered.⁷ For example, for a delivery worker using the Postmates app in late 2019, they would receive “\$2.50 for a successful pickup and drop-off, \$1.05 per mile, and \$0.07 per minute in Manhattan, the most lucrative borough; in the Bronx, the pay per mile is only sixty cents.”⁸ These small payments often are not enough to make the job lucrative and so delivery workers rely on tips and bonuses offered by the TPP to help boost pay.⁹

The low base rate for deliveries means that most delivery workers will deliver for multiple TPPs,¹⁰ each of which have their own conditions and bonuses. Grubhub, for example, requires delivery workers to accept a majority of orders in order to secure a guaranteed wage (around \$11 per hour in 2019).¹¹ Uber Eats, meanwhile, does not show their delivery workers how far away an order is before the worker accepts the job.¹² All of these variations feed into hiding the true pay rate and if that rate has been maintained. If delivery workers were paid a standard rate per hour or per delivery, “you could see very clearly when they start lowering your wage... When every order is dynamically priced, it gets so much harder to see if you’re making less money. Drivers wonder,

¹ Clayton Guse “Restaurants would be required to allow NYC’s 80,000 food delivery workers to use restrooms under proposed legislation”, *NY Daily News*, April 27, 2021, available at: <https://www.nydailynews.com/new-york/ny-delivery-workers-bathroom-wage-legislation-20210427-zpy25xy3ajcfroncv674t6pqzq-story.html>.

² Amir Khafagy “Delivery workers are struggling to survive the pandemic”, *The Counter*, January 5, 2021, available at: <https://thecounter.org/nyc-delivery-workers-pandemic-grubhub-seamless/>.

³ There are other companies that have entered the app-based delivery industry, but operate slightly differently to the TPPs mentioned. Relay, for example, only offers a delivery service to restaurants. Under this model, a customer can place an order either through a TPP or directly with the restaurant, but Relay will arrange the delivery. Relay argues that this allows restaurants to continue using the websites and menu platforms that TPPs offer, but allows restaurants to not use the delivery services that TPPs also offer, which Relay argues is more expensive than their service (see: Relay “Grow your restaurant’s margins by switching to Relay”, available at: <https://www.relay.delivery>). For delivery workers though, Relay operates in a similar fashion to TPPs.

⁴ Stephanie Resendes “Why hiring your own delivery drivers may not be as expensive as you think”, *Upserve*, July 28, 2020, available at: <https://upsolve.com/restaurant-insider/delivery-service-for-restaurants/>.

⁵ S. Lock “Food delivery: U.S. cities with the highest spend per capita 2019”, *Statista*, September 7, 2019, available at: <https://www.statista.com/statistics/1051250/us-food-delivery-cities-spending-per-capita-2019/>.

⁶ Willa Glickman “What the apps that bring food to your door mean for delivery workers”, *The New York Review*, September 20, 2019, available at: https://www.nybooks.com/daily/2019/09/20/what-the-apps-that-bring-food-to-your-door-mean-for-delivery-workers/?lp_txn_id=1253341.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Andy Newman “My frantic life as a cab-dodging, tip-chasing food app deliveryman”, *New York Times*, July 21, 2019, available at: <https://www.nytimes.com/2019/07/21/nyregion/doordash-ubereats-food-app-delivery-bike.html>.

¹¹ Willa Glickman “What the apps that bring food to your door mean for delivery workers”, *The New York Review*, September 20, 2019, available at: https://www.nybooks.com/daily/2019/09/20/what-the-apps-that-bring-food-to-your-door-mean-for-delivery-workers/?lp_txn_id=1253341.

¹² *Id.*

did I reject too much? Did I work a little less? Might it be an incidental thing?”¹³ This obfuscation combined with the juggling of different requirements by individual TPPs means that delivery workers aren’t easily able to track their rate per hour or per delivery.

During the height of the COVID-19 pandemic, when lockdowns were in place and restaurants were restricted from offering dining at full capacity, many restaurants relied on TPPs to stay in business, and TPPs benefitted from a surge in consumer use of their platforms. The major food delivery TPPs – Uber Eats, DoorDash and Grubhub – doubled their combined revenue during the pandemic, making a profit of \$5.5 billion in April to September 2020, compared to \$2.5 billion during the same months the previous year.¹⁴

In New York City, the delivery drivers for these platforms tend to be immigrants and people of color.¹⁵ During the pandemic, when unemployment rates were skyrocketing, many people turned to this work to make ends meet. According to a survey on such workers in New York City by Cornell University, “75 percent of delivery workers joined the industry because they lost work during the pandemic”.¹⁶ While this work offered an important avenue for employment, many feel exploited by poor conditions and pay. One group of frustrated workers, mainly from Mexico and Guatemala, have begun organizing under the collective banner of Los Deliveristas Unidos in order to push for better pay and conditions.¹⁷

If delivery workers are classified as independent contractors, that classification could mean being excluded from certain protections afforded employees, such as a minimum wage, health benefits, and overtime.¹⁸ During the peak of COVID-19, when TPPs were flourishing and more people were turning to food delivery for work, delivery workers were struggling to access much needed PPE,¹⁹ despite being classified as essential workers. Delivery workers were on the frontlines of the pandemic, making sure New Yorkers were fed and helping to keep the restaurant industry alive. In spite of this, they struggle to secure the most basic worker protections, while the platforms that employ them rake in profits.

Difficulties Facing Delivery Workers in NYC

a. High Cost of Entry

Delivery workers face challenges that make it difficult for them to earn a livable wage under safe working conditions. Since delivery workers are employed as independent contractors by TPPs, they are responsible for purchasing the necessary equipment to perform their jobs. Due to the physical demands of delivering food, workers’ need to deliver food quickly to obtain positive ratings by customers, and to maximize profits, delivery workers typically use electric bikes (e-bikes) for deliveries.²⁰ New e-bikes cost \$1,800 to \$2,000,²¹ and delivery workers commonly refrain from purchasing used e-bikes to avoid supporting the underground market of stolen

¹³ Niels van Doorn as quoted by Willa Glickman “What the apps that bring food to your door mean for delivery workers”, *The New York Review*, September 20, 2019, available at: https://www.nybooks.com/daily/2019/09/20/what-the-apps-that-bring-food-to-your-door-mean-for-delivery-workers/?lp_txn_id=1253341.

¹⁴ Levi Sumagaysay “The pandemic has more than doubled food-delivery apps’ business. Now what?”, *MarketWatch*, November 27, 2020, available at: <https://www.marketwatch.com/story/the-pandemic-has-more-than-doubled-americans-use-of-food-delivery-apps-but-that-doesnt-mean-the-companies-are-making-money-11606340169>.

¹⁵ Wilfred Chan “Food delivery workers are coronavirus first responders — here’s how you can repay us”, *NBC News*, March 22, 2020, available at: <https://www.nbcnews.com/think/opinion/food-delivery-workers-are-coronavirus-first-responders-here-s-how-ncna1164946>.

¹⁶ Lauren Kaori Gurley “NYC gig workers are organizing against rampant e-bike theft and assault”, *Vice*, April 22, 2021, available at: <https://www.vice.com/en/article/e437/nyc-gig-workers-are-organizing-against-rampant-e-bike-theft-and-assault>.

¹⁷ *Los Deliveristas Unidos*, <https://losdeliveristasunidos.org/>.

¹⁸ Kimiko de Freytas-Tamura “Food delivery apps are booming. Their workers are often struggling”, *New York Times*, November 30, 2020, available at: <https://www.nytimes.com/2020/11/30/nyregion/bike-delivery-workers-covid-pandemic.html>.

¹⁹ Amir Khafagy “Delivery workers are struggling to survive the pandemic”, *The Counter*, January 5, 2021, available at: <https://thecounter.org/nyc-delivery-workers-pandemic-grubhub-seamless/>.

²⁰ Do J. Lee, “Delivering Justice: Food Delivery Cyclists in New York City,” The Graduate Center, City University of New York, available at: https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=3854&context=gc_etds

²¹ Kimiko de Freytas-Tamura, “Food Delivery Apps Are Booming. Their Workers Are Often Struggling,” *The New York Times*, November 30, 2020, available at: <https://www.nytimes.com/2020/11/30/nyregion/bike-delivery-workers-covid-pandemic.html>; and Claudia Irizarry Aponte and Josefa Velasquez, “NYC Food Delivery Workers Band to Demand Better Treatment. Will New York Listen to Los Deliveristas Unidos?” *The City*, December 6, 2020, available at: <https://www.thecity.nyc/work/2020/12/6/22157730/nyc-food-delivery-workers-demand-better-treatment>

e-bikes from other workers.²² Delivery workers must purchase other expensive equipment as well that, while not technically necessary for the job, are considered essential. Delivery workers must purchase lights for their e-bikes to deliver food at night, a spare battery,²³ and locks to prevent their e-bike from being stolen.²⁴ Thermal bags to keep food warm is another unofficial requirement of the job, as restaurants will often refuse to give delivery workers orders unless they have one.²⁵ An insulated bag from the delivery service Relay costs between \$40 to \$60, while on Amazon these insulated bags are sold for as much as \$120.²⁶ The total cost to become a delivery worker is estimated to be around \$3,000, a substantial price and financial investment for delivery workers that is not subsidized by their employers.²⁷

b. Violence and Harassment

The high cost to purchase e-bikes coupled with the dramatic growth of delivery workers has led to the development of an underground market of stolen e-bikes. Stolen e-bikes can be easily resold for cash in NYC or dismantled and sold for their parts.²⁸ Reported cases of e-bike thefts nearly doubled in 2020 according to the New York Police Department (NYPD), increasing from 166 in 2019 to 328 in 2020.²⁹ The NYPD has not always been very helpful to delivery workers in recovering stolen e-bikes. For example, a worker named Rodrigo had his e-bike stolen while making a delivery, and while the bike had a trackable GPS, an NYPD officer allegedly “refused” to recover it.³⁰ In October 2021, a delivery worker was mugged at gunpoint and had his \$3,000 e-bike stolen while waiting for his next delivery.³¹ When the delivery worker contacted the police, the 20th precinct officer who responded to the complaint allegedly told the worker the NYPD could not do anything about the robbery because of budget cuts to the NYPD.³² In response to the NYPD’s inaction, dozens of workers biked to the 20th precinct to protest the police department’s inaction and the rise in e-bike related muggings in the neighborhood.³³ Overall, the NYPD solved around 36 percent of e-bike robberies in 2020.³⁴

Delivery workers’ substantial investment in buying an e-bike and reliance on e-bikes to perform their jobs has also led e-bike robberies to turn violent. In April of 2021, 29-year-old Francisco Villalva Vitinio was killed when he refused to give up his e-bike to a man robbing him at gunpoint.³⁵ According to delivery worker Gustavo Ajche, “We’re facing many issues: robberies, physical assault... We’re being killed in the streets by people who steal our bikes. This is happening more and more and we’re angry because no one does anything.”³⁶ According to preliminary results from a recent Cornell University Worker Institute survey of over 500 e-bike delivery

²² Claudia Irizarry Aponte and Josefa Velasquez, “NYC Food Delivery Workers Band to Demand Better Treatment. Will New York Listen to Los Deliveristas Unidos?” *The City*, December 6, 2020, available at: <https://www.thecity.nyc/work/2020/12/6/22157730/nyc-food-delivery-workers-demand-better-treatment>

²³ A spare battery can cost \$600

²⁴ Claudia Irizarry Aponte and Josefa Velasquez, “NYC Food Delivery Workers Band to Demand Better Treatment. Will New York Listen to Los Deliveristas Unidos?” *The City*, December 6, 2020, available at: <https://www.thecity.nyc/work/2020/12/6/22157730/nyc-food-delivery-workers-demand-better-treatment>

²⁵ *Id.*

²⁶ *Id.*

²⁷ Claudia Irizarry Aponte and Josefa Velasquez, “NYC Food Delivery Workers Band to Demand Better Treatment. Will New York Listen to Los Deliveristas Unidos?” *The City*, December 6, 2020, available at: <https://www.thecity.nyc/work/2020/12/6/22157730/nyc-food-delivery-workers-demand-better-treatment>; and Do J. Lee, “Delivering Justice: Food Delivery Cyclists in New York City,” The Graduate Center, City University of New York, available at: https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=3854&context=gc_etds

²⁸ Edgar Sandoval, “‘My Turn to Get Robbed’: Delivery Workers Are Targets in the Pandemic” *The New York Times*, March 9, 2021, available at: <https://www.nytimes.com/2021/03/09/nyregion/delivery-workers-robberies-nyc.html>

²⁹ *Id.*

³⁰ Claudia Irizarry Aponte and Josefa Velasquez, “NYC Food Delivery Workers Band to Demand Better Treatment. Will New York Listen to Los Deliveristas Unidos?” *The City*, December 6, 2020, available at: <https://www.thecity.nyc/work/2020/12/6/22157730/nyc-food-delivery-workers-demand-better-treatment>

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ Edgar Sandoval, “‘My Turn to Get Robbed’: Delivery Workers Are Targets in the Pandemic” *The New York Times*, March 9, 2021, available at: <https://www.nytimes.com/2021/03/09/nyregion/delivery-workers-robberies-nyc.html>

³⁵ “Deliveryman gunned down during attempted E-bike robbery in Manhattan park” *ABC7NY*, April 4, 2021, available at: <https://abc7ny.com/francisco-villalva-vitinio-poor-richards-park-deliveryman-murder-east-harlem-shooting/10463988/>

³⁶ Lauren Kaori Gurley, “NYC Gig Workers Are Organizing Against Rampant E-Bike Theft and Assault,” *Vice News*, April 22, 2021, available at: <https://www.vice.com/en/article/epn437/nyc-gig-workers-are-organizing-against-rampant-e-bike-theft-and-assault>

workers in NYC, over 50 percent of workers reported having had their e-bikes stolen.³⁷ Maria Figueroa, Director of Labor and Policy Research at the Worker Institute, reported that around half of delivery workers experienced violence or harassment while on the job.³⁸ Given their status as independent contractors, when delivery workers are robbed, assaulted or murdered on the job, delivery companies do not owe the workers or their families any compensation.³⁹

It is important to note that the number of robberies reported to the police may be substantially undercounted given the poor relationship these workers historically have with the police. Before e-bikes were legalized in the New York State budget in April of 2020,⁴⁰ the NYPD was responsible for issuing summonses and confiscating e-bikes, which were not street-legal vehicles. In 2017, the NYPD confiscated nearly 1,000 e-bikes.⁴¹ Police ticketing and confiscation of e-bikes served as an existential threat to delivery workers' livelihoods, which created an environment of fear towards the police. This historical distrust of the police, coupled with fears of deportation due to the undocumented immigration-status of many delivery workers, has led many delivery worker-related accidents and issues to remain unreported.⁴²

c. Bathroom Access

The lack of workplace protections for delivery workers is apparent in the absence of available bathrooms for delivery workers. Restaurants often post signs reserving their bathrooms for use by customers or employees.⁴³ As delivery workers are neither a customer nor an employee, they are often denied this basic necessity. According to data from the Worker Institute at Cornell University, over 65 percent of NYC delivery workers reported being denied access to a restaurant bathroom.⁴⁴ Delivery workers that are delivering food either in areas of NYC without public bathrooms or during hours when public bathrooms are closed have therefore been forced to use the bathroom in public. According to DoorDash delivery worker Sergio Solano, "We use [a] Gatorade bottle because it is wider... [D]iscreetly, we pee in the bottle behind the stairways of buildings after delivering an order."⁴⁵ Delivery worker Mamadou Kokeina expressed frustration with restaurants for not allowing delivery workers to use their bathrooms: "I'm outside for 10 hours. I have to use the bathroom... I'm picking up food to bring to your customers, so you should allow me at least to use the bathroom... We are human. We have needs."⁴⁶ Relay Delivery has allegedly sent the message "Don't ask to use restroom!!" to delivery workers upon sending a delivery request.⁴⁷ Grubhub also allegedly sent a notification to delivery workers saying: "Come and wait at the host station. Please do not use the restroom, ask for a drink or bring outside food to eat while you wait."⁴⁸

³⁷ *Id.*

³⁸ Clayton Guse, "Restaurants would be required to allow NYC's 80,000 food delivery workers to use restrooms under proposed legislation" *NYDaily News*, April 27, 2021, Available at: <https://www.nydailynews.com/new-york/ny-delivery-workers-bathroom-wage-legislation-20210427-zpy25xy3ajcfroncv674t6pqzq-story.html>

³⁹ Lauren Kaori Gurley, "NYC Gig Workers Are Organizing Against Rampant E-Bike Theft and Assault," *Vice News*, April 22, 2021, available at: <https://www.vice.com/en/article/epn437/nyc-gig-workers-are-organizing-against-rampant-e-bike-theft-and-assault>

⁴⁰ "Electric scooters and bicycles and other unregistered vehicles" DMV NY, available at: <https://dmv.ny.gov/registration/electric-scooters-and-bicycles-and-other-unregistered-vehicles#:~:text=Effective%20April%202020%20%2D%20the%20law.highways%20in%20New%20York%20State.&text=2%20A%20bicycle%20with%20electric.t%20have%20the%20same%20equipment>.

⁴¹ Do J. Lee, "Delivering Justice: Food Delivery Cyclists in New York City," The Graduate Center, City University of New York, available at: https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=3854&context=gc_etds

⁴² Claudia Irizarry Aponte and Josefa Velasquez, "NYC Food Delivery Workers Band to Demand Better Treatment. Will New York Listen to Los Deliveristas Unidos?" *The City*, December 6, 2020, available at: <https://www.thecity.nyc/work/2020/12/6/22157730/nyc-food-delivery-workers-demand-better-treatment>

⁴³ Edward Ongweso Jr. and Lauren Kaori Gurley, "Gig Workers Have Nowhere to Pee", *Vice News*, January 31, 2020, available at: <https://www.vice.com/en/article/884xyp/gig-workers-have-nowhere-to-pee>

⁴⁴ Claudia Irizarry Aponte and Josefa Velasquez, "Food Delivery Workers Could Get Relief From Council Bills to Open Restaurant Restrooms and Regulate Apps" *The City*, April 27, 2021, available at: <https://www.thecity.nyc/work/2021/4/27/22405641/food-delivery-workers-open-restaurant-restrooms-regulate-apps>

⁴⁵ Luis Feliz Leon, "The Labor Battle for the Right to Pee" *New Republic*, April 30, 2021, available at: <https://newrepublic.com/article/162266/door-dash-uber-eats-delivery-workers-bathrooms-employee-status>

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

In response to delivery workers organizing to demand access to bathrooms at restaurants, DoorDash released a statement stating that they are “engaging with local leaders to find additional ways to address bathroom access.”⁴⁹ DoorDash’s statement was met with skepticism by delivery workers, however, and Ligia Guallpa, executive director of Worker’s Justice Project, commented, “We know that at the end of the day, if it’s not a law, it’s not going to happen.”⁵⁰

d. Wage Issues and Delivery Distances

As delivery workers are employed as independent contractors instead of full time employees, TPPs are not required to pay delivery workers minimum wage, overtime or other benefits, such as health insurance.⁵¹ Accordingly, even though TPPs profited from the dramatic increase in usage of their services by New Yorkers during the pandemic, delivery workers did not see an increase in their hourly wages. In fact, unemployed undocumented workers, who were not eligible for unemployment or federal coronavirus assistance, joined delivery services during the pandemic to maintain an income, and the added competition from the increase in workers further compounded workers’ financial challenges.⁵² According to Maria Figueroa, “In addition to getting low pay, [delivery workers] don’t get enough work from each of the applications, so they have to work for at least three or four of them, and there are more workers than the market can hold.”⁵³

TPPs have stated that delivery workers can earn as much as \$22 per hour, including tips, while delivering food through their platform.⁵⁴ Delivery workers have objected to those claims, however, arguing that compensation is never that high. Delivery workers working 12 hours a day for seven days a week can earn between \$300 and \$800.⁵⁵ Edgar Usac, a delivery driver on a TPP, made \$11 from four hours of work.⁵⁶ Elias Pacheco, another delivery worker, made \$32 dollars for six and a half hours of work.⁵⁷

As mentioned previously, unlike the other delivery services, Relay delivery pays couriers operating on its platform minimum wage, which includes payment for the time couriers wait between new deliveries.⁵⁸ Workers, however, have accused Relay of wage theft. A 2016 lawsuit against Relay was filed by six delivery workers accusing the company of underpaying them. The case was settled outside of court.⁵⁹ In 2017, two Relay workers filed a class action lawsuit over allegations of a lack of overtime pay and diverted tips.⁶⁰ The workers reached a \$100,000 settlement with Relay. DoorDash delivery service was also diverting tips from delivery drivers, as the platform was found to be using tips to subsidize its payment to workers.⁶¹ DoorDash reached a settlement of \$2.5 million with the D.C. Attorney General for misleading consumers over how it tipped its workers.⁶² Survey data from Cornell University’s Worker Institute found that 45 percent of workers have had problems with TPPs related to their pay.⁶³ According to Maria Figueroa, “These workers don’t get paid on time. Tips disappear. The

⁴⁹ “Standing for New York City Dashers”, DoorDash, December 16, 2020, available at: <https://blog.doordash.com/standing-for-new-york-city-dashers-162eef27487>

⁵⁰ Josefa Velasquez and Claudia Irizarry Aponte, “DoorDash Pledge of NYC Bathroom Access and Safety Boosts for Delivery Workers Gets Skeptical Reception,” *The City*, December 16, 2020, available at: <https://www.thecity.nyc/work/2020/12/16/22179823/doordash-nyc-bathroom-access-skeptical-workers>

⁵¹ Kimiko de Freytas-Tamura, “Food Delivery Apps Are Booming. Their Workers Are Often Struggling,” *The New York Times*, Updated March 19, 2021, available at: <https://www.nytimes.com/2020/11/30/nyregion/bike-delivery-workers-covid-pandemic.html>.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Claudia Irizarry Aponte and Josefa Velasquez, “NYC Food Delivery Workers Band to Demand Better Treatment. Will New York Listen to Los Deliveristas Unidos?” *The City*, December 6, 2020, available at: <https://www.thecity.nyc/work/2020/12/6/22157730/nyc-food-delivery-workers-demand-better-treatment>

⁵⁶ Kimiko de Freytas-Tamura, “Food Delivery Apps Are Booming. Their Workers Are Often Struggling,” *The New York Times*, Updated March 19, 2021, available at: <https://www.nytimes.com/2020/11/30/nyregion/bike-delivery-workers-covid-pandemic.html>

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Claudia Irizarry Aponte and Josefa Velasquez, “NYC Food Delivery Workers Band to Demand Better Treatment. Will New York Listen to Los Deliveristas Unidos?” *The City*, December 6, 2020, available at: <https://www.thecity.nyc/work/2020/12/6/22157730/nyc-food-delivery-workers-demand-better-treatment>

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ Lauren Kaori Gurley, “NYC Gig Workers Are Organizing Against Rampant E-Bike Theft and Assault,” *Vice News*, April 22, 2021, available at: <https://www.vice.com/en/article/e437/nyc-gig-workers-are-organizing-against-rampant-e-bike-theft-and-assault>

pay isn't credited to their bank accounts even though they file a claim. There's definitely a need for more transparency so these problems are clarified.”⁶⁴

Delivery workers have also objected to the long distances they must travel for deliveries. Unlike delivery workers employed by restaurants who typically only service the area around the restaurant, delivery workers can be responsible for picking up deliveries across the City. Long trips that require delivery workers to travel across the City for a few dollars pay may not be worth the time or expense.⁶⁵ According to delivery worker Lucina Villano, Relay delivery service does not allow her to see where she is taking a delivery in advance. If she declines a delivery from the application, she risks losing out on further jobs.⁶⁶

Because delivery workers need to travel long distances as quickly as possible so they can obtain positive ratings and tips by customers, certain delivery workers may e-bike dangerously. As e-bikes can reach speeds of up to 30 miles per hour, e-bike collisions with pedestrians can be fatal. Two pedestrians have been killed in the City since November 2020.⁶⁷ The delivery conditions set by TPPs, such as those that pay more for fast delivery to customers, only encourages such dangerous biking behavior.

e. Worker Organizing

To compensate for the lack of workplace protections provided to them by TPPs, delivery workers have organized WhatsApp groups to disseminate information on restaurants that allow them to use bathrooms and open parks where they can wait between deliveries.⁶⁸ The Whatsapp group has grown to over 200 members, and the Worker's Justice Project has been advising the workers on how to fight for improved workplace conditions. Thousands of workers came together to form Los Deliveristas Unidos, the United Delivery Workers, to demand workplace protections including, but not limited to, a living wage and transparency on tips, safety from robberies and access to bathrooms and a place to wait between deliveries.⁶⁹ On October 15, 2020, hundreds of workers rallied at City Hall to demand City officials force restaurants to let workers use their bathrooms and create spaces where they can wait safely between deliveries.⁷⁰ On April 2, 2021, Los Deliveristas Unidos organized a protest in Time Square. Over 1,000 delivery workers attended the protest, and workers honked horns, waved Mexican and Guatemalan flags, and held banners that read “Don't buy bikes on the street without a receipt” and “United we are stronger.”⁷¹

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⁶⁴ *Id.*

⁶⁵ Bill Miller, “Workers Justice Project a Voice for Delivery Workers,” *The Tablet*, June 2, 2020, available at: <https://thetablet.org/workers-justice-project-a-voice-for-delivery-workers/>

⁶⁶ Beth Fertig, “Pandemic-Scarred Restaurants And Gig Workers Fight Back Against The Delivery Apps,” *Gothamist*, March 1, 2021, available at: <https://gothamist.com/food/pandemic-scarred-restaurants-and-gig-workers-fight-back-against-delivery-apps>

⁶⁷ Liza Rozner, “E-Bike Crash That Killed Queens Woman Sparks Calls To Add More Safety Measures To Protect Pedestrians On NYC Streets”, CBSN New York, June 1, 2021, available at: <https://newyork.cbslocal.com/2021/06/01/e-bike-crash-kelly-killian-astoria-crash-victim-rights-and-safety-act/>

⁶⁸ Claudia Irizarry Aponte and Josefa Velasquez, “NYC Food Delivery Workers Band to Demand Better Treatment. Will New York Listen to Los Deliveristas Unidos?” *The City*, December 6, 2020, available at: <https://www.thecity.nyc/work/2020/12/6/22157730/nyc-food-delivery-workers-demand-better-treatment>

⁶⁹ Clayton Guse, “Restaurants would be required to allow NYC’s 80,000 food delivery workers to use restrooms under proposed legislation,” *NY Daily News* April 27, 2021, available at: <https://www.nydailynews.com/new-york/ny-delivery-workers-bathroom-wage-legislation-20210427-zpy25xy3ajcfroncy674t6pqzq-story.html>

⁷⁰ Claudia Irizarry Aponte and Josefa Velasquez, “NYC Food Delivery Workers Band to Demand Better Treatment. Will New York Listen to Los Deliveristas Unidos?” *The City*, December 6, 2020, available at: <https://www.thecity.nyc/work/2020/12/6/22157730/nyc-food-delivery-workers-demand-better-treatment>

⁷¹ Lauren Kaori Gurley, “NYC Gig Workers Are Organizing Against Rampant E-Bike Theft and Assault,” *Vice News*, April 22, 2021, available at: <https://www.vice.com/en/article/e437/nyc-gig-workers-are-organizing-against-rampant-e-bike-theft-and-assault>

Before the COVID-19 pandemic, New York City was a mecca for tourists, and over the last ten years the number of visitors to the City had increased exponentially.⁷² For example, in 2018, there were 65 million tourists and in 2019, there were a record 67 million visitors.⁷³ That's more than eight times the City's 2019 population.⁷⁴ However, with domestic and global travel restrictions in place because of the COVID-19 pandemic, the City's tourism industry has diminished substantially. According to data from the City's tourism agency, New York and Company, hotel rates for the last week of August 2020 were down 72 percent compared to the seasonal rate in 2019.⁷⁵ While tourism to the City has increased over the past year, the hotel occupancy rate for early August 2021 was still only 65 percent.⁷⁶

In 2017, the City's Department of City Planning (DCP) published a report analyzing the trends in New York's hotel industry. The report highlighted that over the previous ten years, the industry had grown by 42 percent in New York City, and that much of this growth had occurred in outer boroughs, mainly Brooklyn and Queens.⁷⁷ At the time, New York's hotel market was described as "very stable" and the City had the highest hotel occupancy rate in the country, during the first quarter of 2017.⁷⁸ Unfortunately, a more recent analysis predicts that New York City will permanently lose 20 percent of its hotel rooms, due to the closure of hotels impacted by the COVID-19 pandemic.⁷⁹

At the end of 2019, and prior to the pandemic, New York City had 703 hotels operating approximately 138,000 rooms.⁸⁰ The industry was valued at \$45 billion and it employed an estimated 300,000 workers.⁸¹ With tourism steeply declining in the City, however, the negative effects have been felt acutely by the hotel industry, their workers, and the State as a whole. The City and State are expected to lose around \$1.3 billion in tax revenues due to the downturn.⁸² The outlook for workers is similarly bleak. At the peak of the pandemic, during late March and April, nine in 10 hotels furloughed workers and nationally, 7.5 million industry jobs were lost.⁸³

According to the American Hotel and Lodging Association, hoteliers need an occupancy rate of about 50 percent if they have any likelihood of breaking even.⁸⁴ While the data indicates modest improvements, the hotel industry remains in dire straits. If hoteliers are unable to stay afloat, there is serious concern that they will be forced into bankruptcy or sell. While this may help the individual hotelier, this puts hotel workers in a precarious state, with little to no guarantee regarding the security of their job, let alone their wages, benefits and working conditions. In New York City there are around 300,000 hotel workers, but around 60 percent are still unemployed after COVID-19 drastically reduced hotel revenues.⁸⁵

III. LEGISLATIVE ANALYSIS

⁷² Patrick McGeehan "N.Y.C. Is on pace to draw a record 67 million tourists this year", *New York Times*, August 19, 2019, available at: <https://www.nytimes.com/2019/08/19/nyregion/nyc-tourism.html#:~:text=This%20summer%2C%20New%20York%20is,the%20city's%20tourism%20marketing%20agency>.

⁷³ Id.

⁷⁴ NYC Planning "Population", 2019, available at: <https://www1.nyc.gov/assets/planning/download/pdf/planning-level/nyc-population/new-population/current-population-estimates.pdf>.

⁷⁵ New York & Company "Tourism Recovery Update" August 28, 2020, available at: <https://e.nycgo.com/t/ViewEmail/d/7B0155CD97F136CD2540EF23F30FEDED/4C3ADFE2310C666E62AF25ACF5E3F0AC>.

⁷⁶ New York & Company "Tourism recovery update", August 12, 2021, on file with Council staff.

⁷⁷ Department of City Planning "NYC Hotel Market Analysis: Existing Conditions and 10-Year Outlook", 2017, available at: <https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/ml1-hotel-text/nyc-hotel-market-analysis.pdf?r=a>, p. 1.

⁷⁸ Id, p. 31.

⁷⁹ Ben Miller "New York City may permanently lose 20% of hotel rooms to coronavirus, report says", *New York Business Journal*, June 17, 2020, available at: <https://www.bizjournals.com/newyork/news/2020/06/17/nyc-may-permanently-lose-hotel-rooms-to-covid.html>.

⁸⁰ Id.

⁸¹ Patrick McGeehan "Broadway is dark. Liberty Island is empty. Will the tourists come back?", *New York Times*, July 24, 2020, available at: <https://www.nytimes.com/2020/07/24/nyregion/nyc-tourism-coronavirus.html>.

⁸² Karina Mitchell "Hotel giant Ian Schrager predicts industry comeback", *NY1*, June 19, 2020, available at:

<https://www.ny1.com/nyc/all-boroughs/news/2020/06/19/hotel-industry-begins-the-long-road-back-to-recovery>.

⁸³ American Hotel and Lodging Association "State of the hotel industry analysis: COVID-19 six months later", August 31, 2020, available at: <https://www.ahla.com/sites/default/files/State%20of%20the%20Industry.pdf>, p. 3.

⁸⁴ Id, p. 4

⁸⁵ Michael Gartland "NYC Council bill would give hotel workers up to \$1K a week in severance", *New York Daily News*, September 8, 2021, available at: <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-nyc-council-bill-francisco-moya-hotel-workers-1k-a-week-severance-20210908-bcztwg6mveh5bxkqi745zrwi-story.html>.

1) Int. 1846-A, in relation to the disclosure of gratuity policies for food delivery workers

For each order placed on a food delivery platform, Int. 1846-A would prohibit a “third-party food delivery service” - defined in Int. 2289-A as “any website, mobile application, or other internet service that: (i) offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, a food service establishment; and (ii) that is owned and operated by a person other than the person who owns such food service establishment” and referred to as a “TPP” in this Legislative Analysis - from soliciting a gratuity from a customer unless the platform discloses conspicuously in plain language the fixed amount or proportion of each gratuity that is provided to the delivery worker; and the manner in which gratuities are provided, whether immediately or not, and whether in cash or not. This information must be provided before or at the same time the gratuity is solicited from the customer. A “gratuity” is defined in the bill as “a sum of money (i) paid voluntarily by a customer when placing an online order or after delivery of such online order, (ii) that is in addition to the purchase price and other mandatory charges such as taxes and fees, (iii) the amount of which the customer may choose, and (iv) that is referred to on the third-party food delivery platform as a gratuity, tip or other similar term that would suggest to a reasonable person that the sum, or a substantial portion thereof, would be received by the food delivery worker delivering goods in addition to such food delivery worker’s base wage.”

Additionally, the bill would require TPPs to credit gratuities to their delivery workers. It would also mandate that TPPs notify delivery workers whether a gratuity was added to the order, how much the gratuity was, whether the customer removed it from the bill and why, if a reason was provided. The TPPs would have to notify the delivery worker if any change was made to a gratuity. Each day the TPPs would be required to inform the delivery worker of the aggregate amount of compensation and gratuities earned by that worker the day before. Food delivery apps would have to keep records demonstrating their compliance with this bill as part of the requirements of their licensure.

This bill would take effect on the same date as Int. 1897-A takes effect, except that DCWP may promulgate rules or take any other necessary measures to implement the bill before it takes effect. Int. 1897-A takes effect 120 days after it becomes law.

2) Int. 2288-A, in relation to requiring third-party food delivery services and third-party courier services to provide food delivery workers with insulated food delivery bags, and authorizing the commissioner of the department of consumer and worker protection to deny, suspend, revoke or refuse to renew a license for violations of chapter 15 of title 20 of such code

This bill would require each TPPs and “third-party courier service” – defined in Int. 2289-A as “a service that (i) facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from a food service establishment on behalf of a third-party food delivery service and (ii) that is owned and operated by a person other than the person who owns such food service establishment” and referred to as “couriers” in this Legislative Analysis - to make available insulated food delivery bags to any delivery worker who has completed at least six deliveries for the company. The TPP or courier would not be permitted to charge their delivery workers any money for the bag. The bag would also have to comply with Section 1235 of the New York State Vehicle and Traffic Law, which prohibits bicyclists from carrying bags or other articles unless they can keep at least one hand on the handlebars. Despite the requirement that the bags be made available by the TPPs and couriers, the bill explicitly states that it cannot be interpreted as requiring delivery workers to use them.

In addition to the aforementioned requirements related to insulated bags, this bill would add a provision to the licensing scheme established in Int. 1897-A allowing DCWP to suspend, revoke, deny or refuse to renew a TPP’s license if the TPP has violated a provision of this bill or any other provision in Chapter 15 two or more times in the previous two years.

This bill would take effect on the same date as Int. 1897-A takes effect, except that DCWP may promulgate rules or take any other necessary measures to implement the bill before it takes effect. Int. 1897-A takes effect 120 days after it becomes law.

3) Int. 2289-A, in relation to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries

This bill would add Chapter 15 to Title 20 of the Administrative Code. Within Chapter 15, this bill would add Subchapter 1, which would set forth various definitions; obligations on DCWP, TPPs and couriers; and enforcement options, including those available to the City and to delivery workers themselves. Subchapter 2 would require the TPPs and couriers to permit their delivery workers to set allowable trip parameters without penalty. It would also require the apps and couriers to provide certain information to their delivery workers when a trip is offered to them.

Subchapter 1

Subchapter 1 would define “food delivery worker” and “food service establishment,” among other terms. A “food delivery worker” could be either a natural person or an organization of no more than one person delivering for a TPP or courier. A “food service establishment” would be defined as any establishment located within the City where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle. That could include restaurants, food trucks, grocery stores or any other establishment meeting the definition.

In Subchapter 1, the bill would obligate DCWP to conduct outreach and education about the provisions of Chapter 15 to delivery workers, TPPs and couriers. DCWP would be required to publish an annual report on its website containing: the number and nature of the complaints received pursuant to the Chapter; the results of investigations undertaken pursuant to the Chapter, including the number of complaints not substantiated and the number of notices of violations issued; the number and nature of adjudications held to resolve notices of violation issued pursuant to the Chapter; and the average time for a complaint to be resolved pursuant to the Chapter. The Department would also be required to provide a downloadable notice on their website for TPPs and couriers subject to Chapter 15 that would inform delivery workers of their rights under the Chapter. The TPPs and couriers would have to provide the notice electronically to all their delivery workers, in English and in any other language spoken as a primary language by at least five percent of their delivery workers, provided DCWP has made the notice available in that language.

TPPs and couriers would have to keep records of their compliance with Chapter 15 for at least three years, and make these records available to DCWP in furtherance of an investigation conducted pursuant to Chapter 15, provided it is consistent with applicable laws, in accordance with DCWP’s rules and with appropriate notice. The Department would also be empowered to establish by rule a uniform system of records or to require by rule that the records be submitted to them. Failing to maintain, retain or produce a record or other information required by Chapter 15 that is requested by the Department in furtherance of an investigation and relevant to a material fact alleged by the Department in a notice of violation of Chapter 15 would create a rebuttable presumption that the material fact was true.

Subchapter 1 of Chapter 15 would also forbid retaliation by TPPs or couriers if a delivery worker avails themselves of the rights afforded them under the Chapter. TPPs and couriers would be prohibited from taking adverse action that penalizes their delivery workers for, or is reasonably likely to deter such worker from, exercising or attempting to exercise any right protected under this chapter. Adverse actions would include threats, intimidation, harassment, discipline, denial of work opportunities to or discrimination against a food delivery worker, reduction in hours or pay, reduction or downgrade of a worker’s public or internal rating, and other negative consequences imposed on a food delivery worker, including actions related to perceived immigration status or work authorization.

DCWP would be charged with enforcing Chapter 15. A person could allege a violation of this Chapter up to two years after that person knew or should have known of the violation. DCWP would be required to keep the identity of complainants confidential unless disclosing the complainant’s identity was necessary to resolve the investigation or was required by law. DCWP would have to notify the complainant of a necessary disclosure, to the extent practicable, before the disclosure. Delivery workers who initiate actions against a TPP or courier would be entitled to the following remedies: compensatory damages and relief to make the worker whole; an

order directing the TPP's or courier's compliance with the Chapter; and financial payments as set forth in the bill. Relief would be authorized on a per-worker and per-instance basis.

TPPs and couriers who violate Chapter 15 would be subject to civil penalties of \$500 for a first violation, and for any subsequent violation within two years thereafter, up to \$750 for the second and up to \$1000 for any others. The Corporation Counsel would be authorized to bring an action to correct a violation of Chapter 15, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter, or such other relief as may be appropriate. Any person may bring a civil action for violation of Chapter 15, and courts could order compensatory, injunctive and declaratory relief, and reasonable attorney's fees. The Corporation Counsel could bring a civil action to allege a pattern and practice of violations of Chapter 15, for which the City may request relief for delivery workers. The Corporation Counsel would be empowered to issue subpoenas and compel the attendance of witnesses in connection with such an action.

Subchapter 2

Subchapter 2 would require food apps and couriers to provide delivery workers with the opportunity to set the following trip parameters:

- The maximum distance per trip, from a location selected by a food delivery worker, that such worker will travel on trips;
- That such worker will not accept trips that require travel over any bridge or over particular bridges chosen by such worker; and
- That such worker will not accept trips that require travel through any tunnel or through particular tunnels chosen by such worker.

Further, the apps and couriers would be obligated to allow their delivery workers to change these parameters at any time. Once these parameters are set, the app or courier would not be permitted to offer a delivery worker a trip inconsistent with the parameters, and could not penalize a delivery worker in any way for selecting or changing their parameters.

In addition to permitting delivery workers to set trip parameters, the food delivery apps and couriers would be required to provide the following information to their delivery workers before the worker decides whether to accept the trip:

- The address where the food, beverage or other goods must be picked up;
- The estimated time and distance for the trip;
- The amount of any gratuity, if specified by the consumer; and
- The amount of compensation to be paid to the food delivery worker, excluding gratuity.

This bill would apply to any delivery trip originating in the City, ending in the City, involving the picking up of food from a food service establishment in the City to be delivered to the customer.

This bill would take effect 180 days after becoming law, except that DCWP may promulgate rules or take any other necessary measures to implement the bill before it takes effect.

4) Int. 2294-A, in relation to establishing minimum per trip payments to third-party food delivery service and third-party courier service workers

This bill would require DCWP, and any other City entity engaged to assist, to conduct a study of delivery workers' working conditions. Such study shall include consideration of the following, at a minimum:

- The pay food delivery workers receive and the methods by which the pay is determined;
- The total income such workers earn;
- The expenses of such workers;

- The equipment required to perform their work;
- The hours of such workers;
- The average mileage of a trip;
- The mode of travel used by such workers;
- The safety conditions of such workers; and
- Other topics deemed appropriate by the Department.

In furtherance of the study, DCWP may request or issue subpoenas for data, documents or other information from TPPs or couriers, who are subject to the bill, including but not limited to:

- Worker identifiers;
- Information about the times such workers are available to work for TPPs or couriers;
- The mode of transportation such workers use;
- How trips are offered or assigned to food delivery workers;
- The data the apps and couriers maintain relating to the trips of such workers;
- The compensation such workers receive from the apps and couriers;
- Any gratuities such workers receive;
- Information relating to both completed and cancelled trips;
- Agreements with or policies covering such workers;
- Contact information of such workers;
- Information relating to the setting of fees paid by food service establishments and consumers; and
- Any other information deemed relevant by the Department.

The app or courier from whom information is sought would have to provide it in a manner designated by the rules of the Department, whether that be in the information's original format or in a machine-readable, electronic format.

Based on the results of the study, DCWP would be required to promulgate rules establishing a method of determining minimum payments that must be made to delivery workers, by January 1, 2023. The TPPs and couriers would be required to abide by these minimum standards, whether they choose to pay their delivery workers on an hourly or weekly basis, or on any other basis. In establishing the minimum payments required, the Department would be required to consider:

- The duration and distance of trips;
- The expenses of operation associated with the typical modes of transportation such workers use;
- The types of trips, including the number of deliveries made during a trip;
- The on-call and work hours of food delivery workers;
- The adequacy of food delivery worker income considered in relation to trip-related expenses; and
- Any other relevant factors, as determined by the Department.

Food delivery apps and couriers would not be permitted to comply with the Department's minimum payment rules through the use of gratuities. Furthermore, the apps and couriers would be required by this bill to clearly and conspicuously inform their delivery workers which payments constitute gratuities from consumers and which payments constitute compensation paid by the TPPs or couriers.

Beginning February 1, 2024 and each year by February 1 thereafter, DCWP would be required to announce any update to the minimum payment method it has established. Any changes would go into effect on the following April 1. The Department would also be required to issue a report to the Speaker of the Council and the Mayor on the minimum payment standard, any amendment to the standard, and the effect of such minimum payment standard on food delivery workers and the food delivery industry. The first such report would have to be issued by September 30, 2024, and then by September 30 every two years thereafter.

This bill would take effect immediately after becoming law, except that DCWP may promulgate rules or take any other necessary measures to implement the bill before it takes effect.

5) Int. 2296-A, in relation to establishing standards for payment of food delivery workers

The bill would prohibit TPPs and couriers from charging delivery workers for the payment of their compensation. It would also require the TPPs and couriers pay their delivery workers for their work at least once per week.

This bill would take effect 180 days after becoming law, except that DCWP may promulgate rules or take any other necessary measures to implement the bill before it takes effect.

6) Int. 2298-A, in relation to the agreements between third-party food delivery services and food service establishments and the provision of toilet facility access to food delivery workers

The Council previously passed Local Law 91 of 2021, which included a requirement for TPPs to execute written agreements with the food service establishments they list on their platforms. This bill would enhance the requirement in that Local Law to mandate that the apps also include a provision in these agreements requiring restaurants and other food service establishments to make their toilet facilities available for delivery workers' use, as long as the delivery worker seeks to access the facilities while picking up a food or beverage order for delivery.

A food service establishment would not be required to allow a delivery worker access to their toilet facilities, however, when doing so would require walking through the establishment's kitchen, food prep area, storage area or utensil washing area, as set forth in Section 81.22 (d) of the Health Code; when accessing the toilet facility would create an obvious health and safety risk to the food delivery worker or to the establishment; or in other cases identified by DCWP through promulgated rules. A "toilet facility" is defined in the bill as the restroom the food service establishment provides for customers, or, if such a restroom is not provided for customers, the employee restroom.

This bill would take effect on the same date as Int. 1897-A takes effect, except that DCWP may promulgate rules or take any other necessary measures to implement the bill before it takes effect. Int. 1897-A takes effect 120 days after it becomes law.

7) Int. 2397-A, in relation to severance pay for hotel service employees

The bill would require severance pay for hotel service employees in the event of: 1) the closure of a hotel to the public, provided that the hotel has not, by October 11, 2021, recalled at least 25% of employees and reopened to the public by November 1, 2021; or 2) a mass layoff of at least 75% of employees. Employees eligible for severance pay would be owed \$500 per week, for up to 30 weeks.

This requirement would not apply to a hotel that has closed permanently and has or is in the process of converting to an alternate use, provided that employees are offered severance of at least 20 days pay per year of service and provided that the severance is specifically tied to the conversion. The obligation to provide severance would end when an employee is recalled, or, for a closed hotel, when the hotel reopens to the public and recalls 25% of employees.

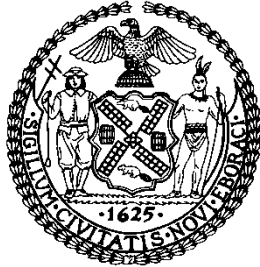
This bill would take effect immediately and would be deemed repealed on June 1, 2022.

8) Int. 2399, in relation to limitations on distance and route for food delivery workers; to amend three local laws for the year 2021 amending the administrative code of the city of New York, relating to providing food delivery workers with insulated food delivery bags and denying, suspend, revoking or refusing to renew a license for a third party delivery service, minimum per trip payments to third-party food delivery service and courier service workers, and standards for payment of food delivery workers, respectively, as proposed in introduction numbers 2288-A, 2294-A, and 2296-A, respectively; and in relation to requiring a study of the working conditions for food delivery workers

This bill would amend language in Int. 2289-A regarding distance limits, to provide that a worker may set a maximum distance per trip from a food service establishment where such worker will pick up food, beverages,

or other goods, that such worker will travel on trips. The bill would also amend the effective dates of Int. 2288-A and Int. 2294-A to provide that such local laws would take effect on the same date as Int. 2289-A. In addition, the bill would provide that a study regarding the working conditions of food delivery workers may take effects immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1846-A:)



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

PROPOSED INTRO. NO: 1846-A

**COMMITTEE: Consumer Affairs and Business
Licensing**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of gratuity policies for food delivery workers.

SPONSOR(S): Council Member Chin, Ayala, Lander, Menchaca, Koslowitz, Rivera, Van Bramer, Rosenthal, Reynoso, Brannan, and the Public Advocate (Mr. Williams).

SUMMARY OF LEGISLATION: Proposed Intro. No.1846-A would prohibit a food delivery app from soliciting a tip from a customer unless that app discloses conspicuously in plain language the amount or proportion of each gratuity that is provided to the delivery worker, and the manner in which gratuities are provided, whether immediately or not, and whether in cash or not. This information must be provided before or at the same time the gratuity is solicited from the customer, which helps the customer make an informed decision about how much to tip and may exert pressure on the food delivery app to adopt fair tipping policies. The legislation would require food delivery apps to credit gratuities to the delivery worker, that the apps notify delivery workers whether a gratuity was added to the order, how much the gratuity was, whether the customer removed it from the bill and why, if a reason was provided. Additionally, each day the apps would be required to inform the delivery worker the total amount of compensation and gratuities earned by that worker the day before. Food delivery apps would be required to keep records demonstrating their compliance with this bill by the requirements of their licensure.

EFFECTIVE DATE: This bill would take effect on the same date as Int. 1897-A takes effect, in relation to the licensing of third-party food delivery services. The Department of Consumer and Worker Protection (DCWP) may promulgate rules or take any other necessary measures to implement the bill before it takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that the enactment of this legislation would not generate any revenue.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because private parties would bear the cost of its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Florentine Kabore, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Noah Brick, Assistant Counsel
Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council on January 8, 2020 as Int. No. 1846 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee held a joint hearing with the Committee on Small Business on April 29, 2020 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 1846-A, will be heard by the Committee on September 23, 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on September 23, 2021.

DATE PREPARED: September 20, 2021.

(For text of Int. Nos. 2288-A, 2289-A, 2294-A, 2296-A, 2298-A, 2397-A and Preconsidered Int. No. 2399 and their Fiscal Impact Statements, please see the Report of the Committee on Consumer Affairs and Business Licensing for Int. Nos. 2258-A 2289-A, 2294-A, 2296-A, 2298-A, 2397-A, and Preconsidered Int. No. 2399, respectively, printed in these Minutes; for text of Int. No. 1846-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1846-A, 2288-A, 2289-A, 2294-A, 2296-A, 2298-A, 2397-A and Preconsidered Int. No. 2399.

(The following is the text of Int. No. 1846-A:)

Int. No. 1846-A

By Council Members Chin, Ayala, Lander, Koslowitz, Menchaca, Rivera, Van Bramer, Rosenthal, Reynoso, Brannan, Barron, Kallos and the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of gratuity policies for food delivery workers

Be it enacted by the Council as follows:

Section 1. Section 20-563 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897 for the year 2020, is amended by adding new definitions of “base wage” and “gratuity” in alphabetical order to read as follows:

Base wage. The term “base wage” means money paid, whether by the hour or otherwise, to a food delivery worker by a third-party food delivery service in exchange for work performed, not including gratuities, bonuses, allowances, shift differentials or other monetary payments that may contribute to such food delivery worker’s total compensation.

Gratuity. The term “gratuity” means a sum of money (i) paid voluntarily by a customer when placing an online order or after delivery of such online order, (ii) that is in addition to the purchase price and other

mandatory charges such as taxes and fees, (iii) the amount of which the customer may choose, and (iv) that is referred to on the third-party food delivery platform as a gratuity, tip or other similar term that would suggest to a reasonable person that the sum, or a substantial portion thereof, would be received by the food delivery worker delivering goods in addition to such food delivery worker's base wage.

§ 2. Section 20-563.2 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897 for the year 2020, is amended to read as follows:

§ 20-563.2 Issuance of license *and certain restrictions on third-party food delivery service conduct.* a. A license to operate a third-party food delivery service shall be granted in accordance with the provisions of this subchapter and any rules promulgated by the commissioner thereunder.

b. *Restrictions on third-party food delivery service operations.*

1. *It shall be unlawful for a third-party food delivery service to solicit a gratuity for a food delivery worker hired, retained or engaged by such third-party food delivery service from a customer in connection with an online order unless such third-party food delivery service discloses, in plain language and in a conspicuous manner, the following information before or at the same time as such gratuity is solicited:*

(i) *The proportion or fixed amount of each gratuity that is distributed to a food delivery worker who delivers the goods purchased; and*

(ii) *How gratuities are distributed to a food delivery worker, including whether such gratuities are distributed immediately or otherwise, and whether such gratuities are distributed in cash or otherwise.*

2. *For each transaction, a food delivery worker hired, retained or engaged by a third-party food delivery service shall be notified of how much the customer paid as gratuity, if such customer paid additional gratuity, and if such customer decided to remove the gratuity and the reason for such removal, if such a reason is provided. Upon any change or payment of gratuity, a third-party delivery service shall notify such food delivery worker and credit such gratuity to such worker's account.*

3. *A third-party food delivery service shall disclose to a food delivery worker hired, retained or engaged by such third-party food delivery service, the aggregate amount of compensation and aggregate amount of gratuities earned by such food delivery worker on the day after such compensation and gratuities were earned.*

§ 3. Subdivision a of section 20-563.8 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897 for the year 2020, is amended to read as follows:

a. Every third-party food delivery service required to be licensed under this subchapter shall maintain the following records in an electronic format for a period of at least three years:

1. A roster of all food service establishments the third-party food delivery service lists on its website, mobile application, or other third-party food delivery platform and has listed on such website, mobile application, or other third-party food delivery platform;

2. All written agreements with a food service establishment;

3. Records listing itemized fees the third-party food delivery service has charged each food service establishment with which the third-party food delivery service maintains an agreement;

4. Such records related to the ownership of the third-party food delivery service as the commissioner may prescribe by rule; [and]

5. *Records demonstrating compliance with the requirements set forth in subdivisions c, d and e of section 20-563.2 of this subchapter; and*

6. Such other records as the commissioner may prescribe by rule.

§ 4. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897 for the year 2020, takes effect, except that the commissioner of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BRADFORD S. LANDER, BEN KALLOS, JUSTIN L. BRANNAN, CARLOS MENCHACA: Committee on Consumer Affairs and Business Licensing, September 23, 2021. *Other Council Members Attending: Council Member Moya.*

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

Report for Int. No. 2288-A

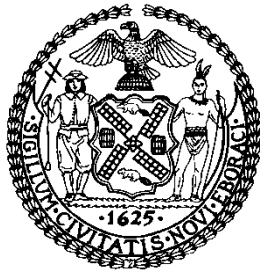
Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services and third-party courier services to provide food delivery workers with insulated food delivery bags, and authorizing the commissioner of the department of consumer and worker protection to deny, suspend, revoke or refuse to renew a license for violations of chapter 15 of title 20 of such code.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on April 29, 2021 (Minutes, page 1064), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs and Business Licensing for Int. No. 1846-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2288-A:



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

PROPOSED INTRO. NO: 2288-A

**COMMITTEE: Consumer Affairs and Business
Licensing**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services and third-party courier services to provide food delivery workers with insulated food delivery bags, and authorizing the commissioner of the department of consumer and worker protection to deny, suspend, revoke or refuse to renew a license for violations of chapter 15 of title 20 of such code.

SPONSOR(S): Council Member Brannan, Rivera, Chin, Louis, Ayala, Lander, Van Bramer, Rosenthal, Reynoso, Menchaca, and the Public Advocate (Mr. Williams).

SUMMARY OF LEGISLATION: Proposed Intro. No. 2288-A would require food delivery apps and couriers to make available insulated bags to any delivery worker who has completed at least six deliveries for the company.

The food delivery app or courier would not be permitted to charge their delivery worker any money for the bag. The bag would also have to comply with Section 1235 of the State Vehicle and Traffic Law, which prohibits bicyclists from carrying bags or other articles unless they can keep at least one hand on the handlebars. Despite the requirement that the bags be provided in this way, the bill explicitly states that it cannot be interpreted as requiring delivery workers to use them. In addition, this bill would add a provision to the licensing scheme allowing the Department of Consumer and Worker Protection (DCWP) to suspend, revoke, deny or refuse to renew a food delivery app license if any provision relating to Chapter 15 of Title 20 of the Administrative Code, which will contain the provisions added by this and several other food delivery-related bills being considering together as a legislative package, was violated twice in the previous two years.

EFFECTIVE DATE: This bill would take effect on the same date as Int. 1897-A, in relation to the licensing of third-party food delivery services, takes effect. DCWP may promulgate rules or take any other necessary measures to implement the bill before it takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that the enactment of this legislation would not generate any revenue.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because private parties would bear the cost of its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Florentine Kabore, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
 Noah Brick, Assistant Counsel
 Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 29, 2021 as Int. No. 2288 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee held a hearing on June 8, 2021 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 2288-A, will be heard by the Committee on September 23, 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on September 23, 2021.

DATE PREPARED: September 21, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2288-A:)

Int. No. 2288-A

By Council Members Brannan, Rivera, Chin, Louis, Ayala, Lander, Van Bramer, Rosenthal, Reynoso, Menchaca, Gjonaj, Riley, Kallos and the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services and third-party courier services to provide food delivery workers with insulated food delivery bags, and authorizing the commissioner of the department of consumer and worker protection to deny, suspend, revoke or refuse to renew a license for violations of chapter 15 of title 20 of such code

Be it enacted by the Council as follows:

Section 1. Section 20-563.9 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897 for the year 2020, is amended to read as follows:

§ 20-563.9 Denial, renewal, suspension and revocation of license. In addition to any powers of the commissioner and not in limitation thereof, the commissioner may deny or refuse to renew any license required under this subchapter and may suspend or revoke any such license, after due notice and opportunity to be heard, if the applicant or licensee, or, where applicable, any of its officers, principals, directors, members, managers, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation, is found to have:

- a. Committed two or more violations of any provision of this subchapter or any rules promulgated thereunder in the preceding two years;
- b. Made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter; [or]
- c. Committed two or more violations of chapter five of title twenty of this code and any rules promulgated thereunder in the preceding two years; *or*
- d. *Committed two or more violations of chapter fifteen of title twenty of this code and any rules promulgated thereunder in the preceding two years.*

§ 2. Subchapter 2 of chapter 15 of title 20 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, in relation to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A for the year 2021, is amended by adding a new section 20-1524 to read as follows:

§ 20-1524 Insulated food delivery bags. a. 1. A third-party food delivery service or third-party courier service shall provide at its own expense, or ensure the availability of, an insulated food delivery bag to each food delivery worker, provided that such worker has completed at least six deliveries for such service. Such service may not require any food delivery worker to provide an insulated food delivery bag at such worker's expense. Such insulated food delivery bag must be designed for use in accordance with section 1235 of the vehicle and traffic law.

2. Nothing in this section shall be construed to require the use of insulated delivery bags by food delivery workers.

§ 3. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897 for the year 2020, takes effect, except that the commissioner

of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BRADFORD S. LANDER, BEN KALLOS, JUSTIN L. BRANNAN, CARLOS MENCHACA: Committee on Consumer Affairs and Business Licensing, September 23, 2021. *Other Council Members Attending: Council Member Moya.*

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

Report for Int. No. 2289-A

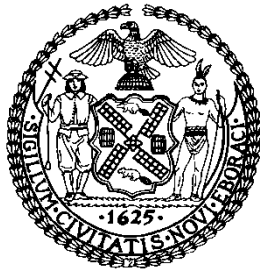
Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on April 29, 2021 (Minutes, page 1064), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs and Business Licensing for Int. No. 1846-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2289-A:



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

PROPOSED INTRO. NO: 2289-A

COMMITTEE: Consumer Affairs and Business
Licensing

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries.

SPONSOR(S): Council Member Brannan, Menchaca, Chin, Rivera, Louis, Ayala, Lander, Van Bramer, Rosenthal and Reynoso.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2289-A would add Chapter 15 to Title 20 of the Administrative Code, in which this and several other food delivery-related bills being considering together as a

legislative package would be codified. Specifically, the bill would set forth various definitions; obligations on the Department of Consumer and Worker Protection (DCWP), the food delivery apps and the couriers; and enforcement options, including those available to the City and to the delivery workers themselves. This bill would also require the food delivery apps and couriers to permit their delivery workers to set allowable trip parameters without penalty. It would also require the apps and couriers to provide certain information to their delivery workers when a trip is offered to them. This bill would apply to any delivery trip originating in the City, ending in the City, involving the picking up of food from a food service establishment in the City to be delivered to the customer.

EFFECTIVE DATE: This bill would take effect 180 days after becoming law, except that DCWP may promulgate rules or take any other necessary measures to implement the bill before it takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that the enactment of this legislation would not generate any revenue.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because private parties would bear the cost of its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Florentine Kabore, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Noah Brick, Assistant Counsel
Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 29, 2021 as Int. No. 2289 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee heard the legislation on June 8, 2021 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 2289-A, will be heard by the Committee on September, 23 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on September 23, 2021.

DATE PREPARED: September 20, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2289-A:)

Int. No. 2289-A

By Council Members Brannan, Menchaca, Chin, Rivera, Louis, Ayala, Lander, Van Bramer, Rosenthal, Reynoso and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries

Be it enacted by the Council as follows:

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 15 to read as follows:

*CHAPTER 15
THIRD-PARTY SERVICE WORKERS
SUBCHAPTER 1
GENERAL PROVISIONS*

§ 20-1501 Definitions.

§ 20-1502 Outreach and education.

§ 20-1503 Reporting.

§ 20-1504 Retaliation.

§ 20-1505 Notice of rights.

§ 20-1506 Recordkeeping.

§ 20-1507 Administrative enforcement.

§ 20-1508 Remedies for workers.

§ 20-1509 Civil penalties.

§ 20-1510 Enforcement by the corporation counsel.

§ 20-1511 Private cause of action.

§ 20-1512 Civil action by corporation counsel for pattern or practice of violations.

§ 20-1501 Definitions. As used in this chapter, the following terms have the following meanings:

Food delivery worker. The term “food delivery worker” means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, who is hired, retained, or engaged as an independent contractor by a third-party food delivery service required to be licensed pursuant to section 20-563.1 or a third-party courier service to deliver food, beverage, or other goods from a business to a consumer in exchange for compensation.

Food service establishment. The term “food service establishment” means a business establishment located within the city where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

Third-party courier service. The term “third-party courier service” means a service that (i) facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from a food service establishment on behalf of a third-party food delivery service and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application, or other internet service that: (i) offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, a food service establishment; and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

Trip. The term “trip” means the time spent, distance travelled, and route followed by a worker to provide delivery services to a consumer through a third-party food delivery service or third-party courier service, including travel to a business, picking up the food, beverage, or other goods for delivery, and taking and depositing such delivery at a different location as requested.

§ 20-1502 Outreach and education. The commissioner shall conduct outreach and education about the provisions of this chapter. Such outreach and education shall be provided to food delivery workers, third-party food delivery services, and third-party courier services.

§ 20-1503 Reporting. The department shall annually report on its website the number and nature of the complaints received pursuant to this chapter, the results of investigations undertaken pursuant to this chapter, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications held to resolve notices of violation issued pursuant to this chapter, and the average time for a complaint to be resolved pursuant to this chapter.

§ 20-1504 Retaliation. No person shall take any adverse action against a food delivery worker that penalizes such worker for, or is reasonably likely to deter such worker from, exercising or attempting to exercise any right protected under this chapter. Adverse actions include threats, intimidation, harassment, discipline, denial of work opportunities to or discrimination against a food delivery worker, reduction in hours or pay, reduction or downgrade of a worker's public or internal rating, and other negative consequences imposed on a food delivery worker, including actions related to perceived immigration status or work authorization. A food delivery worker need not explicitly refer to this chapter or the rights enumerated herein to be protected from retaliation.

§ 20-1505 Notice of rights. a. The commissioner shall publish and make available a notice for a third-party food delivery service or third-party courier service to provide to food delivery workers informing them of their rights protected under this chapter. Such notice shall be made available in a downloadable format on the city's website and shall be updated if any changes are made to the requirements of this chapter or as otherwise deemed appropriate by the commissioner.

b. A third-party food delivery service or third-party courier service shall provide such notice electronically to a food delivery worker hired, retained, or engaged by such service. Such notice shall be in English and any language spoken as a primary language by at least five percent of the food delivery workers hired, retained, or engaged by such service, provided that the commissioner has made the notice available in such language.

§ 20-1506 Recordkeeping. a. A third-party food delivery service or third-party courier service shall retain records documenting its compliance with the applicable requirements of this chapter for a period of three years and shall allow the department to access such records and other information, consistent with applicable law and in accordance with rules of the department and with appropriate notice, in furtherance of an investigation conducted pursuant to this chapter. A third-party food delivery service or third-party courier service must maintain records in their original format and provide such records to the department in their original format or a machine-readable electronic format as set forth in rules of the department. The department also may establish by rule, and require third-party food delivery services and third-party courier services to adhere to, a uniform system of records, and require submission of such records and other reports as the department may determine, in accordance with applicable law and rules and with appropriate notice.

b. The failure of a third-party food delivery service or third-party courier service to maintain, retain, or produce a record or other information required to be maintained by this chapter and requested by the department in furtherance of an investigation conducted pursuant to this chapter that is relevant to a material fact alleged by the department in a notice of violation issued pursuant to this subchapter creates a rebuttable presumption that such fact is true.

§ 20-1507 Administrative enforcement. a. The commissioner shall enforce the provisions of this chapter.

b. 1. Any person alleging a violation of this chapter may file a complaint with the department within two years of the date the person knew or should have known of the alleged violation.

2. Upon receiving such a complaint, the department shall investigate it.

3. The department may open an investigation on its own initiative.

4. A person or entity under investigation shall, in accordance with applicable law, provide the department with information or evidence that the department requests pursuant to the investigation. The department may attempt to resolve an investigation concerning a violation of this chapter through any action authorized by chapter 64 of the charter.

5. The department shall keep the identity of any complainant confidential unless disclosure is necessary to resolve the investigation or is otherwise required by law. The department shall, to the extent practicable, notify such complainant that the department will be disclosing the complainant's identity before such disclosure.

c. The commissioner may promulgate rules necessary and appropriate to the administration of this chapter.

§ 20-1508 Remedies for workers. a. For violations of their rights under this chapter, a food delivery worker shall be entitled to the following relief:

1. all compensatory damages and other relief required to make the worker or former worker whole;

2. an order directing compliance with the requirements set forth in this chapter; and

3. for each violation of:

(a) section 20-1504,

(1) \$500 for each violation not involving denial of future work opportunities;

(2) \$2,500 for each violation involving denial of future work opportunities; and

(3) any equitable relief appropriate under the circumstances, including but not limited to payment of any lost earnings resulting from such retaliation.

(b) section 20-1521, \$200;

(c) section 20-1522, including any minimum payment established by rule pursuant to section 20-1522, three times the amount of any payment that should have been made and was not timely made;

(d) section 20-1523, \$200; and

(e) section 20-1524, \$200.

b. The relief authorized by this section shall be imposed on a per worker and per instance basis for each violation.

§ 20-1509 Civil penalties. a. For each violation of this chapter, a third-party food delivery service or third-party courier service is liable for a penalty of \$500 for the first violation and, for subsequent violations that occur within two years of any previous violation of this chapter, up to \$750 for the second violation and up to \$1,000 for each succeeding violation.

b. The penalties imposed pursuant to this section shall be imposed on a per worker and per instance basis for each violation.

§ 20-1510 Enforcement by the corporation counsel. The corporation counsel or such other persons designated by the corporation counsel on behalf of the department may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to sections 20-1507 through 20-1509, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter, or such other relief as may be appropriate.

§ 20-1511 Private cause of action. a. Any person alleging a violation of the following provisions of this chapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:

1. section 20-1504;

2. section 20-1521;

3. section 20-1522, including any minimum payment established by rule pursuant to section 20-1522;

4. section 20-1523; and

5. section 20-1524.

b. Such court may order compensatory, injunctive and declaratory relief, including the remedies set forth in section 20-1508, and reasonable attorney's fees.

c. A civil action under this section shall be commenced within two years of the date the person knew or should have known of the alleged violation.

d. 1. Any person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the department. Failure to so serve a notice does not adversely affect any person's cause of action.

2. A worker need not file a complaint with the department pursuant to subdivision b of section 20-1507 before bringing a civil action; however, no person shall file a civil action after filing a complaint with the department unless such complaint has been withdrawn or dismissed without prejudice to further action.

3. No person shall file a complaint with the department after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.

4. The commencement or pendency of a civil action by a worker does not preclude the department from investigating a third-party food delivery service or third-party courier service or commencing, prosecuting or settling a case against a third-party food delivery service or third-party courier service based on some or all of the same violations.

§ 20-1512 Civil action by corporation counsel for pattern or practice of violations.

a. 1. Where reasonable cause exists to believe that a third-party food delivery service or third-party courier service is engaged in a pattern or practice of violations of this chapter, the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction.

2. *The corporation counsel shall commence such action by filing a complaint setting forth facts relating to such pattern or practice and requesting relief, which may include injunctive relief, relief for food delivery workers set forth in section 20-1508, civil penalties set forth in section 20-1509, and any other appropriate relief.*

3. *Such action may be commenced only by the corporation counsel or such other persons designated by the corporation counsel.*

4. *Nothing in this section prohibits (i) the department from exercising its authority under section 20-1507 through 20-1509 or (ii) a person alleging a violation of this chapter from filing a complaint pursuant to section 20-1507 or a civil action pursuant to section 20-1511 based on the same facts pertaining to such a pattern or practice, provided that a civil action pursuant to this section shall not have previously been commenced.*

b. Investigation. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to subdivision a of this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.

SUBCHAPTER 2 FOOD DELIVERY WORKERS

§ 20-1521 Delivery distance and route.

§ 20-1522 Reserved.

§ 20-1523 Reserved.

§ 20-1524 Reserved.

§ 20-1521 Delivery distance and route. a. Each third-party food delivery service and third-party courier service shall provide each food delivery worker with the ability to specify:

1. the maximum distance per trip, from a location selected by a food delivery worker, that such worker will travel on trips;

2. that such worker will not accept trips that require travel over any bridge or over particular bridges chosen by such worker; and

3. that such worker will not accept trips that require travel through any tunnel or through particular tunnels chosen by such worker.

b. Each third-party food delivery service and third-party courier service shall allow each food delivery worker to change the parameters established by such worker pursuant to subdivision a at any time.

c. A third-party food delivery service or third-party courier service shall not offer any food delivery worker any trip that is inconsistent with the parameters established by such worker and shall not penalize a food delivery worker for selecting or changing such parameters.

d. Each time a third-party food delivery service or third-party courier service offers a trip to a food delivery worker, before such worker accepts such trip, such third-party food delivery service or third-party courier service shall disclose to such worker the following information:

1. the address where the food, beverage or other goods must be picked up;

2. the estimated time and distance for the trip;

3. the amount of any gratuity, if specified by the consumer; and

4. the amount of compensation to be paid to the food delivery worker, excluding any gratuity.

e. The requirements of this section shall apply to trips that originate in the city, end in the city or involve picking up food from a food service establishment located in the city.

§ 2. This local law takes effect 180 days after it becomes law, provided that the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BRADFORD S. LANDER, BEN KALLOS, JUSTIN L. BRANNAN, CARLOS MENCHACA: Committee on Consumer Affairs and Business Licensing, September 23, 2021. *Other Council Members Attending: Council Member Moya.*

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

Report for Int. No. 2294-A

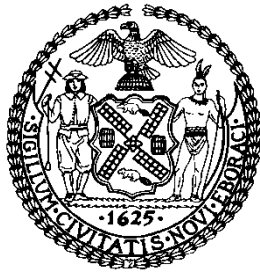
Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing minimum per trip payments to third-party food delivery service and third-party courier service workers.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on April 29, 2021 (Minutes, page 1074), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs and Business Licensing for Int. No. 1846-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2294-A:



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

PROPOSED INTRO. NO: 2294-A

COMMITTEE: Consumer Affairs and Business
Licensing

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing minimum per trip payments to third-party food delivery service and third-party courier service workers.

SPONSOR(S): Council Member Lander, Menchaca, Chin, Ayala, Van Bramer, Rosenthal, Reynoso, Rivera, Gjonaj and the Public Advocate (Mr. Williams).

SUMMARY OF LEGISLATION: Proposed Intro. No.2294-A would guarantee a consistent and suitable wage for food delivery work. This bill would require the Department of Consumer and Worker Protection (DCWP) to promulgate rules establishing a method of determining minimum payments for food delivery workers by January 1, 2023, after first conducting a study of their working conditions, and authority request or issue subpoenas for data, documents or information from food delivery apps or couriers. Beginning February 1, 2024 and each year

by February 1 thereafter, DCWP would be required to announce any update to the minimum payment method it has established. Any changes would go into effect on April 1 of that same year. DCWP would also be required to issue a report to the Speaker of the Council and the Mayor on the minimum payment standard, any amendments to the standard, and the effect of such minimum payment standard on food delivery workers and the food delivery industry. The first such report would have to be issued by September 30, 2024, and then by September 30 every two years thereafter.

EFFECTIVE DATE: The bill would take effect immediately after becoming law, except that DCWP may promulgate rules or take any other necessary measures to implement the bill before it takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that the enactment of this legislation would not generate any revenue.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because agencies responsible for implementing this legislation would be able to use existing resources and any mandated wage increases would be paid by private parties.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Florentine Kabore, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
 Noah Brick, Assistant Counsel
 Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 29, 2021 as Int. No. 2294 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee heard the legislation on June 8, 2021 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 2294-A, will be heard by the Committee on September, 23 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on September 23, 2021.

DATE PREPARED: September 20, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2294-A:)

Int. No. 2294-A

By Council Members Lander, Menchaca, Chin, Ayala, Van Bramer, Rosenthal, Reynoso, Rivera, Gjonaj, Barron, Kallos and the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to establishing minimum per trip payments to third-party food delivery service and third-party courier service workers

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 15 of title 20 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, in relation to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A for the year 2021, is amended by adding a new section 20-1522, to read as follows:

§ 20-1522 *Minimum payment. a. 1. The department shall study the working conditions for food delivery workers. In conducting such study, the department may coordinate with any other agency, organization, or office that can assist in such study. Such study shall include, at minimum, consideration of the pay food delivery workers receive and the methods by which such pay is determined, the total income food delivery workers earn, the expenses of such workers, the equipment required to perform their work, the hours of such workers, the average mileage of a trip, the mode of travel used by such workers, the safety conditions of such workers, and such other topics as the department deems appropriate.*

2. In furtherance of such study, the department may request or issue subpoenas for the production of data, documents, and other information from a third-party food delivery service or third-party courier service relating to food delivery workers that include, but are not limited to, worker identifiers, information about the times that such workers are available to work for such third-party food delivery service or third-party courier service, the mode of transportation such workers use, how trips are offered or assigned to food delivery workers, the data such service maintains relating to the trips of such workers, the compensation such workers receive from such third-party food delivery service or third-party courier service, any gratuities such workers receive, information relating to both completed and cancelled trips, agreements with or policies covering such workers, contact information of such workers, information relating to the setting of fees paid by food service establishments and consumers, and any other information deemed relevant by the department. In accordance with applicable law and rules and with appropriate notice, a third-party food delivery service or third-party courier service must produce such information to the department in its original format or a machine-readable electronic format as set forth in rules of the department.

3. Based on the results of the study conducted pursuant to paragraph a of this subdivision, and no later than January 1, 2023, the department shall by rule establish a method for determining the minimum payments that must be made to a food delivery worker by a third-party food delivery service or third-party courier service. In establishing such method, the department shall, at minimum, consider the duration and distance of trips, the expenses of operation associated with the typical modes of transportation such workers use, the types of trips, including the number of deliveries made during a trip, the on-call and work hours of food delivery workers, the adequacy of food delivery worker income considered in relation to trip-related expenses, and any other relevant factors, as determined by the department. Any rules promulgated by the department pursuant to this subdivision shall not prevent payments to food delivery workers from being calculated on an hourly or weekly basis, or by any other method, provided that the actual payments made to such workers comply with the minimum payment requirements determined by the department.

b. Any minimum payment determined by the department pursuant to this section shall not include gratuities. A third-party food delivery service or third-party courier service shall not retain any portion of any gratuity or use gratuities to offset or cover any portion of minimum payments required by this section. A third-party food delivery service shall clearly and conspicuously disclose to food delivery workers which payments constitute gratuities from consumers and which payments constitute compensation paid by the third-party food delivery service.

c. Beginning February 1, 2024 and no later than February 1 of each year thereafter, the department shall announce any update to the minimum payment method established pursuant to this section if it determines an update is warranted or necessary. Any such update shall become effective the following April 1 after it has been

announced. If the department determines that an amendment to the minimum payment standard is warranted or necessary, it is hereby authorized to promulgate such amendment by rule.

d. The department shall, no later than September 30, 2024, and two years thereafter, submit to the council and the mayor a report on the minimum payment standard, any amendment to such standard, and the effect of such minimum payment standard on food delivery workers and the food delivery industry.

§ 2. This local law takes effect immediately, provided that the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BRADFORD S. LANDER, BEN KALLOS, JUSTIN L. BRANNAN, CARLOS MENCHACA: Committee on Consumer Affairs and Business Licensing, September 23, 2021. *Other Council Members Attending: Council Member Moya.*

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

Report for Int. No. 2296-A

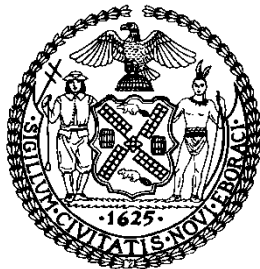
Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing standards for payment of food delivery workers.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on April 29, 2021 (Minutes, page 1076), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs and Business Licensing for Int. No. 1846-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2296-A:



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

PROPOSED INTRO. NO: 2296-A

**COMMITTEE: Consumer Affairs and Business
Licensing**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing standards for payment of food delivery workers.

SPONSOR(S): Council Member Menchaca, Rivera, Louis, Ayala, Lander, Van Bramer, Rosenthal, Reynoso, Brannan and the Public Advocate (Mr., Williams).

SUMMARY OF LEGISLATION: Proposed Intro. No. 2296-A would prohibit food delivery apps and couriers from charging delivery workers for the payment of their wages. It would also require the food apps and couriers pay their delivery workers for their work at least once per week.

EFFECTIVE DATE: This bill would take effect 180 days after becoming law, except that the Department of Consumer and Worker Protection (DCWP) may promulgate rules or take any other necessary measures to implement the bill before it takes effect

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that the enactment of this legislation would not generate any revenue.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because private parties would bear the cost of its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Florentine Kabore, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
 Noah Brick, Assistant Counsel
 Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 29, 2021 as Int. No. 2296 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee held a hearing on June 8, 2021 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 2296-A, will be heard by the Committee on September 23, 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on September 23, 2021.

DATE PREPARED: September 21, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2296-A:)

Int. No. 2296-A

By Council Members Menchaca, Rivera, Louis, Ayala, Lander, Van Bramer, Rosenthal, Reynoso, Brannan, Barron, Yeger, Kallos and the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to establishing standards for payment of food delivery workers

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 15 of title 20 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, in relation to requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A for the year 2021, is amended by adding a new section 20-1523 to read as follows:

§ 20-1523 Payments to workers. a. A third-party food delivery service or third-party courier service shall not charge or impose any fee on a food delivery worker for the use of any form of payment selected by such service to pay such worker for work performed.

b. A third-party food delivery service or third-party courier service shall pay a food delivery worker for work performed no less frequently than once a week.

§ 2. This local law takes effect 180 days after it becomes law, provided that the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BRADFORD S. LANDER, BEN KALLOS, JUSTIN L. BRANNAN, CARLOS MENCHACA, KALMAN YEGER; Committee on Consumer Affairs and Business Licensing, September 23, 2021. *Other Council Members Attending: Council Member Moya.*

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

Report for Int. No. 2298-A

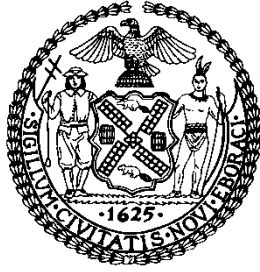
Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the agreements between third-party food delivery services and food service establishments and the provision of toilet facility access to food delivery workers.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on April 29, 2021 (Minutes, page 1078), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs and Business Licensing for Int. No. 1846-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2298-A:



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

PROPOSED INTRO. NO: 2298-A
COMMITTEE: Consumer Affairs and Business
Licensing

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the agreements between third-party food delivery services and food service establishments and the provision of toilet facility access to food delivery workers.

SPONSOR(S): Council Member Rivera, the Public Advocate (Mr. Williams), Menchaca, Chin, Louis, Ayala, Lander, Rosenthal, Van Bramer, Reynoso, Gjonaj and Brannan.

SUMMARY OF LEGISLATION: Proposed Int. No. 2298-A would require that the food delivery apps include a provision in the written agreements they are required to execute with the establishments they list on their platforms include a provision requiring that a toilet facility is available for the use of food delivery workers lawfully on such establishment’s premises to pick up such establishment’s food or beverage for consumer delivery, except where access to such facilities would require walking through the establishment’s kitchen, food prep area, storage area or utensil washing area, when accessing the toilet facility would create an obvious health and safety risk to the food delivery worker or to the establishment; or in other cases identified by the Department of Consumer and Worker Protection (DCWP) through promulgated rules.

EFFECTIVE DATE: This bill would take effect on the same date as Int. 1897-A, in relation to the licensing of third-party food delivery services, takes effect. DCWP may promulgate rules or take any other necessary measures to implement the bill before it takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that the enactment of this legislation would not generate any revenue.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because agencies responsible for implementing this legislation would be able to use existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Florentine Kabore, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Noah Brick, Assistant Counsel
Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 29, 2021 as Int. No. 2298 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee held a hearing on June 8, 2021 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 2289-A, will be heard by the Committee on September 23, 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on September 23, 2021.

DATE PREPARED: September 21, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2298-A:)

Int. No. 2298-A

By Council Members Rivera, the Public Advocate (Mr. Williams), Menchaca, Chin, Louis, Ayala, Lander, Rosenthal, Van Bramer, Reynoso, Gjonaj, Barron, Brannan, Kallos and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to the agreements between third-party food delivery services and food service establishments and the provision of toilet facility access to food delivery workers

Be it enacted by the Council as follows:

Section 1. Section 20-563 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897, is amended by adding new definitions of “food delivery worker” and “toilet facility” in alphabetical order to read as follows:

Food delivery worker. The term “food delivery worker” means a natural person who is hired or retained as an independent contractor by a food service establishment, as an independent contractor of a third-party food delivery service or as an independent contractor of a third-party courier service, as defined in section 20-1501, to deliver food or beverage from such establishment to a consumer in exchange for compensation.

Toilet facility. The term “toilet facility” means a toilet facility on the premises of a food service establishment that is a dedicated facility for its patrons or that is a dedicated facility for its employees to the extent such establishment does not have a dedicated facility for its patrons.

§ 2. Subdivision b of section 20-563.6 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897, is amended to read as follows:

b. An agreement executed in accordance with this section shall *include a provision requiring that a toilet facility is available for the use of food delivery workers lawfully on such establishment’s premises to pick up such establishment’s food or beverage for consumer delivery, except (i) where accessing the toilet facility would require a food delivery worker to walk through such establishment’s kitchen, food preparation or storage area or utensil washing area to access such facility, pursuant to subdivision d of section 81.22 of the health code; (ii)*

where accessing the toilet facility would create an obvious health and safety risk to the food delivery worker or to the establishment; or (iii) any additional exceptions that the commissioner promulgates by rule. Such agreement shall not include a provision, clause, or covenant that requires a food service establishment to indemnify a third-party food delivery service, any independent contractor acting on behalf of the third-party food delivery service, or any registered agent of the third-party food delivery service, for any damages or harm by an act or omission occurring after the food service establishment's product leaves the place of business of the food service establishment. To the extent an agreement executed in accordance with this section contains such a provision, such provision shall be deemed void and unenforceable.

§ 3. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897 for the year 2021, takes effect, provided that subdivision b of section 20-563.6 of such code, as amended by section two of this local law, applies only to agreements executed on and after such date, and except that the commissioner of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BRADFORD S. LANDER, BEN KALLOS, JUSTIN L. BRANNAN, CARLOS MENCHACA, KALMAN YEGER; Committee on Consumer Affairs and Business Licensing, September 23, 2021. *Other Council Members Attending: Council Member Moya.*

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

Report for Int. No. 2397-A

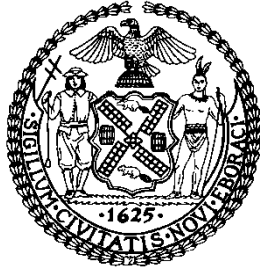
Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law in relation to severance pay for hotel service employees.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on September 9, 2021 (Minutes, page 2293), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs and Business Licensing for Int. No. 1846-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2397-A:



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

PROPOSED INTRO. NO: 2397-A

**COMMITTEE: Consumer Affairs and Business
Licensing**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to severance pay for hotel service employees.

SPONSOR(S): Council Member Moya, Kallos, Salamanca, Rosenthal, Dinowitz, Levine, Menchaca, Lander, Brannan, Adams, Powers, Feliz, Reynoso, Rivera, Gennaro, Chin, Ampry-Samuel and Van Bramer.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2397-A would require severance pay for hotel service employees in the event of: 1) the closure of a hotel to the public, provided that the hotel has not, by October 11, 2021, recalled at least 25% of employees and reopened to the public by November 1, 2021; or 2) a mass layoff of at least 75% of employees. Employees eligible for severance pay would be owed \$500 per week, for up to 30 weeks. Additionally, this requirement would not apply to a hotel that has closed permanently and has or is in the process of converting to an alternate use, provided that employees are offered severance of at least 20 days pay per year of service and provided that the severance is specifically tied to the conversion. The obligation to provide severance would end when an employee is recalled, or, for a closed hotel, when the hotel reopens to the public and recalls 25% of employees.

EFFECTIVE DATE: This local law would take effect immediately and expires and be deemed repealed on June 1, 2022.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that the enactment of this legislation would not generate any revenue.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because agencies responsible for implementing this legislation would be able to use existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Florentine Kabore, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Noah Brick, Assistant Counsel
Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 9, 2021 as Int. No. 2397 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee heard the legislation on September 15, 2021 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 2397-A, will be heard by the Committee on September 23, 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on September 23, 2021.

DATE PREPARED: September 20, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2397-A:)

Int. No. 2397-A

By Council Members Moya, Kallos, Salamanca, Rosenthal, Dinowitz, Levine, Menchaca, Lander, Brannan, Adams, Powers, Feliz, Reynoso, Rivera, Gennaro, Chin, Ampry-Samuel, Van Bramer, Rodriguez, Riley, Brooks-Powers, Barron, Koslowitz, Eugene and Dromm.

A Local Law in relation to severance pay for hotel service employees

Be it enacted by the Council as follows:

Section 1. Definitions. For the purposes of this local law, the following terms have the following meanings:

Closure. The term “closure” means the closure of a hotel to the public commencing on or after March 1, 2020, provided that such hotel has not, by October 11, 2021, recalled 25 percent or more of its employees employed as of March 1, 2020 and reopened to the public by November 1, 2021. The term “closure” shall not include a lockout or strike.

Covered hotel service employee. The term “covered hotel service employee” means, with respect to a hotel, a person who:

(i) was employed by such hotel on March 1, 2020;

(ii) as of March 1, 2020, had been employed by such hotel for a period of not less than one year to perform hotel service;

(iii) was not a managerial, supervisory or confidential employee and did not otherwise exercise control over the management of such hotel; and

(iv) was laid off after March 1, 2020 due to a closure or a mass layoff.

Hotel. The term “hotel” means a transient hotel as defined in section 12-10 of the New York city zoning resolution that, as of March 1, 2020, had 100 or more rooms.

Hotel employer. The term “hotel employer” means any person who owns, controls or operates a hotel.

Hotel service. The term “hotel service” means work performed in connection with the operation of a hotel.

Lockout. The term “lockout” has the same meaning as in paragraph 2 of subdivision a of section 22-501 of the administrative code of the city of New York.

Mass layoff. The term “mass layoff” means a reduction in force that is not the result of a closure, lockout or strike, and that results in a layoff by a hotel employer during any 30-day period of 75 percent or more of the employees engaged in hotel service at a hotel as of March 1, 2020.

Room. The term “room” means a room available or let out for use or occupancy in a hotel.

Strike. The term “strike” has the same meaning as in paragraph 1 of subdivision a of section 22-501 of the administrative code of the city of New York.

§ 2. Severance. a. Except as provided in subdivision b of this section, commencing on October 11, 2021, a hotel employer shall provide to each covered hotel service employee \$500 in severance pay for each week, after such date, that such employee remains laid off, provided that a hotel employer shall not be required to provide severance pay pursuant to this section for more than 30 weeks.

b. For each week described in subdivision a of this section, any severance pay provided to a covered hotel service employee shall be reduced by the amount of any severance or similar pay provided or owed for such week to such employee by the hotel employer. The payment of severance pay pursuant to subdivision a of this section shall be in addition to any severance or similar pay already paid or otherwise owed for periods prior to October 11, 2021.

c. A hotel employer shall provide severance pay pursuant to this section to a covered hotel service employee within five days after the end of each week.

d. The provision of severance pay pursuant to this section shall not affect the right, if any, of a covered hotel service employee to be recalled to their previous position.

§ 3. Applicability. a. Section two of this local law shall not apply to a hotel that has closed permanently and has converted or is in the process of converting to an alternate use, provided that every covered hotel service employee at such hotel is offered severance pay specifically for such conversion in an amount that equals no less than pay for 20 days per year of service, at the same rate that such employee is paid for paid days off.

b. The requirement to provide severance pay to a covered hotel service employee pursuant to section two of this local law shall cease on the sooner of the date such employee is recalled, or, if a hotel that experienced a closure reopens, the date on which such hotel reopens to the public and has recalled 25 percent or more of its employees employed as of March 1, 2020.

§ 4. Remedies. a. A covered hotel service employee who has not received severance pay that is required to be provided pursuant to this local law may bring an action in supreme court against a hotel employer for violation of this local law.

b. A court that finds that such employee has not received severance pay in violation of this local law shall award to such employee twice the amount of severance pay owed pursuant to this local law and such employee’s reasonable attorney’s fees and costs.

§ 5. This local law takes effect immediately and expires and is deemed repealed on June 1, 2022.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BRADFORD S. LANDER, BEN KALLOS, JUSTIN L. BRANNAN, CARLOS MENCHACA: Committee on Consumer Affairs and Business Licensing, September 23, 2021. *Other Council Members Attending: Council Member Moya.*

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Preconsidered Int. No. 2397-A:)

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Pursuant to authority invested in me by section twenty of the Municipal Home Rule and by section thirty-six of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law; entitled:

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to in relation to severance pay for hotel service employees

Given under my hand and seal this 21st day of
September, 2021 at City Hall in the City of New York.

Bill de Blasio
Mayor

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

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

Report for Int. No. 2399

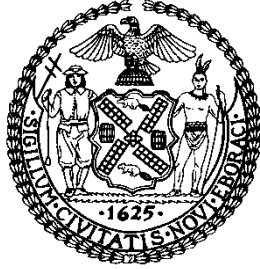
Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to limitations on distance and route for food delivery workers; to amend three local laws for the year 2021 amending the administrative code of the city of New York, relating to providing food delivery workers with insulated food delivery bags and denying, suspend, revoking or refusing to renew a license for a third party delivery service, minimum per trip payments to third-party food delivery service and courier service workers, and standards for payment of food delivery workers, respectively, as proposed in introduction numbers 2288-A, 2294-A, and 2296-A, respectively; and in relation to requiring a study of the working conditions for food delivery workers

The Committee on Consumer Affairs and Business Licensing, to which the annexed preconsidered proposed local law was referred on September 23, 2021, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs and Business Licensing for Int. No. 1846-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 2399:



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

PRECONSIDERED INTRO. NO: 2399

**COMMITTEE: Consumer Affairs and Business
Licensing**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to limitations on distance and route for food delivery workers; to amend three local laws for the year 2021 amending the administrative code of the city of New York, relating to providing food delivery workers with insulated food delivery bags and denying, suspend, revoking or refusing to renew a license for a third party delivery service, minimum per trip payments to third-party food delivery service and courier service workers, and standards for payment of food delivery workers, respectively, as proposed in introduction numbers 2288-A, 2294-A, and 2296-A, respectively; and in relation to requiring a study of the working conditions for food delivery workers.

SPONSOR: Council Member Brannan.

SUMMARY OF LEGISLATION: Preconsidered Intro. No. 2399 would amend language in Int. 2289-A regarding distance limits, to provide that a worker may set a maximum distance per trip from a food service establishment where such worker will pick up food, beverages, or other goods, that such worker will travel on trips. The bill would also amend the effective dates of Int. 2288-A and Int. 2294-A to provide that such local laws would take effect on the same date as Int. 2289-A. In addition, the bill would provide that a study by the Department of Consumer and Worker Protection (DCWP) regarding the working conditions of food delivery workers may take effects immediately.

EFFECTIVE DATE: This bill would take effect on the same day as Int. No. 2289-A.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that the enactment of this legislation would not generate any revenue.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the agencies responsible for its implementation would use existing resources to comply and private parties would bear the majority of the cost of its the cost of its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Florentine Kabore, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Noah Brick, Assistant Counsel
Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation will be heard by the Committee on Consumer Affairs and Business Licensing (Committee) as a preconsidered introduction on September 23, 2021. Upon a successful vote by the Committee, the bill will then be introduced to the full Council on September 23, 2021 for a vote.

DATE PREPARED: September 23, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Preconsidered Int. No. 2399:)

Preconsidered Int. No. 2399

By Council Members Brannan and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to limitations on distance and route for food delivery workers; to amend three local laws for the year 2021 amending the administrative code of the city of New York, relating to providing food delivery workers with insulated food delivery bags and denying, suspend, revoking or refusing to renew a license for a third party delivery service, minimum per trip payments to third-party food delivery service and courier service workers, and standards for payment of food delivery workers, respectively, as proposed in introduction numbers 2288-A, 2294-A, and 2296-A, respectively; and in relation to requiring a study of the working conditions for food delivery workers

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-1521 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to working conditions for third-party service workers, as proposed in introduction number 2289-A, is amended to read as follows:

§ 20-1521 Delivery distance and route. a. Each third-party food delivery service and third-party courier service shall provide each food delivery worker with the ability to specify:

1. the maximum distance per trip, from [a location selected by a food delivery worker] *a food service establishment where such worker will pick up food, beverages, or other goods*, that such worker will travel on trips;

2. that such worker will not accept trips that require travel over any bridge or over particular bridges chosen by such worker; and

3. that such worker will not accept trips that require travel through any tunnel or through particular tunnels chosen by such worker.

§ 2. Section 3 of a local law for the year 2021 amending the administrative code of the city of New York, relating to providing food delivery workers with insulated food delivery bags and denying, suspending, revoking or refusing to renew a license for a third party food delivery service, as proposed in introduction number 2288-A, is amended to read as follows:

§ 3. This local law takes effect on the same date as a local law for the year 2021 amending the administrative code of the city of New York, relating to [the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897 for the year 2020] establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A, takes effect, except that the commissioner of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

§ 3. Section 2 of a local law for the year 2021 amending the administrative code of the city of New York, relating to minimum per trip payments to third-party food delivery service and courier service workers, as proposed in introduction number 2294-A, is amended as follows:

§ 2. This local law takes effect [immediately] on the same date that a local law for the year 2021 amending the administrative code of the city of New York, relating to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A, takes effect, provided that the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

§ 4. Section 2 of a local law for the year 2021 amending the administrative code of the city of New York, relating to standards for payment of food delivery workers, as proposed in introduction number 2296-A, is amended as follows:

§ 2. This local law takes effect [180 days after it becomes law] on the same date that a local law for the year 2021 amending the administrative code of the city of New York, relating to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A, takes effect, provided that the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

§ 5. a. The department of consumer and worker protection shall study the working conditions for food delivery workers. In conducting such study, the department may coordinate with any other agency, organization, or office that can assist in such study. Such study shall include, at minimum, consideration of the pay food delivery workers receive and the methods by which such pay is determined, the total income food delivery workers earn, the expenses of such workers, the equipment required to perform their work, the hours of such workers, the average mileage of a trip, the mode of travel used by such workers, the safety conditions of such workers, and such other topics as the department deems appropriate.

b. In furtherance of such study, the department of consumer and worker protection may request or issue subpoenas for the production of data, documents, and other information from a third-party food delivery service or third-party courier service relating to food delivery workers that include, but are not limited to, worker identifiers, information about the times that such workers are available to work for such third-party food delivery

service or third-party courier service, the mode of transportation such workers use, how trips are offered or assigned to food delivery workers, the data such service maintains relating to the trips of such workers, the compensation such workers receive from such third-party food delivery service or third-party courier service, any gratuities such workers receive, information relating to both completed and cancelled trips, agreements with or policies covering such workers, contact information of such workers, information relating to the setting of fees paid by food service establishments and consumers, and any other information deemed relevant by the department of consumer and worker protection. In accordance with applicable law and rules and with appropriate notice, a third-party food delivery service or third-party courier service must produce such information to the department of consumer and worker protection in its original format or a machine-readable electronic format as set forth in rules of such department.

c. Definitions. As used in this section, the following terms have the following meanings:

Food delivery worker. The term “food delivery worker” means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, who is hired, retained, or engaged as an independent contractor by a third-party food delivery service required to be licensed pursuant to section 20-563.1 of the administrative code of the city of New York, or a third-party courier service to deliver food, beverage, or other goods from a business to a consumer in exchange for compensation.

Food service establishment. The term “food service establishment” means a business establishment located within the city of New York where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

Third-party courier service. The term “third-party courier service” means a service that (i) facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from a food service establishment on behalf of a third-party food delivery service and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application, or other internet service that: (i) offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, a food service establishment; and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

Trip. The term “trip” means the time spent, distance travelled, and route followed by a worker to provide delivery services to a consumer through a third-party food delivery service or third-party courier service, including travel to a business, picking up the food, beverage, or other goods for delivery, and taking and depositing such delivery at a different location as requested.

§ 6. This local law takes effect on the same date that a local law for the year 2021 amending the administrative code of the city of New York, relating to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A for the year 2021, takes effect, except that section five of this local law takes effect immediately and such section five expires and is deemed repealed on such date that such local law for the year 2021 amending the administrative code of the city of New York, relating to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A for the year 2021, takes effect.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BRADFORD S. LANDER, BEN KALLOS, JUSTIN L. BRANNAN, CARLOS MENCHACA, KALMAN YEGER; Committee on Consumer Affairs and Business Licensing, September 23, 2021. *Other Council Members Attending: Council Member Moya.*

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Preconsidered Int. No. 2399:)

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Pursuant to authority invested in me by section twenty of the Municipal Home Rule and by section thirty-six of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law; entitled:

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to limitations on distance and route for food delivery workers; to amend three local laws for the year 2021 amending the administrative code of the city of New York, relating to providing food delivery workers with insulated food delivery bags and denying, suspend, revoking or refusing to renew a license for a third party delivery service, minimum per trip payments to third-party food delivery service and courier service workers, and standards for payment of food delivery workers, respectively, as proposed in introduction numbers 2288-A, 2294-A, and 2296-A, respectively; and in relation to requiring a study of the working conditions for food delivery workers

Given under my hand and seal this 22nd day of
September, 2021 at City Hall in the City of New York.

Bill de Blasio
Mayor

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

Report of the Committee on Contracts

Report for Int. No. 2271-A

Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to environmentally preferable purchasing by city agencies, and by repealing and reenacting subdivision e of section 6-306 of such code concerning power-supply standards for computer products procured by city agencies, and by repealing subdivision e of section 6-317 of such code concerning a program to recognize certain city agency contractors in connection with packaging reduction guidelines.

The Committee on Contracts, to which the annexed proposed amended local law was referred on April 22, 2021 (Minutes, page 906), respectfully

REPORTS:

I. INTRODUCTION

On September 23, 2021, the Committee on Contracts held a vote on two bills related to environmental standards in City procurement: Proposed Introduction Number 2271-A (Int. 2271-A), in relation to environmentally preferable purchasing by city agencies, and by repealing and reenacting subdivision e of section 6-306 of such code concerning power-supply standards for computer products procured by city agencies, and by repealing subdivision e of section 6-317 of such code concerning a program to recognize certain city agency contractors in connection with packaging reduction guidelines; and Proposed Introduction Number 2272-A (Int. 2272-A), in relation to agency purchasing of textiles, and to establish a task force to recommend legislation and policy for environmentally preferable purchasing, use and disposal of such textiles. The Committee previously heard testimony on these bills from the Mayor’s Office of Contract Services (MOCS), the Department of Citywide Administrative Services (DCAS), the Mayor’s Office of Sustainability (MOS), environmental advocates, business representatives, and other interested stakeholders, and this feedback informed the final versions of the bills. Both bills passed the Committee with four in the affirmative, zero in the negative and no abstentions.

II. BACKGROUND

New York City’s Environmentally Preferable Purchasing (EPP) laws were enacted in 2005. Taken together, Local Laws 118, 119, 120, 121, and 123 of 2005 created a multi-faceted procurement program to increase the City’s purchase of environmentally preferable products. The laws established policies, standards, and procedures to address a host of environmental concerns, including energy and water use, air quality, greenhouse gas emissions, hazardous substances, recycled and reused materials, and waste reduction.¹ The legislation was thus a means of institutionalizing and advancing “green” procurement practices and empowering the Mayor to use MOCS’s “almost exclusive” authority over the award of contracts² to reflect the City’s leadership in the fight against climate change.

Following its enactment, however, the laws have not kept pace with the developing science and technology – the most recent amendment was in 2011.³ Furthermore, ongoing updates and rulemaking have not been made during this time, leaving the City lagging behind its environmental aspirations.⁴ In the decade since the last amendment to the law, the City has also had to confront numerous natural disasters, including hurricanes, tropical storms, flooding, and heat waves, which are only predicted to increase as a result of climate change.⁵

The City, acting through MOCS, has a procurement budget of around \$20 billion annually for goods and services,⁶ meaning it has the power to drive environmental innovations and spur new markets. Governments across the globe, at the national, state and local levels, acknowledge the power that they have in creating incentives for environmental purchasing, which is why “[t]he role of public procurement in fostering more sustainable growth is also acknowledged in the [United Nations’] Sustainable Development Goals.”⁷ It is therefore vital to ensure that the City’s EPP laws keep pace with the changing science and developments in technology and accepted environmental concepts.

¹ See: Local Law 118 of 2005, Local Law 119 of 2005, Local Law 120 of 2005, Local Law 121 of 2005, and Local Law 123 of 2005.

² *Mayor of City of N.Y. v. Council of City of N.Y.*, 6 Misc.3d 533, 536 (Sup. Ct. N.Y. Cnty. 2004) (internal quotation marks and citations omitted).

³ See Admin. Code § 6-301 *et seq.*

⁴ See: e.g., Urban Green Council, testimony presented at the hearing of the Committee on Sanitation and Solid Waste Management “Oversight – Examining the City’s Compliance with Environmentally Preferable Purchasing Laws”, January 27, 2012, available at: <https://nyc.legistar.com/View.ashx?M=F&ID=1727286&GUID=958729A3-EC1D-4BE4-95A2-0A735F635041>.

⁵ Earth Institute “New York City Panel on Climate Change releases 2019 report”, *State of the Planet*, March 15, 2019, available at: <https://blogs.ei.columbia.edu/2019/03/15/npsc-report-2019-climate-change-nyc/>. For a more broad explanation on the impact of climate change see: International Panel on Climate Change “Climate change 2021: The physical science basis”, August 7, 2021, available at: https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf.

⁶ Mayor’s Office of Contract Services, “Procurement 101”, available at: <https://www1.nyc.gov/site/mocs/about/procurement-101.page>, last accessed September 21, 2021.

⁷ Richard Baron, “The role of public procurement in low-carbon innovation: Background paper for the 33rd RoundTable on Sustainable Development 12-13 April 2016 OECD Headquarters, Paris”, available at: <https://www.oecd.org/sd-roundtable/papersandpublications/The%20Role%20of%20Public%20Procurement%20in%20Low-carbon%20Innovation.pdf>.

Energy Efficiency

One of the key areas covered by New York City’s EPP laws is energy efficiency. These calculations measure how much energy a product requires when in operation – the less energy consumed, the more efficient a particular product is. The concept also expands to cover the energy efficiency of buildings, manufacturing, transport, and energy production.⁸ Maximizing energy efficiency “brings a variety of benefits: reducing greenhouse gas emissions, reducing demand for energy imports, and lowering our costs on a household and economy-wide level.”⁹

In the late 1970s, against the backdrop of the oil and energy crisis, the federal government created the first national energy efficiency standards for a number of household appliances and later, buildings and commercial equipment.¹⁰ The ENERGY STAR Program, which began in 1992, provides energy efficiency labels to products certified by the federal Environmental Protection Agency (EPA).¹¹ The City’s EPP law mandates that any product leased or purchased by the City be certified under the ENERGY STAR program.¹² In 2018, consumers saved 200 billion kilowatt-hours of electricity and \$20 billion in energy costs, and reduced greenhouse gas emissions by 150 million metric tons, thanks to the ENERGY STAR system.¹³

Like ENERGY STAR, the Electronic Product Environmental Assessment Tool (EPEAT) is a label certification program that evaluates IT and electronic products. EPEAT is managed by the Global Electronics Council (GEC), which evaluates products based on the materials used, greenhouse gas emissions stemming from the supply chain, consideration given to circularity and product longevity, energy conservation, end-of-life management, and corporate performance.¹⁴ Products registered and evaluated through EPEAT are given a rating of either bronze, silver, or gold, and the registry is publicly available on the GEC site.¹⁵ The proposed amendments to EPP, under Int. 2271-A, would require the City to only lease or purchase IT equipment (such as desktop computers, tablets, and laptops) if they meet applicable EPEAT standards or a similar standard selected by MOCS that is no less restrictive, unless such a product does not exist. Similar standards have existed for federal procurement of such products since 2007.¹⁶ According to data from the EPA, in 2018, the purchase of EPEAT registered products resulted in the following savings:

⁸ Environmental and Energy Study Institute, “Energy efficiency”, available at: <https://www.eesi.org/topics/energy-efficiency/description>.

⁹ *Id.*

¹⁰ Alliance Commission on National Energy Efficiency Policy, “The history of energy efficiency”, January 2013, available at: https://www.ase.org/sites/ase.org/files/resources/Media%20browser/ee_commission_history_report_2-1-13.pdf, p. 6.

¹¹ ENERGY STAR, “What is ENERGY STAR”, available at: <https://www.energystar.gov/about?s=mega>.

¹² See Admin. Code § 6-306.

¹³ ENERGY STAR, “ENERGY STAR by the Numbers”, available at: https://www.energystar.gov/about/origins_mission/impacts.

¹⁴ Environmental Protection Agency, “Electronic Product Environmental Assessment Tool (EPEAT)”, available at: <https://www.epa.gov/greenerproducts/electronic-product-environmental-assessment-tool-epeat>.

¹⁵ Global Electronics Council, “EPEAT Policy Manual (P65 Issue 2 Rev 0)”, February 15, 2021, available at:

https://globalelectronicscouncil.org/wp-content/uploads/EPEATPolicyManual-EffectiveStarting-2021.Jul_.01_P65_Iss2Rev0.pdf, p. 5.

¹⁶ Federal Acquisition Regulation § 23.705: Electronic Products Environmental Assessment Tool.

Environmental and Cost Savings (2018) of EPEAT Products¹⁷

	Worldwide	US Fed Government
Energy (MWh)	38,083,488	1,798,476
Primary Materials (MT)	8,359,992	632,700
GHG Emissions (MT of CE)	19,474,658	1,160,208
Air Emissions (MT)	16,717,930	1,232,600
Water Emissions (MT)	44,496	2,428
Municipal Solid Waste (MT)	385,186	12,616
Hazardous Waste (MT)	68,413	4,394
Cost (\$)	2,991,934,535	182,552,272

[MWh = Megawatts per hour; MT= Megatons; CE = Carbon dioxide equivalents]

The energy efficiency portion of EPP also requires that the City avoid, where possible, the purchase or lease of incandescent light bulbs. In 2012 to 2014, the federal government phased in new energy standards for light bulbs, requiring an energy output reduction of at least 25 percent when in use.¹⁸ Since that time, a vast array of more energy efficient light bulbs have become available, with the LED (light-emitting diode) bulbs that are 90 percent more energy efficient than an incandescent bulb becoming the most popular.¹⁹ The image below illustrates the common alternatives to the incandescent light bulb and their longevity and energy use.

Common Light Bulb Technologies²⁰

¹⁷ Environmental Protection Agency, “Guidance on Purchasing EPEAT Registered Products”, October 14, 2020, available at: https://www.epa.gov/sites/production/files/2020-10/documents/presentation_on_how_to_procure_epeat_registered_products_10.14.20_.pdf, slide 10.

¹⁸ Department of Energy, “New lighting standards began in 2012”, available at: <https://www.energy.gov/energysaver/save-electricity-and-fuel/lighting-choices-save-you-money/new-lighting-standards-began>.

¹⁹ ENERGY STAR, “The light bulb revolution: EPA predicts widespread consumer adoption of LED lighting by 2020 if utility programs persist”, October 2017, available at: https://www.energystar.gov/sites/default/files/asset/document/LBR_2017-LED-Takeover.pdf, p. 2.

²⁰ ENERGY STAR, “The light bulb revolution: EPA predicts widespread consumer adoption of LED lighting by 2020 if utility programs persist”, October 2017, available at: https://www.energystar.gov/sites/default/files/asset/document/LBR_2017-LED-Takeover.pdf, p. 3.



As seen in the graphic above, although the halogen incandescent bulb is still more efficient than a standard incandescent, it is far less efficient than compact fluorescent light (CFL) bulbs and LEDs. Furthermore, with the availability of LEDs increasing, while their price continues to decrease, surveys show that Americans are increasingly turning to LEDs to light their homes.²¹ It is therefore prudent to update the EPP laws to expressly prohibit the procurement of halogen bulbs, which Int. 2271-A proposes to do, not simply incandescent bulbs.

Recycled Materials and Circularity

Procuring products made from recycled materials is a key feature of the City's EPP laws. However, as stated earlier, the laws have not been updated in some time and are out of touch with developments in some areas. This is particularly true when it comes to the traditional understanding of recycling. In recent times, the process of recycling has been critiqued, as flaws in the system have been exposed.²² Rather than helping the environment, traditional forms of recycling have proved to be somewhat false, as contaminated products, stalled global markets and under-developed infrastructure have meant that much of what we thought was being recycled is actually still sent to landfills or incinerated.²³

Furthermore, relying simply on recycling tends to encourage an outdated linear form of consumerism. Under a linear economy, we simply use virgin resources to manufacture new products, use those products, and then discard them when they are no longer of any use. Under a linear system, there is very little value in the waste product, and recycling tends to operate as a form of waste disposal. Furthermore, the traditional recycling practices tend to rely on processes that downgrade the materials, making it difficult to remake a product with the same qualities as its equivalent made from virgin materials.²⁴

Contrary to the linear approach is the "circular economy" model, which is being incorporated into policies by governments across the world.²⁵ Broadly speaking, a circular economy keeps all resources in the system and, beginning from a product's inception, the initial design will aim to totally eliminate waste. In a circular model, all resources need to be re-utilized and be capable of being reused, without losing significant value. According to the European Commission, "[i]n a circular economy, the value of products and materials is maintained for as long as possible. Waste and resource use are minimized, and when a product reaches the end of its life, it is used again to create further value. This can bring major economic benefits, contributing to innovation, growth and job creation."²⁶

²¹ *Id.*

²² Renee Cho, "Recycling in the U.S. Is Broken. How Do We Fix It?", *Earth Institute*, March 13, 2020, available at: <https://blogs.ei.columbia.edu/2020/03/13/fix-recycling-america/>.

²³ *Id.*

²⁴ At the present time, this is especially true of plastics that are recycled, *see* Sam Lemonick, "Recycling needs a revamp", *Chemical and Engineering News*, Vol. 96, Iss. 25, June 2018, available at: <https://cen.acs.org/environment/pollution/Recycling-needs-revamp/96/i25>.

²⁵ For example, circular economy models have been incorporated to some degree in Scotland (<https://www.gov.scot/publications/delivering-scotlands-circular-economy-proposals-legislation/pages/3/>); the Netherlands (<https://www.government.nl/topics/circular-economy>); and Toronto, Canada (<https://www.toronto.ca/services-payments/recycling-organics-garbage/long-term-waste-strategy/working-toward-a-circular-economy/>).

²⁶ European Commission, "Circular economy", available at: https://ec.europa.eu/growth/industry/sustainability/circular-economy_en.

By consciously designing waste out of the production and consumption cycle, the circular model ensures that value is maintained throughout a product's lifespan, even when a consumer has discarded the item. This approach lessens our dependence both on using precious and finite virgin materials and simply sending waste to landfills. The changes to the City's EPP laws, through Int. 2271-A, incorporate some of the principles of the circular model by updating language in order to focus on reducing, to the greatest extent possible, reliance on virgin materials, reducing waste, and generating positive effects for the environment, through the City's purchases of goods and services.

Textiles

Textile production by conventional methods is intensely resource-dependent and environmentally destructive.²⁷ After disposal, natural and partially-natural fibers act similarly to food waste when buried in landfills, releasing methane while they degrade.²⁸ Further, due to chemical-dependent processes of producing clothing from natural fibers, the practice of landfilling or incinerating textile waste releases toxins into the environment.²⁹ Additionally, although less environmentally taxing by many indicators, the production of virgin synthetic fibers relies on fossil fuels and, once tossed into a landfill, synthetic fibers can take up to a thousand years to degrade.³⁰

Despite its resource intensity, the overwhelming majority of textiles are either incinerated or landfilled.³¹ Only 15 percent of used clothing is recycled or donated in the U.S., and approximately 10.5 million tons are sent to landfill each year.³² Furthermore, clothing utilization – the amount of times a garment is worn before it is disposed of – has dropped around the world.³³

Local rates reflect national trends. Clothing and textiles account for over six percent of New York City's residential waste stream, or about 193,000 tons annually.³⁴ According to the Department of Sanitation, the average city household threw out 125.2 pounds of textiles in 2017.³⁵ Should trends continue, municipal textile waste per person will more than double in less than 15 years, despite the fact that overall municipal waste per person is projected to decrease over the same period.³⁶

A host of environmental costs could be mitigated or avoided altogether if textile waste were managed more efficiently and if incentives existed to help facilitate a shift toward a circular textile economy. This is slowly being recognized by policy leaders, designers and others involved in the textile supply chain.³⁷ The Dutch

²⁷ Deborah Drew and Genevieve Yehoume, "The Apparel Industry's Environmental Impact in 6 Graphics," *World Resources Institute*, July 5, 2017, available at: <https://www.wri.org/blog/2017/07/apparel-industrys-environmental-impact-6-graphics>; and Ellen MacArthur Foundation and Circular Fibres Initiative, "A New Textiles Economy: Redesigning Fashion's Future," January 12, 2017, available at: <https://www.ellenmacarthurfoundation.org/assets/downloads/publications/A-New-Textiles-Economy-Full-Report.pdf>, pp. 20–21.

²⁸ For a straightforward explanation of waste degradation in New York State landfills, see Molika Ashford, "What Happens Inside a Landfill?," *Live Science*, August 25, 2010, available at: <https://www.livescience.com/32786-what-happens-inside-a-landfill.html#:~:text=But%20garbage%20in%20a%20landfill,and%20contributes%20to%20global%20warming>.

²⁹ *Id.*

³⁰ *Id.*

³¹ Ellen MacArthur Foundation, "#WearNext—Make Fashion Circular Joins Forces with City of New York and Fashion Industry to Tackle Clothing Waste," March 4, 2019, available at: <https://ellenmacarthurfoundation.org/circular-examples/the-wearnext-campaign-new-york-city>.

³² Elizabeth Cline, "Where Does Discarded Clothing Go?," *The Atlantic*, July 18, 2014, available at: <https://www.theatlantic.com/business/archive/2014/07/where-does-discarded-clothing-go/374613/>.

³³ Ellen MacArthur Foundation and Circular Fibres Initiative, "A New Textiles Economy: Redesigning Fashion's Future," January 12, 2017, available at: <https://www.ellenmacarthurfoundation.org/assets/downloads/publications/A-New-Textiles-Economy-Full-Report-Updated-1-12-17.pdf>, pp. 19 and 77.

³⁴ Elizabeth Cline, "Where Does Discarded Clothing Go?," *The Atlantic*, July 18, 2014, available at: <https://www.theatlantic.com/business/archive/2014/07/where-does-discarded-clothing-go/374613/>.

³⁵ Lisa L. Colangelo, "6.3% of Household Trash Collected Annually in NYC Contains Textiles: Sanitation Department," *AMNY*, June 7, 2018, available at: <https://www.amny.com/news/nyc-household-trash-1.19014038/>.

³⁶ Alden Wicker, "Fast Fashion Is Creating an Environmental Crisis," *Newsweek*, September 1, 2016, available at: <https://www.newsweek.com/2016/09/09/old-clothes-fashion-waste-crisis-494824.html>.

³⁷ For example, the Ellen McArthur Foundation has partnered with global brands such as Gap, H&M, Stella McCartney, and Burberry, in developing new models to shift the fashion industry toward circularity. For more information and additional participants see: <https://www.ellenmacarthurfoundation.org/our-work/activities/make-fashion-circular/participants>.

government, for example, has set an ambitious goal for their economy to be fully circular by 2050.³⁸ As part of this objective, government departments (ministries) have established programs for the procurement of sustainable and circular textiles. For example, the Ministry for Infrastructure and Water Management (Rijkswaterstaat) ran a pilot program to evaluate whether they could procure safety uniforms for lock stewards, which were being replaced every year, through a process in line with the principles of sustainability and circularity. The pilot resulted in a work-wear product that was able to be fully recycled – the 100 percent polyester fibers are able to be broken down, mixed with other recycled materials and then turned into new clothing items.³⁹ This process is able to be repeated up to eight times.⁴⁰ A similar project was implemented by the Dutch Ministry of Defense. To reduce their reliance on virgin textiles, the Ministry turns used textiles into fibers, which it then offers to the market.⁴¹ These fibers are then used to produce new textile products, and suppliers to the Ministry must make use of these recycled materials back into the textiles they offer for procurement.⁴²

As a global hub for fashion and textiles, New York City has the potential to drive innovations in the sustainable and circular textiles industry. Furthermore, as a procurer of uniforms, blankets, protective safety wear and other forms of textiles,⁴³ the City could create incentives for designers and manufacturers to rethink the materials they use or procure, the end-of-life process for items, or how they can create garments from non-virgin materials. Such re-imagining would spur new markets and also have a huge, positive impact on the environment. The EPA, for instance, estimates that considering greenhouse gas emissions alone, diverting the annual total of textile waste from landfill to recycling programs would equate to removing 7.3 million cars and their carbon dioxide emissions from the road.⁴⁴

Furniture

The fashion and textiles industry is not the only industry grappling with how to become more sustainable, eliminate waste, and move toward circularity. Like fashion, the furniture industry has much to gain, in terms of reducing its negative impact on the environment and also improving profitability by reducing waste. Prior to the COVID-19 pandemic, it was predicted that the demand for office furniture would grow substantially over the next few years.⁴⁵ However, most of the value of the resources used to produce the furniture is lost. Even when products are recycled, the “[r]ecycling of materials from old furniture will not be enough on its own. Material recycling not only reduces purity and quality of materials, but also by breaking down products and components into their constituent materials, there is an associated loss in energy, labour, and other resources.”⁴⁶ It is therefore important for the City to begin a shift toward procuring furniture that incorporates the principles of circularity in order to support the overall goals and aspirations outlined in its EPP laws.

III. LEGISLATIVE ANALYSIS

A. Int. 2271-A

³⁸ Government of the Netherlands “Circular Dutch economy by 2050”, available at: <https://www.government.nl/topics/circular-economy/circular-dutch-economy-by-2050#:~:text=The%20government%20now%20presents%20its,effect%20between%202019%20and%202023.&text=The%20Central%20Government%20Real%20Estate,their%20operations%20circular%20by%202030>.

³⁹ Dutch Public Procurement Expertise Centre, “Workwear package for Rijkswaterstaat”, available at:

<https://www.pianoo.nl/sites/default/files/documents/documents/rebusfactsheet3-werkkledingstewardsrws-engels-juni2017.pdf>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ See NYC Open Data, available at: <https://data.cityofnewyork.us/City-Government/Recent-Contract-Awards/qyyg-4tf5>.

⁴⁴ Environmental Protection Agency “Advancing Sustainable Materials Management: 2013 Fact Sheet”, June 2015, available at: https://www.epa.gov/sites/production/files/2015-09/documents/2013_advncng_smm_fs.pdf.

⁴⁵ Ellen MacArthur Foundation, “Bringing office furniture full circle”, available at: <https://ellenmacarthurfoundation.org/circular-examples/bringing-office-furniture-full-circle>.

⁴⁶ *Id.*

Int. 2271-A would make updates to the City's EPP laws, including: (1) clarifying definitions and specifying applicability of such EPP laws, including specific exceptions; (2) requiring MOCS to regularly review and revise guidelines for green cleaning products, packaging reduction and furniture procured by city agencies; (3) requiring MOCS to promulgate rules promoting additional environmental objectives beyond the original EPP laws; (4) requiring MOCS to post an annual environmental procurement report on its website which would include a list of solicitations for EPP-eligible products and the aggregate value of contracts that do not comply with EPP standards; (5) requiring contracting agencies to report whenever meeting an EPP standard would be inconsistent with such agency's ability to procure the highest quality product at the lowest possible price; and (6) prohibiting city agencies from purchasing computers, servers, tablets or other computer products that do not meet global Electronic Product Environmental Assessment Tool (EPEAT) standards

Enhanced Oversight

Int. 2271-A includes a number of amendments that would increase Council and public oversight of the EPP contracting process. Such measures include:

- **Consolidating reporting on the MOCS website.** The City would be required to post its plan regarding the reuse or recycling of certain electronic devices, under § 6-311, on the MOCS website
- **Additional reporting.** The City's reporting duties would be expanded. The Director of Citywide Environmental Purchasing would be required to report additional information on citywide compliance with EPP standards in the annual report required in § 6-304. Such information would include a list of solicitations for any products subject to EPP standards and the applicable standards used, the aggregate dollar value of agency contracts that do not comply with one or more EPP standards, and a statement from the Director about the status of the City's ongoing review and revision of EPP standards required under § 6-304.

Substantive Amendments to Purchasing Goals and Standards

Int. 2271-A would make substantive amendments to EPP including:

- **Updated goals.** The purposes of the Director's rulemaking and policy-implementation duties in § 6-304 would be updated to reflect the urgency of environmental issues and contemporary concepts in environmental purchasing.
- **Referencing additional standards.** Int. 2271-A would reference additional standards in § 6-312 that would allow for consideration of standards promulgated by any governing body related to hazardous content in electronic devices.
- **New and expanded standards.** Section 6-306 would be repealed and replaced with a new § 6-306 that would require computers, servers, electronic books, tablets or other computer products meet applicable EPEAT (electronic product environmental assessment tool) standards unless no EPEAT standard for such specific product exists or the Director specifies another similar, no-less-restrictive standard that must be met instead of EPEAT. Furthermore, EPP standards for furniture would be required in a new subchapter 8. Lastly, the power management requirements of § 6-307 would be expanded to cover all office equipment that is capable of power efficient operation.

Style-Related Amendments

The stylistic amendments that Int. 2271-A would implement include:

- **Restyling headings.** Section 6-315, currently titled "Miscellaneous," would be renamed "Other hazardous materials" to provide clarity.

- **Restyling wording.** Sections 6-317(a) and 6-317(c) would simplify “director of citywide environmental purchasing” to “director,” to conform to usage in other portions of the chapter.

Revisions Clarifying Substantive Provisions

Int. 2271-A would clarify several substantive provisions of the EPP. None of these changes are intended to have a substantive effect.

- **Clarification of allowable products.** Section 6-306(g) would be revised to prohibit purchasing or leasing incandescent lamps, including halogen lamps.
- **Clarification of dates and publication.** Section 6-316(b) would be revised to require that the Director review the green cleaning products list as part of its biennial review of EPP standards more broadly. The Director would also publish a non-exhaustive list of categories of compliant green cleaning products on the Department’s website. Section 6-317(a) would also be revised to require that the Director review the packaging reduction guidelines as part of its biennial review of EPP standards.

Removing Outdated Provisions

Int. 2271-A would delete programs that have already been conducted and are no longer in effect and that are no longer relevant.

- **Deletion of pilot programs.** Section 6-316(a) would delete the requirement that the purchase and use of green cleaning products be tied to the results of a pilot program.
- **Deletion of contractor publication program.** Section 6-317(e) would be repealed.

B. Int. 2272-A

If enacted, Int. 2272-A would relate to City purchases of textile goods. The law would require the City’s Director of Citywide Environmental Purchasing to report details on the goods purchased by City agencies that contain textiles, which the bill defines as “textile goods.” Examples of textile goods would include uniforms and other apparel, accessories, carpets, blankets, upholstery and rags. The Director would decide how to categorize such goods for the purpose of reporting consistent and comparable information, including information on the following:

- The total estimated volume of City-purchased textile goods;
- The total estimated value of contracts for textile goods; and
- A list of vendors authorized to sell uniform apparel and accessories to employees of City agencies.
-

The Director would also be required to report additional information for a representative sample of City-purchased textile goods, including the following:

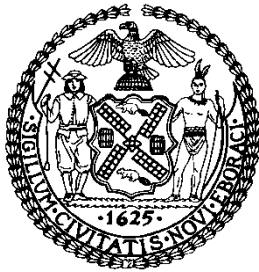
- The textiles contained in City-purchased textile goods, including whether such textiles are recycled or organic in whole or in part;
- Details on the source and supply chain for textiles found in City-purchased textile goods; and
- How long textile goods are used by the purchasing agency and how they are disposed of.

Int. 2272-A would require the Director to submit the required report within 180 days of the effective date. The Director would be required to notify the Speaker of the Council if additional time is needed to submit required information. The Director would not be required to publish information that is infeasible to obtain,

provided that a summary of efforts made to obtain any missing information as well as an explanation of why obtaining the information is infeasible is contained in the required report.

Int. 2272-A would also establish a task force, comprised of City officials and other appointees, for the purpose of developing guidelines for environmentally preferable purchasing, use and disposal of textiles by City agencies. In addition, the task force would be required to research and consider other social costs associated with the production of textiles, including the nature of labor conditions along the supply chain. The task force would be required to recommend legislation and policy to support the implementation of environmentally preferable purchasing, use and disposal of textiles by City agencies. The task force would be required to submit a final report to the Mayor and to the Speaker of the Council with its findings and conclusions.

(The following is the text of the Fiscal Impact Statement for Int. No. 2271-A:)



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

**PROPOSED INTRO. NO. 2271-A
COMMITTEE: Contracts**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to environmentally preferable purchasing by city agencies, and by repealing and reenacting subdivision e of section 6-306 of such code concerning power-supply standards for computer products procured by city agencies, and by repealing subdivision e of section 6-317 of such code concerning a program to recognize certain city agency contractors in connection with packaging reduction guidelines.

SPONSORS: Council Member Kallos.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2271-A would make updates to the City’s Environmentally Preferable Purchasing (EPP) laws, including: (1) clarifying definitions and specifying applicability of such EPP laws, including specific exceptions; (2) requiring the Mayor’s Office of Contract Services (MOCS) to regularly review and revise guidelines for green cleaning products, packaging reduction and furniture procured by city agencies; (3) requiring MOCS to promulgate rules promoting additional environmental objectives beyond the original EPP laws; (4) requiring MOCS to post an annual environmental procurement report on its website which would include a list of solicitations for EPP-eligible products and a list of contracts that do not comply with EPP standards; (5) requiring contracting agencies to report whenever meeting an EPP standard would be inconsistent with such agency’s ability to procure the highest quality product at the lowest possible price; and (6) prohibiting city agencies from purchasing computers, servers, tablets or other computer products that do not meet global Electronic Product Environmental Assessment Tool (EPEAT) standards.

EFFECTIVE DATE: This local law would take effect 180 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
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Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
New York City Mayor's Office of Legislative Affairs
New York City Office of Management and Budget

ESTIMATE PREPARED BY: Frank Sarno, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. 2271 on April 22, 2021 and was referred to the Committee on Contracts (Committee). A hearing was held by the Committee on April 23, 2021, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2271-A, will be considered by the Committee at a hearing on September 23, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2271-A will be submitted to the full Council for a vote on September 23, 2021.

DATE PREPARED: September 16, 2021.

(For text of Int. Nos. 2272-A and its Fiscal Impact Statements, please see the Report of the Committee on Contracts for Int. Nos. 2272-A, respectively, printed in these Minutes; for text of Int. No. 2271-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 2271-A and 2272-A.

(The following is the text of Int. No. 2271-A:)

Int. No. 2271-A

By Council Members Kallos, Barron and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to environmentally preferable purchasing by city agencies, and by repealing and reenacting subdivision e of section 6-306 of such code concerning power-supply standards for computer products procured by city agencies, and by repealing subdivision e of section 6-317 of such code concerning a program to recognize certain city agency contractors in connection with packaging reduction guidelines

Be it enacted by the Council as follows:

Section 1. Section 6-301 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

§ 6-301 Definitions. a. For [the] purposes of this chapter [only], the following terms [shall] have the following [meaning] meanings:

[(1) "Agricultural] *Agricultural wastes*. The term "agricultural wastes" means materials that remain after the harvesting or production of annual crops, including but not limited to rice, flax, wheat and rye.

[(2) "Architectural] *Architectural coatings*. The term "architectural coatings" means any coating to be applied to stationary structures and their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. This term [shall] *does* not include the following: marine-based paints and coatings; coatings or materials to be applied to metal structures, such as bridges; or coatings or materials labeled and formulated for application in roadway maintenance activities.

[(3) "Capital] *Capital project*. The term "capital project" means a capital project as defined in section 210 of the charter that is paid for in whole or in part from the city treasury.

[(4) "Carpet"] *Carpet*. The term "carpet" means any fabric used as a floor covering, but such term [shall] *does* not include artificial turf.

[(5) "Carpet] *Carpet adhesive*. The term "carpet adhesive" means any substance used to adhere carpet to a floor by surface attachment.

[(6) "Carpet] *Carpet cushion*. The term "carpet cushion" means any kind of material placed under carpet to provide softness when it is walked upon.

[(7) "Cathode] *Cathode ray tube*. The term "cathode ray tube" means any vacuum tube, typically found in computer monitors, televisions and oscilloscopes, in which a beam of electrons is projected on a phosphorescent screen.

[(8) "City's] *City's environmental purchasing standards*. The term "city's environmental purchasing standards" or "city environmental purchasing standard" means any standards set forth in this chapter, and any directives, guidelines or rules promulgated by the director.

[(9) "Composite] *Composite wood or agrifiber products*. The term "composite wood or agrifiber products" means plywood, particleboard, chipboard, medium density fiberboard, standard fiberboard, orient strand board, glu-lams, wheatboard or strawboard.

[(10) "Construction] *Construction work*. The term "construction work" means any work or operations necessary or incidental to the erection, demolition, assembling or alteration of any building, but such term [shall] does not include minor repairs.

[(11) "Contractor"] *Contractor*. The term "contractor" means any person or entity that enters into a contract with any agency, or any person or entity that enters into an agreement with such person or entity, to perform work or provide labor or services related to such contract.

[(12) "Copier"] *Copier*. The term "copier" means any device that makes paper copies of text or graphic material.

[(13) "Covered] *Covered electronic device*. The term "covered electronic device" means: (i) any cathode ray tube, any product containing a cathode ray tube, any liquid crystal display (LCD), plasma screen or other flat panel television or computer monitor or similar video display product, any battery containing lead, cadmium, lithium or silver, any computer central processing unit that contains one or more circuit boards and includes any desktop computer or any laptop computer, any computer peripherals including, but not limited to, any keyboard, mouse and other pointing device, printer, scanner, facsimile machine and card reader, and any copier, but not including any automobile, household appliance, large piece of commercial or industrial equipment containing a cathode ray tube, a cathode ray tube product, a flat panel display or similar video display device that is contained within, and is not separate from, the larger piece of equipment, or any device used by emergency response personnel; or (ii) any other electronic device designated by the director.

[(14) "CPG"] *CPG*. The term "CPG" means the Comprehensive Procurement Guideline for Products Containing Recovered Materials, as set forth in 40 CFR part 247.

[(15) "Desktop] *Desktop computer*. The term "desktop computer" means any personal computer or workstation designed to operate only on alternating current power and to reside on or under a desktop.

[(16) "Desktop-derived] *Desktop-derived server*. The term "desktop-derived server" means any computer designed to provide services to other computers on a network and that contains an EPS12V or EPS1U form factor power supply.

[(17) "Director"] *Director*. The term "director" means the director of citywide environmental purchasing.
Director's website. "Director's website" means the website required by subdivision g of section 6-304.

[(18) “Electronic] *Electronic product environmental assessment tool*. The term “*electronic product environmental assessment tool*” or “*EPEAT*” means a tool for evaluating the environmental performance of electronic products throughout their life cycle developed by the federal government and other stakeholders.

[(19) “End-of-life] *End-of-life management*. The term “*end-of-life management*” means promoting the recycling or reuse of a product through features of the product or materials from which the product is manufactured.

[(20) “ENERGY] *ENERGY STAR labeled*. The term “*ENERGY STAR labeled*” means a designation indicating that a product meets the energy efficiency standards set forth by the United States environmental protection agency and the United States department of energy for compliance with the ENERGY STAR program.

[(21) “Flow] *Flow rate*. The term “*flow rate*” means the volume, mass, or weight of water flowing past a given point per unit of time.

[(22) “Green] *Green cleaning product*. The term “*green cleaning product*” means any environmentally preferable cleaning product whose use has been determined to be feasible through the pilot program established pursuant to the local law that added subchapter 6 of this chapter or through any other testing and evaluation conducted by the director.

[(23) “Hazardous] *Hazardous substance*. The term “*hazardous substance*” means any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

[(24) “Incandescent] *Incandescent lamp*. The term “*incandescent lamp*” means any lamp in which a filament is heated to incandescence by an electric current to produce visible light.

[(25) “Lamp”] *Lamp*. The term “*lamp*” means any glass envelope with a gas, coating, or filament that produces visible light when electricity is applied, but such term shall not include automotive light bulbs.

[(26) “Local] *Local area network*. The term “*local area network*” means any two or more computers and associated devices that share a common communications line or wireless link and typically share the resources of a single processor or server within a small geographic area.

[(27) “Minor] *Minor repairs*. The term “*minor repairs*” means replacement of any part of a building for which a permit issued by the department of buildings is not required by law, where the purpose and effect of such work or replacement is to correct any deterioration or decay of or damage to such building or any part thereof and to restore same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

[(28) “Persistent,] *Persistent, bioaccumulative and toxic chemicals*. The term “*persistent₂ bioaccumulative and toxic chemicals*” means those chemicals that are toxic to living organisms, persist in the environment and build up in the food chain. This definition [shall include] *includes* any substance on the United States environmental protection agency's list of priority chemicals published under the national partnership for environmental priorities, as well as hexavalent chromium, polybrominated biphenyls and polybrominated diphenyl ethers.

[(29) “Postconsumer] *Postconsumer material*. The term “*postconsumer material*” means a material or finished product that has served its intended use and has been diverted or recovered from waste destined for disposal, having completed its life as a consumer item. Postconsumer material is a part of the broader category of recovered materials.

[(30) “Power supply”] means any device intended to convert line voltage alternating current to one or more lower voltages of direct current.

[(31) “Printer”] *Printer*. The term “*printer*” means any device that prints the text or graphics output of a computer onto paper.

[(32) “Reasonably] *Reasonably competitive*. The term “*reasonably competitive*” means at a cost not exceeding that permissible under section 104-a of the general municipal law.

[(33) “Recovered] *Recovered material*. The term “*recovered material*” means waste materials and byproducts which have been recovered or diverted from solid waste, but such term does not include those materials and byproducts generated from, and commonly reused within, an original manufacturing process. For purposes of purchasing paper and paper products, “*recovered material*” includes “*post-consumer recovered paper*” and “*recovered materials, for purposes of purchasing paper and paper products*”, as those terms are defined in the CPG.

[(34) "Recycled] *Recycled product. The term "recycled product" [shall mean] means* recycled product as defined in section 104-a of the general municipal law.

[(35) "Volatile] *Volatile organic compound. The term "volatile organic compound" means* any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions, as specified in 40 CFR part 51.100.

§ 2. Subdivision a of section 6-302 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

a. Except where *an exemption or waiver applies pursuant to section 6-303 or as otherwise provided pursuant to this chapter, or except as otherwise mandated by section 162 of the state finance law or any other provision of law*, the provisions of this chapter shall apply to any product:

(1) purchased or leased by any agency;

(2) purchased or leased by any contractor pursuant to any contract with any agency where the director has designated such contract as one subject to this chapter in whole or in part; or

(3) purchased or leased by any contractor pursuant to any contract with any agency for construction work in any building; provided that this paragraph shall only require that such contractors meet the requirements of subdivisions a, b and c of section 6-313 and subdivisions a and b of section 6-306 of this chapter. Notwithstanding the foregoing, except when otherwise determined by the director, this paragraph shall not apply to any such contract:

(i) subject to green building standards pursuant to subdivision b of section 224.1 of the charter;

(ii) subject to energy efficiency standards pursuant to subdivision c of section 224.1 of the charter; provided, however, that this exception shall only apply to the purchase of energy using products and to the extent the purchase or lease of any such products is necessary for compliance with such subdivision;

(iii) subject to water efficiency standards pursuant to subdivision d of section 224.1 of the charter; provided, however, that this exception shall only apply to the purchase of water using products;

(iv) where construction work is for a portion of a building that is less than fifteen thousand (15,000) square feet;

(v) where construction work is in any building or portion of a building leased by the city; provided, however, that this subparagraph shall not apply to any product purchased or leased by any contractor pursuant to any contract with any agency for construction work that (1) is a capital project and (2) is in a building or portion of a building that is leased for the use of a single agency where such single agency's lease is for more than fifty thousand (50,000) square feet of space; or

(vi) where the commissioner of the department of citywide administrative services determines that the requirements of this paragraph will result in significant difficulty in finding a suitable site for an agency facility and that such a circumstance could materially adversely affect the health, safety, or welfare of city residents.

§ 3. Paragraph (8) of subdivision a of section 6-303 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(8) where the contracting agency finds that the inclusion of a specification otherwise required by sections 6-306 or 6-310 of this chapter would not be consistent with such agency's ability to obtain the highest quality product at the lowest possible price through a competitive procurement, provided that in making any such finding the contracting agency shall consider life-cycle cost-effectiveness *and shall submit to the director a report summarizing the analysis upon which such agency has relied to make such finding*; and

§ 4. Paragraph (9) of subdivision a of section 6-303 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(9) where the contracting agency finds that the inclusion of a specification otherwise required by subchapters 5 [or], 6 or 8 of this chapter would not be consistent with such agency's ability to obtain the highest quality product at the lowest possible price through a competitive procurement, provided that in making any such finding the contracting agency shall consider the health and safety benefits of such specification *and shall submit to the director a report summarizing the analysis upon which such agency has relied to make such finding*.

§ 5. Subdivision a of section 6-304 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

a. [develop, establish, as appropriate, by promulgation of] *as appropriate, promulgate* rules, directives and guidance for the purpose of establishing and [implement] *implementing* environmental purchasing standards, in

addition to those set forth in this chapter, the purpose of which shall be to *promote the following objectives to the greatest extent possible*:

[conserve energy and water] 1. *Water and energy conservation*;

2. *Reduced use of virgin materials*;

[increase the] 3. *Increased use of recycled and reused materials, as well as recyclable and reusable materials*;

[reduce] 4. *Reduced use of hazardous substances, with an emphasis on persistent, bioaccumulative and toxic chemicals*;

[decrease] 5. *Decreased greenhouse gas emissions, in accordance with section 24-803*;

[improve] 6. *Improvement of indoor and outdoor air quality*;

[promote] 7. *Promotion of end-of-life management*; [and

reduce] 8. *Reduction of waste*; and

9. *Take other measures, as determined by the director, that are intended to account for and reduce the negative effects on the environment, or to generate positive effects on the environment, caused by city procurement*;

§ 6. Subdivision f of section 6-304 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

f. *by October 1 of each year, submit an annual report to the speaker of the council and the mayor [by October 1 of each year], and post to the director's website, an annual report detailing the city's progress in meeting the purposes of this chapter, as specified in subdivision a of this section, and the city's environmental purchasing standards, which report shall at a minimum include:*

(1) the total value of [goods] contracts entered into by any agency that comply with one or more city environmental purchasing standards *and a list of corresponding solicitations that include any product that is subject to this chapter and the city environmental purchasing standard that is applicable to any such product specified in such solicitation*;

(2) [a list of all solicitations that include any product that is subject to this chapter with an indication of the environmental purchasing specifications in each such solicitation and the city environmental purchasing standard that is applicable to any such product specified in such solicitation] *reserved*;

(3) a list and the aggregate dollar value of contracts exempted pursuant to subdivision a of section 6-303 of this chapter according to each type of exemption;

(4) a list and the aggregate dollar value of contracts for which a waiver has been issued pursuant to subdivision b of section 6-303 of this chapter according to each type of waiver with an explanation of the director's basis for granting each such waiver;

(4-a) the aggregate dollar value of contracts entered into by any agency that do not comply with one or more city environmental purchasing standards;

(5) [any material] *all* changes to the city's environmental purchasing standards since the last publication of such report, including any new, updated or revised rules established or determinations made by the director, *a summary of any ongoing review pursuant to subdivision b of this section and, if no updates or revisions have been made to the city's environmental purchasing standards pursuant to such subdivision during the two years preceding such report, an explanation for the determination that such updates or revisions were not necessary*;

(6) an identification of any product for which new or additional environmental purchasing standards are necessary;

(7) beginning January 1, 2008, an explanation of any determination pursuant to subdivision b of section 6-308 of this chapter not to require compliance with the CPG;

(8) a list of products considered in implementing subdivision c of section 6-308 of this chapter, including an indication of whether any such products were determined to be of inadequate quality, unavailable within a reasonable period of time, at a price that does not exceed a cost premium of seven percent (7%) above the cost of a comparable product that is not a recycled product or at a price that does not exceed a cost premium of five percent (5%) above the cost that would apply pursuant to subdivision a of section 6-308;

(9) beginning January 1, 2008, an explanation of any determination pursuant to subdivision c or d of section 6-306 of this chapter not to require compliance with the federal energy management program;

(10) a description of the good faith efforts required pursuant to subdivision b of section 6-302 of this chapter;

(11) a description of the director's efforts pursuant to subdivision d of this section;

(12) [until October 12, 2012, a report on the implementation of section 6-307, section 6-309 and subdivision b of section 6-310 of this chapter; and] *reserved*;

(13) [for the annual report required in 2008, and every fourth year thereafter, for each product subject to the provisions of this chapter, the total dollar value of such products purchased or leased by any agency and the portion of such purchases that comply with the city's environmental purchasing standards; and, to the extent practicable, the total value of such products purchased or leased by any contractor pursuant to any contract with any agency, including any such contract for construction work in any building, that is subject to this chapter and the portion of such purchases that comply with the city's environmental purchasing standards.] ~~reserved; and~~

(14) *an appendix consisting of the annual reports submitted in the preceding 12-month period pursuant to paragraph (2) of subdivision a of section 6-305.*

§ 7. Section 6-304 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. maintain a website controlled by the director that includes information about city functions related to environmentally preferable purchasing, including the annual report required by subdivision f of this section, all rules, directives and guidance promulgated by the director pursuant to this section, and any other information or materials that the director determines would inform the public of city efforts to engage in environmentally preferable purchasing.

§ 8. Paragraph (2) of subdivision a of section 6-305 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

(2) submit an annual report as required by the director detailing such compliance, *which report shall include all reports required for exemptions for contracts registered or otherwise made effective in the prior year pursuant to paragraphs (8) or (9) of subdivision a of section 6-303.*

§ 9. Subdivision e of section 6-306 of the administrative code of the city of New York is REPEALED and a new subdivision e is added to read as follows:

e. Beginning 12 months after the effective date of the local law that added this subdivision, no agency shall purchase or lease any desktop computer, desktop-derived server, laptop, electronic notebook, computer tablet, or other such similar computer product unless it meets applicable EPEAT standards, or another standard selected by the director that is similar in function and no less restrictive. This prohibition shall not apply to a purchase or lease of such a product if:

1. no such EPEAT standard applies to such product; or

2. prior to July 1, 2022, the director determines in writing that products that meet applicable EPEAT standards, or such other similar standard selected by the director, are not available in sufficient quantities or cannot be purchased on reasonable terms.

§ 10. Subdivision f of section 6-306 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

f. No lamp purchased or leased by any agency shall be an incandescent lamp [if a more energy efficient lamp is available that provides sufficient lumens and is of an appropriate size for the intended application], including but not limited to a halogen lamp.

§ 11. Subdivisions a and b of section 6-307 of the administrative code of the city of New York, as added by local law number 119 for the year 2005, are amended to read as follows:

a. Notwithstanding section 6-302 of this chapter, this section shall apply to [any] every computer, printer, facsimile machine [or], photocopy machine and all other office equipment owned or leased by any agency that contains power management software that may be calibrated to achieve energy savings.

b. The power management software options of [any] every computer, printer, facsimile machine [or], photocopy machine and other piece of office equipment that contains such software shall be calibrated to achieve the highest energy savings practicable.

§ 12. Section 6-311 of the administrative code of the city of New York, as added by local law number 120 for the year 2005, is amended to read as follows:

§ 6-311 Reuse or recycling of electronic devices. By January 1, 2008, unless otherwise directed by a subsequent local law, the city shall develop a plan for the reuse or recycling of any covered electronic device purchased or leased by any agency. *The director shall post such plan and any updates thereto on the director's website.*

§ 13. Subdivision b of section 6-312 of the administrative code of the city of New York, as added by local law number 120 for the year 2005, is amended to read as follows:

b. No new covered electronic device purchased or leased by any agency shall contain any hazardous substance in any amount exceeding that proscribed by the director through rulemaking. In developing such rules, the director shall consider European Union directive 2002/95/EC [and] any subsequent material directive issued by the European Parliament and the Council of the European Union, *and any other standard issued by another governmental body and deemed relevant by the director.*

§ 14. The section heading of section 6-315 of the administrative code of the city of New York, as added by local law number 120 for the year 2005, is amended to read as follows:

§ 6-315 [Miscellaneous] *Other hazardous materials.*

§ 15. Section 6-316 of the administrative code of the city of New York, as added by local law number 118 for the year 2005, is amended to read as follows:

§ 6-316 Green cleaning products. a. Beginning June 1, 2009, the city shall purchase and use green cleaning products to the *maximum* extent [and in the manner that such use is] *practicable, as* determined [to be feasible through the pilot program established pursuant to the local law that added subchapter 6 of this chapter or through any other testing and evaluation conducted] by the director. Such green cleaning products shall meet the health and environmental criteria for the relevant product category as established by the director [under the pilot program or any such criteria as updated or revised by the director].

b. [No later than June 1, 2009, the] The director shall publish *on the director's website* a *non-exhaustive* list of *categories of* green cleaning products that may be purchased by the city to comply with this section. [At least once annually,] *The director shall review* such list [shall be reviewed and revised, if necessary] *and make appropriate revisions, if any, in accordance with subdivision b of section 6-304.*

§ 16. Subdivision a of section 6-317 of the administrative code of the city of New York, as added by local law number 51 for the year 2011, is amended to read as follows:

a. The director [of citywide environmental purchasing], after consultation with the mayor's office of long term planning and sustainability *and other agencies as appropriate*, shall establish packaging reduction guidelines for contracts entered into by city agencies for the purchase of goods. *The director shall review such guidelines and make appropriate revisions, if any, in accordance with subdivision b of section 6-304.*

§ 17. Subdivision c of section 6-317 of the administrative code of the city of New York, as added by local law number 51 for the year 2011, is amended to read as follows:

c. The director [of citywide environmental purchasing] shall make such guidelines available to all city agencies and publish such guidelines on the [city's] director's website.

§ 18. Subdivision e of section 6-317 of the administrative code of the city of New York is REPEALED.

§ 19. Chapter 3 of title 6 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

SUBCHAPTER 8 FURNITURE

§ 6-318 Furniture. a. *Where the city purchases furniture for use in city facilities, the city shall purchase furniture in accordance with rules promulgated by the director that further the objectives set forth in subdivision a of section 6-304.*

b. *The director shall promulgate rules setting forth specifications for furniture to meet the requirements of this subchapter. Prior to promulgating those rules, the director shall consider incorporating standards and ecolabels recommended by the United States environmental protection agency and any more stringent applicable standard promulgated by a government agency or other organization concerned with the development of environmental standards for furniture or its components.*

c. *The director shall review the rules required by this section and shall revise them as needed in accordance with subdivision b of section 6-304.*

d. *The furniture specifications promulgated by rules for the purchase of furniture pursuant to this subchapter shall be in addition to any other provisions of this chapter that apply to the purchase of furniture.*

§ 20. This local law takes effect 180 days after it becomes law. The director of citywide environmental purchasing, in collaboration with the commissioner of environmental protection and the director of the mayor's

office of long term planning and sustainability, and in consultation with other agencies, as appropriate, shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

BEN KALLOS, *Chairperson*; HELEN K. ROSENTHAL, MARK GJONAJ, JAMES F. GENNARO; Committee on Contracts, September 23, 2021.

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

Report for Int. No. 2272-A

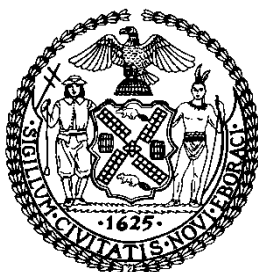
Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law in relation to agency purchasing of textiles, and to establish a task force to recommend legislation and policy for environmentally preferable purchasing, use and disposal of such textiles.

The Committee on Contracts, to which the annexed proposed amended local law was referred on April 22, 2021 (Minutes, page 910), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Contracts for Int. No. 2271-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2272-A:



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

**PROPOSED INTRO. NO. 2272-A
COMMITTEE: Contracts**

TITLE: A Local Law in relation to agency purchasing of textiles, and to establish a task force to recommend legislation and policy for environmentally preferable purchasing, use and disposal of such textiles. **SPONSORS:** Council Member Kallos.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2272-A would require the City's Director of Environmentally Preferable Purchasing to report details on the supply chain and source of agency-purchased textile goods. Additionally, this bill would establish a task force to identify and assess agency needs for textile goods, and to make recommendations for purchasing such goods in an environmentally preferable manner. Finally, the task force would be required to identify other costs associated with agency textile consumption, including the health

and safety effects on laborers in the supply chain and the communities in which textile goods are produced, processed and manufactured.

EFFECTIVE DATE: This local law would take effect 180 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
New York City Mayor's Office of Legislative Affairs
New York City Office of Management and Budget

ESTIMATE PREPARED BY: Frank Sarno, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. 2272 on April 22, 2021 and was referred to the Committee on Contracts (Committee). A hearing was held by the Committee on April 23, 2021, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2272-A, will be considered by the Committee at a hearing on September 23, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2272-A will be submitted to the full Council for a vote on September 23, 2021.

DATE PREPARED: September 16, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2272-A:)

Int. No. 2272-A

By Council Members Kallos, Barron and Gennaro.

A Local Law in relation to agency purchasing of textiles, and to establish a task force to recommend legislation and policy for environmentally preferable purchasing, use and disposal of such textiles

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

Agency. The term “agency” means a city, county, borough, or other office, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury, unless otherwise specified.

City. The term “city” means the city of New York.

Director. The term “director” means the director of citywide environmental purchasing appointed pursuant to section 6-304 of the administrative code of the city of New York, unless otherwise specified.

Task force. The term “task force” means the task force established by this local law.

Textile. The term “textile” means cloth, fabric and other flexible materials made of animal skin, hair, fur or fleece; plants; minerals; or synthetic materials.

Textile good. The term “textile good” means a good made in whole or in part of textiles, including, but not limited to, clothing and other apparel, including footwear, regalia and other accessories; carpets; upholstery; blankets; and industrial use textiles.

§ 2. Report on agency purchases of textiles. a. Information to be reported. The director shall prepare a report of the following information regarding agency purchases of textile goods for the 4-year period preceding the effective date of this local law:

1. A list of categories of textile goods, as determined by the director pursuant to paragraph 1 of subdivision b of this section;

2. For each category of textile goods designated by the director listed pursuant to paragraph 1 of this subdivision, the following information for a sample of such textile goods, as determined by the director to accurately represent citywide purchases of such textile goods:

(a) The textiles found in such textile good;

(b) The location where the finished textile good was manufactured;

(c) The average or usual amount of time such textile good is used for agency purposes before disposal and the resources expended to maintain such textile good while in use;

(d) The disposal policies and practices of the purchasing agency with respect to such textile good, including whether such agency recycles or attempts to recycle such textile good;

(e) Whether such textile good is composed in whole or in part of a virgin textile;

(f) Whether such textile good includes recycled textiles;

(g) Whether such textile good includes organic textiles; and

(h) Whether such textile good includes animal-derived textiles, and if so, the species;

3. For each category of textile goods designated by the director, the total estimated value of contracts for such textile goods, in the aggregate and disaggregated by agency;

4. For each category of textile goods designated by the director, the total estimated volume of such textile goods in units designated by the director, in the aggregate and disaggregated by textile and additional textile content information required pursuant to paragraph 2 of this subdivision; and

5. A list of vendors authorized to sell uniform apparel and accessories to employees of agencies, and for each such vendor, the agency for which such vendor is authorized.

b. Additional reporting specifications. For purposes of the report required in subdivision a of this section:

1. The director shall determine how to categorize textile goods for the purpose of reporting information about such goods in an organized, consistent and accurate manner, and to facilitate comparison of such textile goods pursuant to this local law.

2. Claims of the nature or content of textiles shall include a reference to any available certification, standard or other proof of such content.

3. For purposes of all reports required by this local law, agency purchases of goods shall be deemed to include purchases by agency employees from vendors authorized to sell uniform apparel and accessories to agency employees. For the purposes of creating the report required under this section, the director, in collaboration with each agency that requires such agency’s employees to wear a uniform, shall conduct a survey of each such agency’s uniformed employees.

c. When due. The director shall submit the report prepared pursuant to subdivision a of this section to the speaker of the council and publish it on the city’s website no later than 180 days after the effective date of this local law. If additional time is needed to obtain required information, the director shall transmit a written notice to the speaker explaining why submission of the report will occur at a later date. In no event shall such report be

submitted to the speaker of the council and published on the city's website later than 1 year after the effective date of this local law.

d. Missing information. The director shall not be required to publish any information in the report required by this section that the director determines would be infeasible to obtain, provided that, for such information, the director shall summarize in the report the efforts made to obtain any missing information and explain why obtaining such information would be infeasible to obtain.

§ 3. Task force. a. Task force established. There shall be a task force to develop and recommend environmentally preferable purchasing guidelines for textiles, and to make recommendations for legislation and policy regarding agency textile use and waste management, and regulation of textile goods. Such guidelines shall promote the following objectives:

1. To conserve, protect and rehabilitate resources, including land, timber, water and energy, and to promote the efficient use thereof;
2. To reduce, to the greatest extent possible, reliance on virgin textiles, with an emphasis on virgin textiles that require intensive land and water resources for production, and to increase the use of recycled and reused textiles, recyclable and reusable textiles, and biodegradable textiles;
3. To reduce, to the greatest extent possible, reliance on textiles that have significant negative environmental impact based on criteria set forth in subparagraph d of paragraph 2 of subdivision b of this section;
4. To reduce, to the greatest extent possible, the use of and exposure to hazardous substances, including bioaccumulative and toxic chemicals found in textiles, including chromium, formaldehyde and polyvinyl chloride;
5. To decrease greenhouse gas emissions in accordance with section 24-803 of the administrative code of the city of New York;
6. To promote environmentally responsible use and end-of-life management of agency-purchased textiles;
7. To reduce, to the greatest extent possible, waste;
8. To reduce, to the greatest extent possible, public spending on textiles that are the result of environmental degradation;
9. To educate textile-purchasing agencies of false or misleading claims of environmentally preferable textiles; and
10. Any other objective, as determined by the task force, that is intended to account for and reduce the negative effects on the environment, or to generate positive effects on the environment, caused by city purchases of textiles.

b. Tasks. The task force shall complete the following tasks in the following order:

1. Assessment of needs. The task force shall assess agency needs for textiles and forecast, as practicable, such needs for textiles in the 10 years following the effective date of this local law. In undertaking this task, the task force shall use the report published pursuant to section two of this local law, in addition to any other appropriate resource.

2. Consideration of options. The task force shall identify and consider the textiles available to meet the needs identified pursuant to paragraph 1 of this subdivision. The task force shall consider innovative textiles, as well as innovative production methods of textiles and textile goods. The task force shall prioritize for consideration textiles that maximize the opportunity to reduce the negative effects, and to produce positive effects, of agency textile purchases for the environment. In undertaking this task, the task force shall, to the extent possible with available resources, compare textiles across the following criteria:

- (a) Ability to meet agency needs;
- (b) Financial cost;
- (c) Availability;
- (d) Environmental impact, as can be assessed along the supply-chain and the life-cycle of the textile by the following indicators, provided that indicators set forth in clauses (1), (3), (13), (15), (16) and (19) shall be given the greatest weight in such assessment:
 - (1) Climate change;
 - (2) Ozone depletion;
 - (3) Human toxicity;
 - (4) Photochemical oxidant formation;
 - (5) Particulate matter formation;

- (6) Ionizing radiation;
- (7) Terrestrial acidification;
- (8) Freshwater eutrophication;
- (9) Marine eutrophication;
- (10) Terrestrial ecotoxicity;
- (11) Freshwater ecotoxicity;
- (12) Marine ecotoxicity;
- (13) Agricultural land occupation;
- (14) Urban land occupation;
- (15) Natural land transformation;
- (16) Water depletion;
- (17) Metal depletion;
- (18) Fossil depletion;
- (19) Biodiversity;
- (20) Impact on endangered or threatened species; and
- (21) Any other indicator of environmental impact for which a methodology of measurement is available, as agreed upon by the task force;

(e) Whether such textile is made of virgin or recycled materials, and such textile's capability to be recycled by any means, including mechanical or chemical, in whole or in part; and

(f) The potential for end-of-life management of such textile that will eliminate reliance on landfill, ensure conditions for environmentally responsible and managed decomposition, and promote reuse and recyclability.

3. Creation of guidelines. The task force shall recommend guidelines for environmentally preferable purchasing of textiles based on the task force's findings and conclusions made pursuant to paragraphs 1 and 2 of this subdivision. These guidelines may be agency-specific, as appropriate. In addition, such guidelines may include guidance for (i) extending the use phase of textiles; (ii) reducing the environmental impact of the use phase of textiles; and (iii) environmentally preferable methods of disposal. In undertaking this task, the task force may consider third-party standards and certifications for claims of recycled, organic or other forms of environmentally responsible content, and may incorporate such standards and certifications, their salient characteristics, or both in such guidelines, if the task force determines that such standards or certifications promote the objectives set forth in subdivision a of this section.

4. Final report. (a) No later than 1 year after the first meeting of the task force or publication of the report required in section one of this local law, whichever occurs later, the task force shall submit a report to the mayor and the speaker of the council setting forth in detail the task force's findings and conclusions, and any supporting methodology and analysis, that form the basis of the task force's guidelines for environmentally preferable purchasing of textiles. Such report shall contain the guidelines created pursuant to paragraph 3 of this subdivision and any recommendations for legislation or policy, and the identification of barriers thereto, for implementing such guidelines. Such report shall include recommendations for city management of agency-purchased textile waste and may include recommendations for other methods of textile waste management that promote the objectives set forth in subdivision a of this section.

(b) Additional considerations. In addition to the tasks and reporting duties set forth in this subdivision, the task force shall, to the extent the task force deems practicable, consider and assess information about any factors or effects of city purchases, use and disposal of textile goods that the task force determines will promote a holistic accounting of city consumption of such goods or that should inform city consumption of such goods. Such factors or effects may include the conditions of laborers, the treatment of animals and any disparate effects on community health and safety relevant to the production, processing, use and disposal of agency-purchased textile goods. The task force may identify where such factors or effects are interrelated or co-constitutive. The task force shall include any findings and conclusions in connection with such assessment in the final report, and the task force may make recommendations for legislation and policy, and identify barriers to such legislation and policy, to address the full range of costs associated with agency textile purchases.

(c) The director shall publish the task force's report on the city's website no later than 5 days after its submission to the mayor and the speaker of the council.

c. Membership. 1. The task force shall be composed of the following members:

- (a) The director or the director's designee, who shall serve as chair;

- (b) The comptroller or the comptroller's designee;
 - (c) The commissioner of citywide administrative services, or such commissioner's designee;
 - (d) The commissioner of sanitation, or such commissioner's designee;
 - (e) The commissioner of environmental protection, or such commissioner's designee;
 - (f) The chair of the procurement policy board, or such chair's designee;
 - (g) The director of long-term planning and sustainability, or such director's designee;
 - (h) The director of the office of minority and women-owned business enterprises, or such director's designee; and
- (i) (1) Five persons, three of whom shall be appointed by the mayor and two of whom shall be appointed by the speaker of the council, who shall meet the following criteria:
 - (A) Each such person shall have demonstrated expertise relevant to the duties assigned to the task force;
 - (B) No such person shall be an employee of a government agency;
 - (C) No such person shall be in the business of producing or processing cloth, fibers or other materials used in textile goods purchased by agencies; and
 - (D) No such person shall be a representative of a trade group in the textile goods industry.
 - (2) In appointing such persons, the mayor and the speaker of the council shall make best efforts to ensure that such persons represent diverse expertise in subject matter areas relevant to the tasks set forth in subdivision b of this section.
2. The mayor may invite officers and representatives of relevant federal, state and local government entities to participate in the work of the task force.
3. All initial appointments required by this section shall be made no later than 180 days after the effective date of this local law.
4. Each member of the task force shall serve at the pleasure of the official who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment. Members of the task force shall serve without compensation.
- d. Meetings. 1. The chair shall convene the first meeting of the task force no later than 15 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in subdivision c, the chair shall convene the first meeting of the task force no later than 10 days after the appointment of a quorum.
2. The task force shall invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.
3. At the first meeting of the task force, the task force shall determine the frequency with which it shall meet in order to ensure fulfillment of its duties pursuant to this local law.
- e. Termination. The task force shall terminate 180 days after the date on which it submits its final report pursuant to paragraph 4 of subdivision b of this section.
- § 4. Agency support. a. Each agency affected by this local law shall provide appropriate assistance to support the work of the task force.
- b. Agency representatives. Each agency that requires such agency's employees to wear a uniform shall provide information regarding the technical specifications for such agency's uniform apparel and accessories, as appropriate, to assist the members of the task force in fulfillment of the duties imposed by this local law.
- § 5. Effective date. This local law takes effect 180 days after it becomes law, provided that the director, in collaboration with other relevant agencies, shall take such measures as are necessary for the implementation of this local law, including the conducting of a survey of uniformed agency employees, before such date.

BEN KALLOS, *Chairperson*; HELEN K. ROSENTHAL, MARK GJONAJ, JAMES F. GENNARO; Committee on Contracts, September 23, 2021.

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

Report of the Committee on Finance

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

Report for Res. No. 1739

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on September 23, 2021, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”). On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2021 Expense Budget, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budgets.

This Resolution, dated September 23, 2021 approves the new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, and amends the description for the Description/Scope of Services of certain organization receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budgets.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2022 Expense Budget, as described in Charts 3-48; sets forth the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 49; amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives pursuant to the Fiscal 2022 Expense Budget, as described in Chart 50; and sets forth the designation of a certain organization receiving funding pursuant to the Beating Hearts Initiative in accordance with the Fiscal 2022 Expense Budget as described in Chart 51.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget.

Chart 3 sets forth the changes in the designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2022 Expense Budget. All of these designations will be effectuated upon a budget modification.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 5 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 7 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 8 sets forth the new designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 9 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 11 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 12 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 13 sets forth the new designation of certain organizations receiving funding pursuant to Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 14 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 15 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2022 Expense Budget.

Chart 16 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 17 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Community Land Trust Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 18 sets forth the change in the designation of a certain organization receiving funding pursuant to the Foreclosure Prevention Programs Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 19 sets forth the change in the designation of a certain organization receiving funding pursuant to the Construction Site Safety Training Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 20 sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 21 sets forth the new designation of certain organizations receiving funding pursuant to the Education Equity Action Plan Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 22 sets forth the new designation of a certain organization receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 23 sets forth the removal of funds from the administering agency pursuant to the Physical Education and Fitness Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 24 sets forth the new designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2022 Expense Budget. One of these designations will be effectuated upon a budget modification.

Chart 25 sets forth the new designation of certain organizations receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification. Some of these designations will be effectuated upon a budget modification.

Chart 26 sets forth the new designation of a certain organization receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 27 sets forth the removal of funds from the administering agency pursuant to the Public Health Funding Backfill Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 28 sets forth the removal of funds from the administering agency and the change in the designation of a certain organization receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 29 sets forth the new designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 30 sets forth the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 31 sets forth the new designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 32 sets forth the new designation of certain organizations receiving funding pursuant to the Dedicated Contraceptive Fund Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 33 sets forth the new designation of certain organizations receiving funding pursuant to the Maternal and Child Health Services Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 34 sets forth the new designation of certain organizations receiving funding pursuant to the Reproductive and Sexual Health Services Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 35 sets forth the new designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 36 sets forth the new designation of certain organizations receiving funding pursuant to the Cancer Services Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 37 sets forth the new designation of a certain organization receiving funding pursuant to the Child Health and Wellness Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 38 sets forth the new designation of certain organizations receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 39 sets forth the new designation of certain organizations receiving funding pursuant to the MCCAP Initiative in accordance with the Fiscal 2022 Expense Budget. All of these designations will be effectuated upon a budget modification.

Chart 40 sets forth the new designation of a certain organization receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 41 sets forth the new designation of certain organizations receiving funding pursuant to the Hate Crimes Prevention Initiative in accordance with the Fiscal 2022 Expense Budget. One of these designations will be effectuated upon a budget modification.

Chart 42 sets forth the new designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget. All of these designations will be effectuated upon a budget modification.

Chart 43 sets forth the new designation of certain organizations receiving funding pursuant to the Information and Referral Services Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 44 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Elder Abuse Prevention Programs Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 45 sets forth the new designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 46 sets forth the new designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 47 sets forth the new designation of a certain organization receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 48 sets forth the new designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 49 sets forth the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2021 Expense Budget.

Chart 50 amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget.

Chart 51 sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2022.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2022 and Fiscal 2021 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1739:)

Preconsidered Res. No. 1739

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

By Council Member Dromm.

Whereas, On June 30, 2021, the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2022 with various programs and initiatives (the "Fiscal 2021 Expense Budget"); and

Whereas, On June 30, 2020, the City Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the "Fiscal 2021 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 and Fiscal 2021 Expense Budgets by approving the new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Land Trust Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Foreclosure Prevention Programs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Construction Site Safety Training Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Education Equity Action Plan Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the removal of funds from the administering agency pursuant to the Physical Education and Fitness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the removal of funds from the administering agency pursuant to the Public Health Funding Backfill Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the removal of funds from the administering agency and the change in the designation of a certain organization receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Dedicated Contraceptive Fund Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Maternal and Child Health Services Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Reproductive and Sexual Health Services Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget; as set forth in Chart 35; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cancer Services Initiative in accordance with the Fiscal 2022 Expense Budget; as set forth in Chart 36; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Child Health and Wellness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 38; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the MCCAP Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 39; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 40; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Hate Crimes Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 41; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 42; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Information and Referral Services Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 43; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Elder Abuse Prevention Programs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 44; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 45; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 46; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 47; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 48; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 49; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 50; and be it further

Resolved, That the City Council sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2022, as set forth in Chart 51.

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1739 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS,

DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, September 23, 2021 . *Other Council Members Attending: Council Members Lander and Rose.*

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

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

Report for L.U. No. 845

Report of the Committee on Finance in favor of a Resolution approving Little Italy Restoration Apartments, Block 493, Lot 41; Manhattan, Community District No. 2; Council District No. 1.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on September 23, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

September 23, 2021

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

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

RE: Finance Committee Agenda of September 23, 2021 – Resolutions approving tax exemptions for two Land Use item (Council Districts 1 and 48)

Item 1: Little Italy Restoration Apartments

Little Italy Restoration Apartments (“L.I.R.A.”) are 152 units of project-based Section 8 low-income housing located at 21 Spring Street in the Nolita neighborhood of Manhattan. The residential units include 34 one-bedrooms, 94 small two-bedrooms (inclusive of one superintendent unit), and 24 large two-bedrooms.

The project is presently owned by an Article V Housing Redevelopment Company and all units are low-income rentals subject to a Housing Assistance Payments (“HAP”) Section 8 contract, under which tenants pay only 30% of their income in rent and the U.S. Department of Housing and Urban Development (“HUD”) makes payments to the landlord for any remaining markup-to-market contract rent. The Department of Housing Preservation and Development (“HPD”) is requesting that the Council approve a partial, 40-year Article XI property tax exemption. In addition, the Article V property tax exemption, which would otherwise expire in

2022, would be terminated and the Article V Housing Redevelopment Company would be voluntarily dissolved. L.I.R.A. Housing Development Fund Corporation (“HDFC”) would acquire the exemption area and the HDFC together with prospective beneficial owner L.I.R.A. Apartments Company, L.P. (“the Partnership”) would enter into a 40-year regulatory agreement with HPD that would require the apartments be rented only to households earning less than 50% of the Area Median Income (“AMI”), and require HDFC and the Partnership to renew the HAP contract for another 20 year term when it expires in 2040.

Notably, HPD proposes to increase the current level of partial tax exemption to compensate L.I.R.A. once it leases a private courtyard to Haven Green, an affordable senior housing project that will be developed on an adjacent City-owned site.

Summary:

- Borough – Manhattan
- Block 493, Lot 41
- Council District – 1
- Council Member – Chin
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 152
- Type of exemption – Article XI, partial, 40 years
- Population – affordable rental housing
- Sponsors – L.I.R.A. Apartments Company, L.P., L.I.R.A. HDFC, and LIHC Investment Group
- Purpose – preservation
- Cost to the city - \$17.3 million
- AMI target – 50% of AMI

Item 2: Manhattan Beach Housing

Manhattan Beach Senior Housing is a complex of 150 units of project-based Section-8 low-income senior rental housing located in interconnected towers located at 161 Corbin Place and 156 West End Avenue in Manhattan Beach, Brooklyn. The residential units include 51 studios and 99 one-bedrooms (inclusive of one superintendent unit).

The sponsor, Jewish Association Serving the Aging (“JASA”) Corporation, operates the property through the Manhattan Beach Senior Housing L.P. (“Partnership”). The project is supported by a HAP contract that expires in May 2022. The Partnership seeks to refinance its mortgage when it renews its HAP contract and seeks to extend the term of its existing Article XI tax exemption, that which would otherwise expire in 2042, to align with the term of the refinanced mortgage.

HPD requests that the Council approve a partial, 40-year Article XI property tax exemption. The Partnership and the Manhattan Beach HDFC would enter into a regulatory agreement with HPD upon renewal of the HAP contract that would require that the apartments be rented only to households earning less than 50% of AMI and that the Partnership renew the new HAP contract upon its expiration for a subsequent 20-year term.

Summary:

- Borough – Brooklyn
- Block 8719, Lots 27 and 73
- Council District – 48

- Council Member – vacant
- Council Member approval – yes
- Number of buildings – 4
- Number of units – 150
- Type of exemption – Article XI, partial, 40 years
- Population – affordable senior rental
- Sponsor – JASA Corporation, Manhattan Beach Senior Housing L.P.
- Purpose – preservation
- Cost to the City – \$1.3M
- AMI targets – 50% of AMI

Accordingly, this Committee recommends the adoption of L.U. Nos. 845 and 846.

(For text of the coupled resolution for L.U. No. 846, please see the Report of the Committee on Finance for L.U. No. 846 printed in these Minutes; for the coupled resolution for L.U. No. 845, please see below:)

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

Res. No. 1740

Resolution approving a new exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (PHFL), the termination of a prior exemption pursuant to PHFL Section 125, and consent to the voluntary dissolution of the prior owner pursuant to PHFL Section 123(4) for property located at (Block 493, Lot 41) Manhattan (Preconsidered L.U. No. 845).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated August 31, 2021 that the Council take the following action regarding a housing project located at (Block 493, Lot 41) Manhattan, (“Exemption Area”):

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

Approve the termination of a prior tax exemption for the Exemption Area pursuant to PHFL Section 125 (the “Termination”);

Consent to the voluntary dissolution of the current owner pursuant to PHFL Section 123(4) (the “Dissolution”);

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

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

RESOLVED:

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

1. Approve the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:
 - a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax or Courtyard Contract Rent Differential Tax for the applicable tax year.
 - (2) “Contract Rent Differential Tax” shall mean the sum of (i) \$962,466, plus (ii) twenty-five percent (25%) of the First Contract Rent Differential; provided, however that the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents in the applicable tax year, or (ii) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the New Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - (3) “Courtyard Contract Rent Differential Tax” shall mean (a) six percent (6%) of the Gross Rent for the ten taxable years from July 1st of the first tax year after a notice to proceed that is acceptable to HPD is issued by PennRose, LLC, the owner of the real property located in the Borough of Manhattan, City and State of New York, identified as Block 493, Lot 30, to New Owner, a copy of which is simultaneously provided to HPD, pursuant to instructions in the Regulatory Agreement, and (b) ten percent (10%) of the Gross Rent on the eleventh anniversary of the first tax year after the date of such notice, plus twenty-five percent (25%) of the Second Contract Rent Differential; provided, however, that, (c) with respect to either (a) or (b), if the New Owner fails to provide the contract rents on or before the Contract Rent Deadline, Courtyard Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation, and (d) if the New Owner does not notify HPD’s Division of Housing Opportunity and Program Service, pursuant to instructions in the Regulatory Agreement, on a date that is no earlier than 114 months (9 years and six months) and no later than 118 months (9 years and ten months) from the date such notice to proceed was issued to the New Owner that the expiration of such ten-year period is approaching, the New Owner must pay the Contract Rent Differential Tax for the entire period of the New Exemption commencing with the Effective Date and during each year thereafter until the Expiration Date, provided, however that the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents in the applicable tax year, or (ii) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
 - (4) “Current Owner” shall mean L.I.R.A. Apartments Co., L.P.

- (5) “Effective Date” shall mean the date of conveyance of the Exemption Area to the HDFC.
- (6) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 493, Lot 41 on the Tax Map of the City of New York.
- (7) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (8) “First Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
- (9) “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
- (10) “HDFC” shall mean L.I.R.A. Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
- (11) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (12) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (13) “New Owner” shall mean, collectively, the HDFC and the Partnership.
- (14) “Partnership” shall mean L.I.R.A. Apartments Co., L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
- (15) “PHFL” shall mean the Private Housing Finance Law.
- (16) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on March 12, 1981 (Cal. No. 22).
- (17) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- (18) “Second Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the eleventh anniversary of the first tax year after a notice to proceed that is acceptable to HPD is issued by PennRose,

LLC, the owner of the real property located in the Borough of Manhattan, City and State of New York, identified as Block 493, Lot 30, to New Owner, a copy of which is simultaneously provided to HPD, pursuant to instructions in the Regulatory Agreement.

- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 - c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of either the Contract Rent Differential Tax or the Courtyard Contract Rent Differential Tax, as applicable.
 - d. Notwithstanding any provision hereof to the contrary:
 - (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - (3) Nothing herein shall entitle the HDFC, the New Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - e. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.
2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
 3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.

4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, September 23, 2021 . *Other Council Members Attending: Council Members Lander and Rose.*

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

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

Report for L.U. No. 846

Report of the Committee on Finance in favor of a Resolution approving Manhattan Beach Housing, Block 8719, Lots 27 and 73; Brooklyn, Community District No. 15; Council District No. 48.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on September 23, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for L.U. No. 845 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1741

Resolution approving an exemption from real property taxes for property located at (Block 8719, Lots 27 and 73) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 846).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 7, 2021 that the Council take the following action regarding a housing project located at (Block 8719, Lots 27 and 73) Brooklyn (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - b. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
 - c. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
 - d. “Contract Rent Differential Tax” shall mean the sum of (i) \$307,812 plus (ii) twenty-five percent (25%) of the Contract Rent Differential; however, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - e. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - f. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 8719, Lots 27 and 73 on the Tax Map of the City of New York.
 - g. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- h. “HDFC” shall mean Manhattan Beach Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - i. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - j. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - k. “Owner” shall mean, collectively, the HDFC and the Partnership.
 - l. “Partnership” shall mean Manhattan Beach Senior Housing L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - m. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on March 28, 2007 (Resolution No. 789).
 - n. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after August 1, 2021 and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax.
 5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
6. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, September 23, 2021 . *Other Council Members Attending: Council Members Lander and Rose.*

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

Report of the Committee on Housing and Buildings

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

Report for Int. No. 2403

Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law in relation to extending the certification of no harassment pilot.

The Committee on Housing and Buildings, to which the annexed preconsidered proposed local law was referred on September 23, 2021, respectfully

REPORTS:

Introduction

On September 23, 2021, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, Jr., will hold a hearing on Preconsidered Int. No. 2403. More information about this bill, along with the materials for that hearing, can be found at <https://tinyurl.com/r74st6uf>.

Background

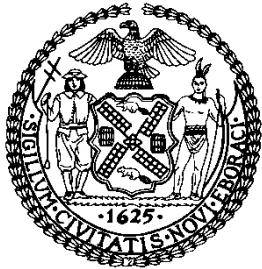
Local Law number 1 for the year 2018 established the City’s certification of no harassment (“CONH”) pilot program. This program, which is administered by the Department of Housing Preservation and Development (“HPD”), requires certain buildings to apply for a CONH Robtaining DOB approval of permits or of other construction documents for certain covered work. Any building in the City where there has been a final determination of harassment by New York State Homes and Community renewal (“HCR”) or any court with jurisdiction five years prior to the enactment date is automatically denied a CONH should they apply for a permit with DOB. Buildings where a full vacate order has been issued and buildings where there has been active participation in the alternative enforcement program (“AEP”) are required to apply for the CONH for covered work. In districts that have undergone city-sponsored neighborhood-wide rezonings and community districts that indicate significant distress based on numerous factors, including changes of ownerships, certain buildings that meet a Building Qualification Index (“BQI”) are also required to apply for the CONH for covered work. If harassment is found after an investigation by HPD and community groups, where designated by HPD, the owner must provide for affordable housing. Local Law number 1 for the year 2018 is set to expire on September 27, 2021.

Preconsidered Int. No. 2403

This bill would extend the original CONH pilot program through October 31, 2021

This bill would take effect immediately and would be deemed repealed on October 31, 2021.

(The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 2403:)



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

PRECONSIDERED INT. NO. 2403:

COMMITTEE: Housing and Buildings

TITLE: A Local Law in relation to extending the certification of no harassment pilot. **SPONSORS:** Council Member Lander.

SUMMARY OF LEGISLATION: This Preconsidered Introduction would extend the Certificate of No Harassment (CONH) pilot created by local law number 1 for the year 2018 which is slated to expire on September 27, 2021 to October 31, 2021.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues	\$0	\$0	\$0

Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Luke Zangerle, Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
Nathan Toth, Deputy Director

LEGISLATIVE HISTORY: The Committee on Housing and Buildings (Committee) will hold a public hearing and vote on this Preconsidered Introduction on September 23, 2021. Upon a successful vote by the Committee, this Preconsidered Introduction will be introduced to the full Council and be submitted to the full Council for a vote on September 23, 2021.

DATE PREPARED: September 21, 2021.

(For text of the preconsidered bill, please see the Introduction and Reading of Bills section printed in these Minutes)

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, CARLINA RIVERA; Committee on Housing and Buildings, September 23, 2021.

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

Report of the Committee on Land Use

Report for L.U. No. 826

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210249 ZMK (840 Atlantic Avenue Rezoning) submitted by Vanderbilt Atlantic Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an R6B District to a C6-3X District and changing from an M1-1 District to a C6-3X District, Borough of Brooklyn, Community District 8, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2248), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 826 & Res. No. 1750 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 13, 2021 (Remote Hearing).

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

Report for L.U. No. 827

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210250 ZRK (840 Atlantic Avenue Rezoning) submitted by Vanderbilt Atlantic Holdings, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 8, Council District 35.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on August 26, 2021 (Minutes, page 2248), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 827 & Res. No. 1751 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 13, 2021 (Remote Hearing).

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

Report for L.U. No. 829

Report of the Committee on Land Use in favor of approving Application No. 20215035 HIM (N 210499 HIM, DL 524/LP-2652) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter, for the historic landmark designation of the New York Public Library, Harlem Branch (Block 1722, Lot 30), Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2249) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10

20215035 HIM (N 210499 HIM)

Designation by the Landmarks Preservation Commission [DL-524/LP-2652] pursuant to Section 3020 of the New York City Charter of the landmark designation of the New York Public Library Harlem Branch (Tax Map Block 1722, Lot 30), as an historic landmark.

PUBLIC HEARING

DATE: September 13, 2021

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 13, 2021

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

In Favor:

Riley, Koo, Barron, Treyger.

Against: **Abstain:**
None None

COMMITTEE ACTION

DATE: September 13, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against: **Abstain:**
None None

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

Res. No. 1742

Resolution affirming the designation by the Landmarks Preservation Commission of the New York Public Library Harlem Branch located at 9 West 124th Street (aka 9-11 West 124th Street) (Tax Map Block 1722, Lot 30), Borough of Manhattan, Designation List No. 524, LP-2652 (L.U. No. 829; 20215035 HIM; N 210499 HIM).

By Council Members Salamanca and Riley.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 25, 2021 a copy of its designation report dated June 15, 2021 (the "Designation"), designating the New York Public Library Harlem Branch located at 9 West 124th Street (aka 9-11 West 124th Street), Community District 10, Borough of Manhattan, as a landmark and Tax Map Block 1722, Lot 30, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

WHEREAS, the City Planning Commission submitted to the Council on August 20, 2021, its report on the Designation dated August 18, 2021 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 13, 2021; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 13, 2021 (Remote Hearing).

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

Report for L.U. No. 830

Report of the Committee on Land Use in favor of approving Application No. 20225002 HIR (N 220005 HIR, DL 525/LP No. 2648) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter, for the landmark designation of the Aakawaxung Munahanung Archaeological Site, 298-300 Satterlee Street (Block 7871, Lot 1 in part), Borough of Staten Island, Council District 51, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2249) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 3

20225002 HIR (N 220005 HIR)

Designation by the Landmarks Preservation Commission [DL-525/LP-2648] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Aakawaxung Munahanung (Island Protected from the Wind) Archaeological Site (Tax Map Block 7857, p/o Lot 1), as an historic landmark.

PUBLIC HEARING

DATE: September 13, 2021

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 13, 2021

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

In Favor:

Riley, Koo, Barron, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 13, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None

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

Res. No. 1743

Resolution affirming the designation by the Landmarks Preservation Commission of the Aakawaxung Munahanung (Island Protected from the Wind) Archaeological Site located at Conference House Park, 298 Satterlee Street (aka 298-300 Satterlee Street) (Tax Map Block 7857, p/o Lot 1), Borough of Staten Island, Designation List No. 525, LP-2648 (L.U. No. 830; 20225002 HIR; N 220005 HIR).

By Council Members Salamanca and Riley.

WHEREAS, the Landmarks Preservation Commission filed with the Council on July 1, 2021 a copy of its designation report dated June 22, 2021 (the "Designation"), designating the Aakawaxung Munahanung (Island Protected from the Wind) Archaeological Site located at Conference House Park, 298 Satterlee Street (aka 298-300 Satterlee Street), Community District 3, Borough of Staten Island, as a landmark and Tax Map Block 7857, p/o Lot 1, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

WHEREAS, the City Planning Commission submitted to the Council on August 20, 2021, its report on the Designation dated August 18, 2021 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 13, 2021; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, and the record before the Council, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 13, 2021 (Remote Hearing).

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

Report for L.U. No. 831

Report of the Committee on Land Use in favor of approving Application No. 20225001 HIM (N 220003 HIM, DL 525/LP-2653) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter, for the historic landmark designation of the Kimlau War Memorial (Block 117, Lot 100), Borough of Manhattan, Council District 1, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2249) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 3

20225001 HIM (N 220003 HIM)

Designation by the Landmarks Preservation Commission [DL-525/LP-2653] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Kimlau War Memorial (Tax Map Block 117, p/o Lot 100), as an historic landmark.

PUBLIC HEARING

DATE: September 13, 2021

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 13, 2021

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

In Favor:

Riley, Koo, Barron, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 13, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1744

Resolution affirming the designation by the Landmarks Preservation Commission of the Kimlau War Memorial located within Kimlau Square, Chatham Square (Tax Map Block 117, p/o Lot 100), Borough of Manhattan, Designation List No. 525, LP-2653 (L.U. No. 831; 20225001 HIM; N 220003 HIM).

By Council Members Salamanca and Riley.

WHEREAS, the Landmarks Preservation Commission filed with the Council on July 1, 2021 a copy of its designation report dated June 22, 2021 (the "Designation"), designating the Kimlau War Memorial located within Kimlau Square, Chatham Square, Community District 3, Borough of Manhattan, as a landmark and Tax Map Block 117, p/o Lot 100, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

WHEREAS, the City Planning Commission submitted to the Council on August 20, 2021, its report on the Designation dated August 18, 2021 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 13, 2021; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, and the record before the Council, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 13, 2021 (Remote Hearing).

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

Report of the Committee on Rules, Privileges and Elections

Report for M-326

Report of the Committee on Rules, Privileges and Elections in favor of a Resolution approving the appointment of Dr. Simona Chung Kwon as a member of the New York City Board of Health.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on September 9, 2021 (Minutes, page 2256) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-330, printed in these Minutes)

Pursuant to §§ 31 and § 553 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of **Dr. Simona Chung Kwon** as a member of the New York City Board of Health to serve for the remainder of a six-year term that expires on May 31, 2022.

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

Res. No. 1745

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF DR. SIMONA CHUNG KWON AS A MEMBER OF THE NEW YORK CITY BOARD OF HEALTH.

By Council Member Koslowitz.

RESOLVED, that pursuant to §§ 31 and § 553 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of **Dr. Simona Chung Kwon** as a member of the New York City Board of Health for the remainder of a six-year term, which will expire on May 31, 2022.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, MARK TREYGER, ADRIENNE E. ADAMS, KEITH POWERS, THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON);

Committee on Rules, Privileges and Elections, September 23, 2021. *Other Council Member Attending: Council Member Dromm.*

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

Report for M-327

Report of the Committee on Rules, Privileges and Elections in favor of a Resolution approving the appointment of Jenny Low as the New York County Democratic Commissioner of Elections.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on September 9, 2021 (Minutes, page 2257) and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 3-204 of the *New York State Election Law*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council of Jenny Low as the New York County Democratic Commissioner of Elections to serve a four-year term that began on January 1, 2021 and expires December 31, 2024.

This matter was referred to the Committee on September 23, 2021.

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

Res. No. 1746

RESOLUTION APPROVING THE APPOINTMENT BY THE COUNCIL OF JENNY LOW AS THE NEW YORK COUNTY DEMOCRATIC COMMISSIONER OF ELECTIONS.

By Council Member Koslowitz

RESOLVED, that pursuant to § 3-204 of the *New York State Election Law*, the Council does hereby approve the appointment of Jenny Low as the New York County Democratic Commissioner of Elections to serve a four-year term that began on January 1, 2021 and expires December 31, 2024.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, MARK TREYGER, ADRIENNE E. ADAMS, KEITH POWERS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, September 23, 2021. *Other Council Member Attending: Council Member Dromm.*

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

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

Report for M-330

Report of the Committee on Rules, Privileges and Elections in favor of a Resolution approving the appointment by the Council of Julio Medina as a member of the New York City Board of Correction.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered Council communication was referred on September 23, 2021 and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

Topic I: *New York City Board of Correction – (Candidate for appointment by the Council)*

• **Julio Medina [Pre-considered M-330]**

The New York City Department of Correction (“DOC”) provides for the care, custody and control of persons accused or convicted of crimes and sentenced to one year or less jail time. The New York City Board of Correction (“BOC”) oversees DOC’s operations and evaluates agency performance. Pursuant to *New York City Charter* (“Charter”) §§ 626(c), 626(e), 626(f), BOC, or by written designation of the BOC, any member of it, the Executive Director¹, or other employee, shall have the power and duty to:

- inspect and visit all institutions and facilities under the jurisdiction of DOC at any time;
- inspect all records of DOC;
- prepare and submit to the Mayor and to the Council, and the DOC Commissioner, proposals for capital planning and improvements, studies and reports concerned with the development of DOC’s correctional program planning, and studies and reports in regard to the methods of promoting closer cooperation of custodial, probation and parole agencies of government and the courts;
- evaluate DOC performance;
- establish minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of DOC; and to
- establish procedures for the hearing of grievances and complaints or requests for assistance by or on behalf of any person held or confined by DOC or by any employees of DOC.

BOC is composed of nine members. Three members are appointed by the Mayor, three by the Council, and three by the Mayor on the nomination jointly by the presiding justices of the Appellate Division of the Supreme Court for the First and Second Judicial Departments. Appointments are made by the three respective appointing authorities on a rotating basis to fill any vacancy. Members are appointed to a term of six-years, and vacancies are filled for the remainder of the unexpired term. The Mayor designates the Chair of BOC from among its members from time to time. The Mayor may remove members for cause after a hearing at which they shall be entitled to representation by Counsel. *Charter* § 626(b).

Although BOC members receive no compensation, they may, however, be reimbursed for expenses incurred in the performance of their duties. *Charter* § 626(a).

¹ BOC may appoint an Executive Director to serve at its pleasure with such duties and responsibilities as BOC may assign, and other professional, clerical, and support personnel within appropriations for such purpose. DOC’s Commissioner shall designate such of DOC’s stenographic, clerical and other assistance to BOC as may be necessary for the proper performance of its functions. *Charter* § 626(b).

BOC is required to adopt rules to govern its own proceedings. *Charter § 626(b)*. Within the scope of its authority, BOC may compel the attendance of witnesses, require the production of books, accounts, papers, and other evidence, administer oaths, examine persons, and conduct public or private hearings, studies and investigations. Also, BOC may institute proceedings in a court of appropriate jurisdiction to enforce its subpoena power and other authority. *Charter § 626(g)*.

On an annual basis, and at such other times as it may determine, BOC submits to the Mayor, the Council and the DOC Commissioner, reports, findings and recommendations in regard to matters within its jurisdiction. *Charter § 626(d)*. Members of the Council are authorized to inspect and visit at any-time the institutions and facilities under the jurisdiction of DOC. *Charter § 627*.

If appointed by the Council, Mr. Medina, a resident of the Bronx, will fill a vacancy and serve for the remainder of a six-year term that will expire on October 12, 2026. Copies of the candidate's résumé and the related messages is attached.

Topic II: New York City Board of Elections – (Candidate for appointment by the Council)

- **Jenny Low [M-327]**

The New York City Board of Elections (“BOE”) consists of ten commissioners, two from each of the City’s five counties, who are directly appointed by the New York City Council. Not more than two commissioners shall be registered voters of the same county. Each commissioner serves a term of four years or until a successor is appointed. Commissioners shall be registered voters from each of the major parties in the county for which they are appointed [*New York State Election Law § 3-200(3)*].

Party recommendations for election commissioner shall be made by the County Committee, or in such fashion as the rules of a party may provide. Each of the major political parties shall be eligible to recommend appointment of an equal number of commissioners [*New York State Election Law § 3-200(2)*]. The BOE and its commissioners are responsible for the maintenance and administration of voting records and elections. The BOE also exercises quasi-judicial powers by conducting hearings to validate nominating petitions of candidates for nomination to elective office. The BOE is required to make an annual report² of its affairs and proceedings to the New York City Council once every twelve months and no later than the last day of January in any year. A copy of said annual report shall be filed with the New York State Board of Elections [*New York State Election Law § 3-212(4)(a)*].

At least thirty days before the first day of January of any year on which an elections commissioner is to be appointed, the Chair or Secretary of the appropriate party County Committee shall file a *Certificate of Party Recommendation* with the Clerk of the appropriate local legislative body [*New York State Election Law § 3-204(1)*]. In New York City, the City Clerk serves as the Clerk of the Council. If the Council fails to appoint an individual recommended by a party for appointment as a Commissioner within thirty days after the filing of a *Certificate of Party Recommendation* with the Council, then members of the Council who are members of the political party that filed the certificate may appoint such person. If none of the persons named in any of the certificates filed by a party are appointed within sixty days of the filing of the designating certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period recommending a different person for such appointment. If the party fails to file a *Certificate of Party Recommendation* within the time prescribed, the members of the Council who are members of such party may appoint any eligible person to such office [*New York State Election Law § 3-204(4)*].

² The annual report shall include a detailed description of existing programs designed to enhance voter registration. The report shall also include a voter registration action plan to increase registration opportunities [*New York State Election Law § 3-212(4)(b)*].

If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, party recommendations to fill such vacancy shall be made by the county committee in such fashion as the rules of the party may provide.³ *Certificates of Party Recommendation* to fill such vacancy shall be filed no later than forty-five days after the creation of a vacancy. Anyone who fills a vacancy shall hold such office during the remainder of the term of the commissioner in whose place he/she shall serve [*New York State Election Law* § 3-204(5)].

BOE elects a President and a Secretary who cannot belong to the same political party [*New York State Election Law* § 3-312(1)]. The commissioners receive a \$300 per-diem for each day's attendance at meetings of the BOE or any of its committees, with a maximum of \$30,000 per year [*New York State Election Law* § 3-208].

A *Certificate of Party Recommendation* referencing Ms. Low was filed with the Office of the City Clerk on August 25, 2021 at 2:56 pm. The Secretary of the New York County Democratic Party signed this document. Ms. Low, a registered Democrat from New York County, is being recommended for appointment to serve for the remainder of a four-year term that began on January 1, 2021 and ends on December 31, 2024. Copies of Ms. Low's résumé and Committee report/resolution are annexed to this briefing paper.

Topic III: New York City Civilian Complaint Review Board– (Council candidate for appointment)

- **Herman Merritt [Pre-considered M-331]**

New York City Charter (“Charter”) § 440 created the New York City Civilian Complaint Review Board (“CCRB” or “the Board”) as an entity independent of the New York City Police Department (“NYPD”). Its purpose is to investigate complaints concerning misconduct by officers of NYPD towards members of the public. The Board's membership must reflect the City's diverse population, and all members must be residents of the City.

The CCRB consists of 15 members of the public. Members shall be residents of the city of New York and shall reflect the diversity of the city's population. The members of the board shall be appointed as follows: (i) five members, one from each of the five boroughs, shall be appointed by the city council; (ii) one member shall be appointed by the public advocate; (iii) three members with experience as law enforcement professionals shall be designated by the police commissioner and appointed by the mayor; (iv) five members shall be appointed by the mayor; and (v) one member shall be appointed jointly by the mayor and the speaker of the council to serve as chair of the board. Only those appointees to CCRB designated by the Police Commissioner may have law enforcement experience. Experience as an attorney in a prosecutorial agency is not deemed law enforcement experience for purposes of this definition. The CCRB hires the Executive Director, who in turn hires and supervises the agency's all-civilian staff. There are two Deputy Executive Directors: one is responsible for administration and the other for investigations.

All appointees to CCRB serve three-year terms. Vacancies on the CCRB resulting from removal, death, resignation, or otherwise, are filled in the same manner as the original appointment; the successor completes the former member's un-expired term. Board members are prohibited from holding any other public office or public employment. All CCRB members are eligible for compensation for their work on a per-diem basis. The current per-diem rate is \$315.00.

³ According to *New York State Public Officers Law* § 5, every officer except a judicial officer, a notary public, a commissioner of deeds and an officer whose term is fixed by the Constitution, having duly entered on the duties of his office, shall unless the office shall terminate or be abolished, hold over and continue to discharge the duties of his office after the expiration of the term for which he shall have been chosen, until his successor shall be chosen and qualified; but after the expiration of such term, the office shall be deemed vacant for the purpose of choosing his successor.

The CCRB is authorized to “receive, investigate, hear, make findings and recommend action” upon civilian complaints of misconduct by members of the NYPD towards the public. Complaints within the CCRB’s jurisdiction are those that allege excessive force, abuse of authority, discourtesy, or use of offensive language, including but not limited to slurs relating to race, ethnicity, religion, gender, sexual orientation or disability.

The CCRB has promulgated procedural rules pursuant to the City’s Administrative Procedural Act (“CAPA”). These rules regulate the way in which investigations are conducted⁴, recommendations are made, and members of the public are informed of the status of their complaints. The rules also outline the establishment of panels consisting of at least three Board members (no panel may consist exclusively of Mayoral appointees, Council appointees or Police Commissioner appointees); these panels may supervise the investigation of complaints and hear, make findings and recommend action with respect to such complaints. The CCRB, by majority vote of all its members, may compel the attendance of witnesses and require the production of such records and other materials as are necessary for the investigation of complaints.

The CCRB’s findings and recommendations with respect to a complaint, and the basis therefore, must be submitted to the Police Commissioner. In all such cases where a finding or recommendation has been submitted, the Police Commissioner is required to report to the CCRB on any action taken with respect to that complaint. The law prohibits the CCRB from making any finding or recommendation solely on the basis of an unsworn complaint or statement. In addition, the law prohibits the CCRB from using prior complaints against a member of the NYPD that have been unsubstantiated, unfounded or withdrawn as the basis for any finding or recommendation regarding a current complaint.

It should also be noted that the CCRB has established a voluntary mediation program in which a complainant may choose to resolve his or her complaint through informal conciliation. Both the alleged victim and the subject officer must voluntarily agree to mediation. Mediation is offered as an alternative to investigation to resolve certain types of complaints, none of which can involve physical injury or damage to property. If the mediation is not successful, the alleged victim has the right to request that the case be fully investigated.

Also, the CCRB is required to issue to the Mayor and to the City Council a semi-annual report describing its activities and summarizing its actions, and is also mandated to develop and administer an on-going program to educate the public about CCRB.

If appointed by the Council, Mr. Merritt, a resident of Brooklyn, will succeed Marbre Stahly-Butts and serve for a three year term that expires on July 4, 2023. Copies of the candidate’s resume is annexed to this Briefing Paper.

Topic IV: New York City Health + Hospitals – (Council candidate for designation)

- **Patricia Marthone, MUDr [Pre-considered M-332]**

The New York City Health + Hospitals was constituted pursuant to Chapter 1016 of the laws of 1969, thereafter codified §7384 *et seq.* of the *Unconsolidated Laws of the State of New York*. H+H is a public benefit corporation whose purpose is to: (a) provide and deliver high quality, dignified and comprehensive care and treatment for the ill and infirm, both physical and mental, particularly to those who can least afford such services; (b) extend equally to all served, comprehensive health services of the highest quality, in an atmosphere of human care and respect; (c) promote and protect, as both innovator and advocate, the health, welfare and safety of the people of the State of New York and of the City of New York; and (d) join with other health workers and communities in a partnership to promote and protect health in its fullest sense—the total physical, mental and social well-being of the people. *HHC By Laws Article II*.

⁴ The CCRB employs civilian investigators to investigate all complaints against members of the NYPD.

As provided by law, a Board of Directors consisting of sixteen (16) members administers H+H. As specified in H+H By Laws Article IV, §3, the Administrator of the Health Services Administration, the Commissioner of Health and Mental Hygiene, the Director of Community Mental Health Services, the Administrator of the Human Resources Administration and the Deputy Mayor/City Administrator, or their successors shall be directors ex-officio. Ten (10) additional directors are appointed by the Mayor, five (5) of whom are designated by the City Council.⁵ The President of H+H serves as the sixteenth director.⁶

The term of a director, other than those serving ex-officio and/or at the pleasure of the Board, is for five years. The Mayor shall fill any vacancy which may occur by reason of death, resignation, or otherwise, in a manner consistent with the original appointment. The directors do not receive compensation for their services, but are reimbursed for actual and necessary expenses incurred by them in the performance of their official duties.

If Ms. Marthone, a resident of Brooklyn, is designated by the Council, and subsequently appointed to H+H by the Mayor, she will fill a vacancy and serve for the remainder of a five-year term that will expire on March 20, 2023. Copies of Ms. Marthone's résumé and report/resolution are attached to this Briefing paper.

Topic V: New York City Board of Health – (Mayor's nominee for appointment upon advice and consent of the Council)

- **Simona Chung Kwon, DrPH, MPH [M-326]**

Pursuant to *New York City Charter* (“the Charter”) § 553, there shall be in the New York City Department of Health and Mental Hygiene (“the Department”)⁷ a Board of Health (“the Board”)⁸, the Chairperson of which shall be the Commissioner of the Department.

The main function of the Board is to promulgate the *New York City Health Code* (“Code”), which can encompass any matter within the jurisdiction of the Department, and has “the force and effect of law.” [*Charter* § 558.] The Board may legislate on “all matters and subjects to which the power and authority of the Department extends.” [*Charter* § 558(c).] The jurisdiction of the Department is among the most extensive and varied of all City agencies. Except as otherwise provided by law, the Department has jurisdiction to regulate all matters affecting

⁵ The Mayor must confirm the Council's designees in order for these individuals to serve on the Board of Directors.

⁶ The President of H+H is also referred to as the Chief Executive Officer. This individual is chosen by the other fifteen directors and serves at the pleasure of the Board of Directors. According to HHC *By-Laws* Article VII, §4(A), the President shall have general charge of the business and affairs of HHC and shall have the direction of all other officers, agents and employees. He or she shall, if present, and in absence of the Chair of the Board and Vice chair of the Board, preside at all meetings of the Board. The President may assign such duties to the other officers of H+H, as he or she deem appropriate. In HHC *By-Laws* Article VIII, §1, it is noted that the President appoints an Executive Director for each H+H facility. This individual serves at the pleasure of the President. Other duties of the President include the establishment of Community Advisory Boards for each H+H facility. Community Advisory Boards consider and advise HHC with respect to the plans and programs of HHC. See *H+H By-Laws*, Article X1.

⁷ On November 6, 2001, the voters of New York City approved the merger of the New York City Department of Health and the New York City Department of Health, Mental Retardation and Alcoholism Services to create a new agency called the Department of Public Health. The agency is presently known as the Department of Health and Mental Hygiene.

⁸ The ballot proposal approved by the City's voters on November 6, 2001, expanded the Board's membership from five to eleven members (including the Commissioner), while maintaining the current ratio of medical to non-medical personnel. Also, member terms were reduced from eight years to six years, and staggered to assure continuity. The Charter Revision Commission (the “Commission”) asserted that these changes would ensure that the Board is better able to address today's “more complex public health threats and meet the new and emerging public health challenges of the future.” Also, the Commission reasoned that the expansion of the Board would “provide the opportunities to increase the variety of expertise represented, and allow for inclusion of representatives with experience relating to special health needs of different racial and cultural groups in the City.” Moreover, the Commission felt “a larger Board would also bring to bear greater diversity of academic, clinical and community perspectives on the broad spectrum of public health problems and issues that need to be addressed.” Report of the New York City Charter Revision Commission, *Making Our City's Progress Permanent*, pp69-70 (September 5, 2001).

health in the City and to perform all those functions and operations performed by the City that relate to the health of the people of the City, including but not limited to the mental health, mental retardation, alcoholism and substance abuse related needs of the people of the City. [*Charter* § 556.] The scope of the Department's jurisdiction includes such diverse disciplines as communicable diseases, environmental health services, radiological health, food safety, veterinary affairs, water quality, pest control and vital statistics. New emerging pathogens and biological warfare are the most recent additions to the Department's roster of concerns.

In addition to its primary legislative function in relation to the *Code*, the Board is charged with certain administrative responsibilities. The Board may issue, suspend or revoke permits (e.g., food vendor permits) or may delegate this duty to the Commissioner, in which case a party aggrieved by the decision of the Commissioner has a right of appeal to the Board. [*Charter* § 561.] The Board may declare a state of "great and imminent peril" and take appropriate steps subject to Mayoral approval. [*Charter* § 563.] Other administrative functions of the Board are contained in the *Administrative Code of the City of New York*. One important function is to declare conditions as public nuisances and to order that such conditions be abated or otherwise corrected. [*Administrative Code* § 17-145.]

In addition to the Chairperson, the Board consists of ten members, five of whom shall be doctors of medicine who shall each have had not less than ten years experience in any or all of the following: clinical medicine, neurology, psychiatry, public health administration or college or university public health teaching. The other five members need not be physicians. However, non-physician members shall hold at least a Masters degree in environmental, biological, veterinary, physical, or behavioral health or science, or rehabilitative science or in a related field, and shall have at least ten years of experience in the field in which they hold such a degree. The Chairperson of the Mental Hygiene Advisory Board⁹ sits as one of the ten board members, provided that such individual meets the requirements for Board membership of either a physician or non-physician member.

The nine Board members other than the Chairperson and the member who shall be the Chairperson of the Mental Hygiene Advisory Board shall serve without compensation and shall be appointed by the Mayor, each for a term of six-years.¹⁰ In the case of a vacancy, the Mayor shall appoint a member to serve for the un-expired term. [*Charter* § 553(b).] The Mayor's appointees are subject to the advice and consent of the New York City Council as set forth in *Charter* § 31.

The Commissioner shall designate such Department employees as may be necessary to the service of the Board, including an employee designated by him to serve as the Secretary to the Board. [*Charter* § 553 (c).]

Pursuant to *Charter* § 554, a member of the Board other than the Chairperson may be removed by the Mayor upon proof of official misconduct or of negligence in official duties or of conduct in any manner connected with his/her official duties, that tends to discredit his/her office, or of mental or physical inability to perform his/her duties. Prior to removal, however, the Board member shall receive a copy of the charges and shall be entitled to a hearing before the Mayor and to the assistance of counsel at such hearing.

If appointed, Dr. Kwon, a resident of Brooklyn, will fill a vacancy and serve the remainder of a six-year term that expires on May 31, 2022. A copy of the candidate's résumé is annexed to this briefing paper.

*(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee **Simona Chung Khan DrPH, MPH [M-326]** and nominee **Jenny Low [M-327]**, nominee **Herman Merritt [Preconsidered M-331]**, and nominee **Patricia Marthone, MUDr***

⁹ This body advises the Commissioner of Health and Mental Hygiene and the Deputy Commissioner for Mental Hygiene Services in the development of community mental health, mental retardation, alcoholism and substance abuse facilities and services and programs related thereto. *Charter* § 568.

¹⁰ The term of the Board of Health Chair, who is the Commissioner of Health, is not specified. The Chair of the Mental Hygiene Advisory Board can serve an unlimited number of four-year terms on that advisory Board and, thus, on the New York City Board of Health as well. Mental Hygiene Law § 41.11(d) and *Charter* § 568(a)(1).

*[Preconsidered M-332], please see, respectively, the Reports of the Committee on Rules, Privileges and Elections for M-326, M-327, M-331, and M-332 printed in these Minutes; for nominee **Julio Medina** [Preconsidered M-330], please see immediately below:]*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 626 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council of **Julio Medina** as a member of the New York City Board of Correction to serve for a six-year term that expires on October 12, 2026.

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

Res. No. 1747

RESOLUTION APPROVING THE APPOINTMENT BY THE COUNCIL OF JULIO MEDINA AS A MEMBER OF THE NEW YORK CITY BOARD OF CORRECTION.

By Council Member Koslowitz.

RESOLVED, that pursuant to § 626 of the New York City Charter, the Council does hereby approve the appointment of **Julio Medina** as a member of the New York City Board of Correction to serve for a six-year term that expires on October 12, 2026.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, MARK TREYGER, ADRIENNE E. ADAMS, KEITH POWERS, THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, September 23, 2021. *Other Council Member Attending: Council Member Dromm.*

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

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

Report for M-331

Report of the Committee on Rules, Privileges and Elections in favor a Resolution approving the appointment by the Council of Herman Merritt as a member of the New York City Civilian Complaint Review Board.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered communication was referred on September 23, 2021 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-330, printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 440(b)(1) of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council of Herman Merritt as a member of the New York City Civilian Complaint Review Board to serve the remainder of a three-year term that expires on July 4, 2023.

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

Res. No. 1748

RESOLUTION APPROVING THE APPOINTMENT BY THE COUNCIL OF HERMAN MERRITT AS A MEMBER OF THE NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD.

By Council Member Koslowitz.

RESOLVED, that pursuant to § 440(b)(1) of the *New York City Charter*, the Council does hereby approve the appointment by the Council of Herman Merritt as a member of the New York City Civilian Complaint Review Board to serve the remainder of a three-year term that expires on July 4, 2023.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, MARK TREYGER, ADRIENNE E. ADAMS, KEITH POWERS, THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, September 23, 2021. *Other Council Member Attending: Council Member Dromm.*

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

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

Report for M-332

Report of the Committee on Rules, Privileges and Elections in favor of a Resolution approving the designation by the Council of Patricia Marthone, MUDr as a member of the New York City Health + Hospitals Board of Directors.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered communication was referred on September 23, 2021 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-330, printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Committee on Rules, Privileges and Elections, hereby approves the designation by the Council of Patricia Marthone, MUDr as a member of the New York City Health + Hospitals Board of Directors to serve for the remainder of a five-year term that will expire on March 20, 2023.

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

Res. No. 1749

RESOLUTION APPROVING THE DESIGNATION OF PATRICIA MARTHONE, MUDr, AS A MEMBER OF THE NEW YORK CITY HEALTH + HOSPITALS BOARD OF DIRECTORS.

By Council Member Koslowitz

RESOLVED, that pursuant to the *Unconsolidated Laws of the State of New York*, § 7384, paragraph 1, the Council does hereby approve the designation of Patricia Marthone, MUDr, as a candidate for appointment by the Mayor as a member of the New York City Health + Hospitals Board of Directors to serve for the remainder of a five-year term that will expire on March 20, 2023.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, MARK TREYGER, ADRIENNE E. ADAMS, KEITH POWERS, THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, September 23, 2021. *Other Council Member Attending: Council Member Dromm.*

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

GENERAL ORDER CALENDAR

Report for L.U. No. 826 & Res. No. 1750

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210249 ZMK (840 Atlantic Avenue Rezoning) submitted by Vanderbilt Atlantic Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an R6B District to a C6-3X District and changing from an M1-1 District to a C6-3X District, Borough of Brooklyn, Community District 8, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2248) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

**BROOKLYN CB-8 - TWO APPLICATIONS RELATED TO 840 ATLANTIC AVENUE
REZONING**

C 210249 ZMK (Pre. L.U. No. 826)

City Planning Commission decision approving an application submitted by Vanderbilt Atlantic Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from an R6B District to a C6-3X District property bounded by a line midway between Atlantic Avenue and Pacific Street, a line 125 feet easterly of Vanderbilt Avenue, Pacific Street, and a line 100 feet easterly of Vanderbilt Avenue; and
2. changing from an M1-1 District to a C6-3X District property bounded by the northerly boundary line of the Long Island Railroad Right-Of-Way (Atlantic Division), a line 200 feet easterly of Vanderbilt Avenue and its northerly prolongation, a line midway between Atlantic Avenue and Pacific Street, a line 100 feet easterly of Vanderbilt Avenue, Pacific Street, and Vanderbilt Avenue and its northerly centerline prolongation;

as shown on a diagram (for illustrative purposes only) dated March 1, 2021, and subject to the conditions of CEQR Declaration E-604.

N 210250 ZRK (Pre. L.U. No. 827)

City Planning Commission decision approving an application submitted by Vanderbilt Atlantic Holdings, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to change M1-1 and R6B to a C6-3X zoning district and amend zoning text for the purpose of amending street wall location regulations and establishing a Mandatory Inclusionary Housing area utilizing Options 1 and 2 to facilitate the construction of an 18-story mixed use development containing 316 dwelling units, 95 of which would be permanently affordable, along with commercial and community facility space at 840 Atlantic Avenue in the Prospect Heights neighborhood of Brooklyn, Community District 8.

PUBLIC HEARING

DATE: August 3, 2021

Witnesses in Favor: Twelve

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 10, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on Pre. L.U. Nos. 826 and 827.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against: **Abstain:**
None None.

COMMITTEE ACTION

DATE: September 13, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Koo, Levin, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz Sr, Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against: **Abstain:**
Barron None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated September 20, 2021, with the Council on September 22, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1750

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210249 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 826).

By Council Members Salamanca and Moya.

WHEREAS, Vanderbilt Atlantic Holdings, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an R6B District to a C6-3X District and changing from an M1-1 District to a C6-3X District, which in conjunction with the related action would facilitate the construction of an 18-story mixed use development containing 316 dwelling units, 95 of which would be permanently affordable, along with commercial and community facility space, at 840 Atlantic Avenue in the Prospect Heights neighborhood of Brooklyn, Community District 8 (ULURP No. C 210249 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on July 30, 2021, its decision dated July 28, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210250 ZRK (Pre. L.U. No. 827), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and amend street wall regulations;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on August 3, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued March 1st, 2021 (CEQR No. 20DCP162K) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-604) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-604) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210249 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16c:

1. changing from an M1-1 District to a C6-2A District property bounded by the northerly boundary line of the Long Island Railroad Right-Of-Way (Atlantic Division), a line 200 feet easterly of Vanderbilt Avenue and its northerly prolongation, a line midway between Atlantic Avenue and Pacific Street, and a line 150 feet easterly of Vanderbilt Avenue and its northerly prolongation;

- ~~22.~~ changing from an R6B District to a C6-3~~X~~A District property bounded by a line midway between Atlantic Avenue and Pacific Street, a line 125 feet easterly of Vanderbilt Avenue, Pacific Street, and a line 100 feet easterly of Vanderbilt Avenue; ~~and~~
- ~~3.~~ changing from and M1-1 District to a C6-3A District property bounded by a line midway between Atlantic Avenue and Pacific Street, a line 100 feet easterly of Vanderbilt Avenue, Pacific Street, and Vanderbilt Avenue; and
- ~~24.~~ changing from an M1-1 District to a C6-3X District property bounded by the northerly boundary line of the Long Island Railroad Right-Of-Way (Atlantic Division), a line ~~200~~ 150 feet easterly of Vanderbilt Avenue and its northerly prolongation, a line midway between Atlantic Avenue and Pacific Street, ~~a line 100 feet easterly of Vanderbilt Avenue, Pacific Street, and~~ Vanderbilt Avenue and its northerly centerline prolongation.

as shown on a diagram (for illustrative purposes only) dated March 1, 2021, and subject to the conditions of CEQR Declaration E-604, Borough of Brooklyn, Community District 8.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 13, 2021 (Remote Hearing).

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

Report for L.U. No. 827 & Res. No. 1751

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210250 ZRK (840 Atlantic Avenue Rezoning) submitted by Vanderbilt Atlantic Holdings, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 8, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2248) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 826 & Res. No. 1750 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1751

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210250 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 827).

By Council Members Salamanca and Moya.

WHEREAS, Vanderbilt Atlantic Holdings, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article III Chapter 5 for the purpose of amending street wall location regulations and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area utilizing Option 2, which in conjunction with the related action would facilitate the construction of an 18-story mixed use development containing 316 dwelling units, 95 of which would be permanently affordable, along with commercial and community facility space, at 840 Atlantic Avenue in the Prospect Heights neighborhood of Brooklyn, Community District 8 (ULURP No. N 210250 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on July 30, 2021, its decision dated July 28, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 210249 ZMK (Pre. L.U. No. 826), a zoning map amendment to change M1-1 and R6B zoning districts to a C6-3X zoning district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on August 3, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued March 1st, 2021 (CEQR No. 20DCP162K) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-604) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-604) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210250 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

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

* * *

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

* * *

Chapter 5

Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

**35-66
Special Height and Setback Provisions for Certain Areas**

* * *

**35-662
Special height and setback provisions in C6-2A and C6-3X Districts along Atlantic Avenue within
Community District 8, Borough of Brooklyn**

In C6-2A and C6-3X Districts in Community District 8, in the Borough of Brooklyn, for a #zoning lot# with frontage along Atlantic Avenue, the #street wall# provisions of paragraph (a) of Section 35-651 shall apply along the Atlantic Avenue #street# frontage, and shall also apply along #street# frontages intersecting Atlantic Avenue, within 50 feet of the intersection.

* * *

**APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

* * *

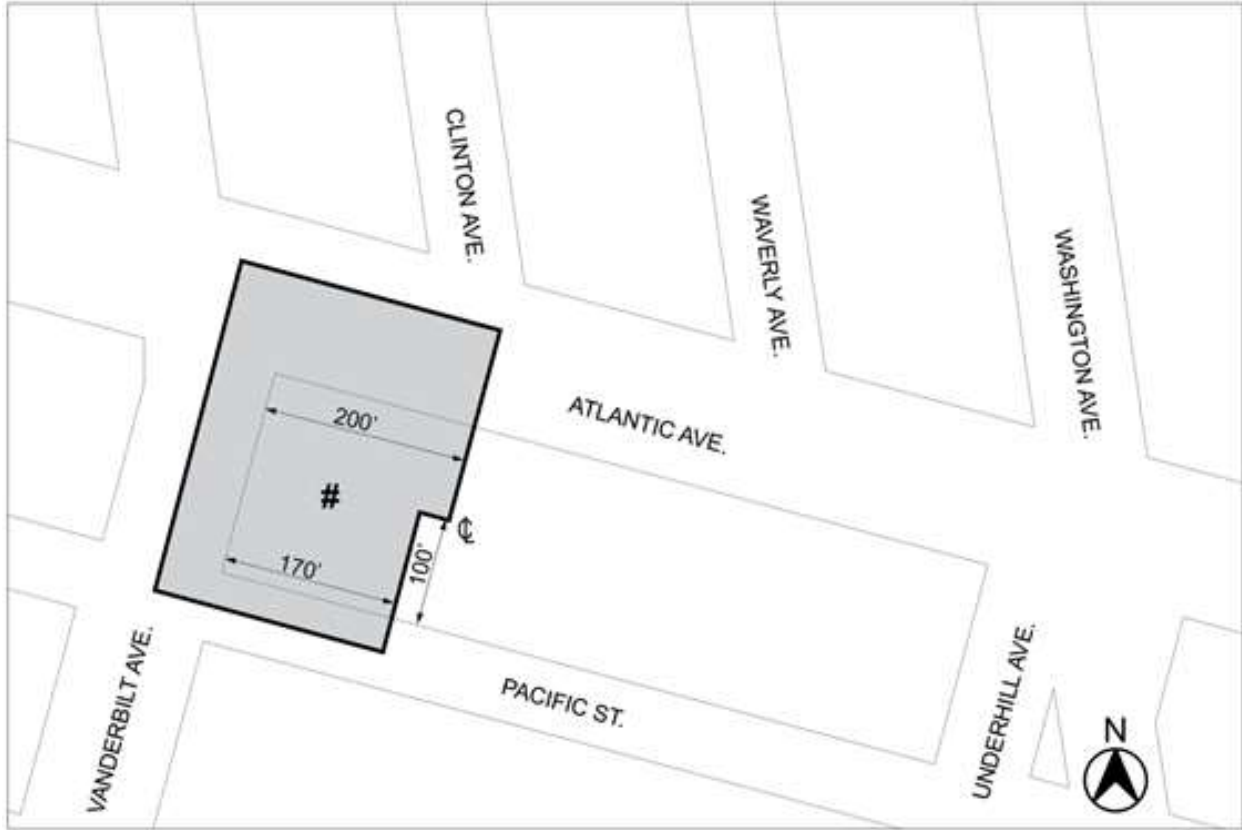
BROOKLYN

* * *

Brooklyn Community District 8

* * *

Map 4. [date of adoption]



Mandatory Inclusionary Housing area (see Section 23-154(d)(3))
 Area # — [date of adoption] MIH Program ~~Option 2~~ Option 1 and Deep Affordability Option

Portion of Community District 8, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, September 13, 2021 (Remote Hearing).

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY
(Items Coupled on General Order Calendar)

- (1) **M-326 & Res 1745 -** **Simona Chung Kwon, DrPH, MPH**, for appointment as a member of the New York City Board of Health.
- (2) **M-327 & Res 1746 -** New York County Democratic Committee recommending the name of **Jenny Low** to the Council, regarding her appointment to the New York City Board of Elections.
- (3) **M-330 & Res 1747 -** **Julio Medina**, candidate for appointment by the Council to the New York City Board of Correction.
GO
- (4) **M-331 & Res 1748 -** **Herman Merrit**, candidate for designation by the Council and subsequent appointment by the Mayor to the New York City Civilian Complaint Review Board.
- (5) **M-332 & Res 1749 -** **Patricia Marthone, MUDr**, Council candidate for designation and subsequent appointment by the Mayor to the New York City Health + Hospitals Board of Directors.
- (6) **Int 1846-A -** Disclosure of gratuity policies for food delivery workers.
- (7) **Int 2271-A -** Environmentally preferable purchasing by city agencies, and by repealing and reenacting subdivision e and by repealing subdivision e, a program to recognize certain city agency contractors in connection with packaging reduction guidelines.
- (8) **Int 2272-A -** Agency purchasing of textiles, and to establish a task force.
- (9) **Int 2288-A -** Third-party food delivery services and third-party courier services to provide food delivery workers with insulated food delivery bags, and authorizing the commissioner of the department of consumer and worker protection to deny, suspend, revoke or refuse to renew a license for violations.

- (10) **Int 2289-A -** Establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries.
- (11) **Int 2294-A -** Establishing minimum per trip payments to third-party food delivery service and third-party courier service workers.
- (12) **Int 2296-A -** Establishing standards for payment of food delivery workers.
- (13) **Int 2298-A -** Agreements between third-party food delivery services and food service establishments and the provision of toilet facility access to food delivery workers.
- (14) **Int 2397-A -** Severance pay for hotel service employees **(with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage)**.
- (15) **Int 2399 -** Limitations on distance and route for food delivery workers; to amend three local laws for the year 2021 relating to providing food delivery workers with insulated food delivery bags and denying, suspend, revoking or refusing to renew a license for a third party delivery service, minimum per trip payments to third-party food delivery service and courier service workers, and standards for payment of food delivery workers **(with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage)**.
- (16) **Int 2403 -** Extending the certification of no harassment pilot.
- (17) **Res 1739 -** New designation and changes in the designation of certain organizations

- to receive funding in the Expense Budget (**Transparency Resolution**).
- (18) L.U. 826 & Res 1750 - App. C 210249 ZMK (840 Atlantic Avenue Rezoning) Borough of Brooklyn, Community District 8, Council District 35.
 - (19) L.U. 827 & Res 1751 - App. N 210250 ZRK (840 Atlantic Avenue Rezoning) Borough of Brooklyn, Community District 8, Council District 35.
 - (20) L.U. 829 & Res 1742 - App. 20215035 HIM (N 210499 HIM, DL 524/LP-2652) Borough of Manhattan, Council District 9, Community District 10.
 - (21) L.U. 830 & Res 1743 - App. 20225002 HIR (N 220005 HIR, DL 525/LP No. 2648) Borough of Staten Island, Council District 51, Community District 3.
 - (22) L.U. 831 & Res 1744 - App. 20225001 HIM (N 220003 HIM, DL 525/LP-2653) Borough of Manhattan, Council District 1, Community District 3.
 - (23) L.U. 845 & Res 1740 - Little Italy Restoration Apartments, Manhattan, Community District No. 2; Council District No. 1.
 - (24) L.U. 846 & Res 1741 - Manhattan Beach Housing, Brooklyn, Community District No. 15; Council District No. 48.

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

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Maisel, Menchaca, Moya, Powers, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **43**.

The General Order vote recorded for this Stated Meeting was 43-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. Nos. 1846-A, 2288-A, 2289-A, 2294-A, 2397-A (with a Message of Necessity), and Preconsidered Int. No. 2399 (with a Message of Necessity):**

Affirmative – Adams, Ampry-Samuel, Ayala, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Maisel, Menchaca, Moya, Powers, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **40**.

Negative – Borelli, Yeger, and the Minority Leader (Council Member Matteo) – **3**.

The following was the vote recorded for **Int. No. 2271-A:**

Affirmative – Adams, Ampry-Samuel, Ayala, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Maisel, Menchaca, Moya, Powers, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

Negative – Borelli and the Minority Leader (Council Member Matteo) – **2**.

The following was the vote recorded for **Int. No. 2272-A:**

Affirmative – Adams, Ampry-Samuel, Ayala, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Maisel, Menchaca, Moya, Powers, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **40**.

Negative – Borelli, Yeger, and the Minority Leader (Council Member Matteo) – **3**.

The following was the vote recorded for **Int. Nos. 2296-A and 2298-A:**

Affirmative – Adams, Ampry-Samuel, Ayala, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Maisel, Menchaca, Moya, Powers, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

Negative – Borelli and the Minority Leader (Council Member Matteo) – **2**.

The following was the vote recorded for **Preconsidered Int. No. 2403**:

Affirmative – Adams, Ampry-Samuel, Ayala, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Maisel, Menchaca, Moya, Powers, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

Negative – Borelli and the Minority Leader (Council Member Matteo) – **2**.

The following was the vote recorded for **M-326 & Res. No. 1745, Preconsidered M-331 & Res. No. 1748, and Preconsidered M-332 & Res. No. 1749**:

Affirmative – Adams, Ampry-Samuel, Ayala, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Maisel, Menchaca, Moya, Powers, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

Negative – Borelli and the Minority Leader (Council Member Matteo) – **2**.

The following was the vote recorded for **Preconsidered M-330 & Res. No. 1747**:

Affirmative – Adams, Ampry-Samuel, Ayala, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Grodenchik, Kallos, Koo, Koslowitz, Lander, Levin, Maisel, Menchaca, Moya, Powers, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **37**.

Negative – Borelli, Holden, Ulrich, and the Minority Leader (Council Member Matteo) – **4**.

Abstention – Gjonaj and Yeger – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 2288-A, 2289-A, 2294-A, 2296-A, 2298-A, 2397-A, and Preconsidered Int. Nos. 2399, and 2403.
Both Int. No. 2397-A and Preconsidered Int. No. 2399 passed under a Message of Necessity from the Mayor.*

INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 2399

By Council Members Brannan and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to limitations on distance and route for food delivery workers; to amend three local laws for the year 2021 amending the administrative code of the city of New York, relating to providing food delivery workers with insulated food delivery bags and denying, suspend, revoking or refusing to renew a license for a third party delivery service, minimum per trip payments to third-party food delivery service and courier service workers, and standards for payment of food delivery workers, respectively, as proposed in introduction numbers 2288-A, 2294-A, and 2296-A, respectively; and in relation to requiring a study of the working conditions for food delivery workers

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-1521 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to working conditions for third-party service workers, as proposed in introduction number 2289-A, is amended to read as follows:

§ 20-1521 Delivery distance and route. a. Each third-party food delivery service and third-party courier service shall provide each food delivery worker with the ability to specify:

1. the maximum distance per trip, from [a location selected by a food delivery worker] *a food service establishment where such worker will pick up food, beverages, or other goods*, that such worker will travel on trips;
2. that such worker will not accept trips that require travel over any bridge or over particular bridges chosen by such worker; and
3. that such worker will not accept trips that require travel through any tunnel or through particular tunnels chosen by such worker.

§ 2. Section 3 of a local law for the year 2021 amending the administrative code of the city of New York, relating to providing food delivery workers with insulated food delivery bags and denying, suspending, revoking or refusing to renew a license for a third party food delivery service, as proposed in introduction number 2288-A, is amended to read as follows:

§ 3. This local law takes effect on the same date as a local law for the year 2021 amending the administrative code of the city of New York, relating to [the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897 for the year 2020] establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A, takes effect, except that the commissioner of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

§ 3. Section 2 of a local law for the year 2021 amending the administrative code of the city of New York, relating to minimum per trip payments to third-party food delivery service and courier service workers, as proposed in introduction number 2294-A, is amended as follows:

§ 2. This local law takes effect [immediately] on the same date that a local law for the year 2021 amending the administrative code of the city of New York, relating to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery

workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A, takes effect, provided that the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

§ 4. Section 2 of a local law for the year 2021 amending the administrative code of the city of New York, relating to standards for payment of food delivery workers, as proposed in introduction number 2296-A, is amended as follows:

§ 2. This local law takes effect [180 days after it becomes law] on the same date that a local law for the year 2021 amending the administrative code of the city of New York, relating to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A, takes effect, provided that the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

§ 5. a. The department of consumer and worker protection shall study the working conditions for food delivery workers. In conducting such study, the department may coordinate with any other agency, organization, or office that can assist in such study. Such study shall include, at minimum, consideration of the pay food delivery workers receive and the methods by which such pay is determined, the total income food delivery workers earn, the expenses of such workers, the equipment required to perform their work, the hours of such workers, the average mileage of a trip, the mode of travel used by such workers, the safety conditions of such workers, and such other topics as the department deems appropriate.

b. In furtherance of such study, the department of consumer and worker protection may request or issue subpoenas for the production of data, documents, and other information from a third-party food delivery service or third-party courier service relating to food delivery workers that include, but are not limited to, worker identifiers, information about the times that such workers are available to work for such third-party food delivery service or third-party courier service, the mode of transportation such workers use, how trips are offered or assigned to food delivery workers, the data such service maintains relating to the trips of such workers, the compensation such workers receive from such third-party food delivery service or third-party courier service, any gratuities such workers receive, information relating to both completed and cancelled trips, agreements with or policies covering such workers, contact information of such workers, information relating to the setting of fees paid by food service establishments and consumers, and any other information deemed relevant by the department of consumer and worker protection. In accordance with applicable law and rules and with appropriate notice, a third-party food delivery service or third-party courier service must produce such information to the department of consumer and worker protection in its original format or a machine-readable electronic format as set forth in rules of such department.

c. Definitions. As used in this section, the following terms have the following meanings:

Food delivery worker. The term “food delivery worker” means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, who is hired, retained, or engaged as an independent contractor by a third-party food delivery service required to be licensed pursuant to section 20-563.1 of the administrative code of the city of New York, or a third-party courier service to deliver food, beverage, or other goods from a business to a consumer in exchange for compensation.

Food service establishment. The term “food service establishment” means a business establishment located within the city of New York where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

Third-party courier service. The term “third-party courier service” means a service that (i) facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from a food service establishment on behalf of a third-party food delivery service and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application, or other internet service that: (i) offers or arranges for the sale of food and beverages prepared by,

and the same-day delivery or same-day pickup of food and beverages from, a food service establishment; and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

Trip. The term “trip” means the time spent, distance travelled, and route followed by a worker to provide delivery services to a consumer through a third-party food delivery service or third-party courier service, including travel to a business, picking up the food, beverage, or other goods for delivery, and taking and depositing such delivery at a different location as requested.

§ 6. This local law takes effect on the same date that a local law for the year 2021 amending the administrative code of the city of New York, relating to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A for the year 2021, takes effect, except that section five of this local law takes effect immediately and such section five expires and is deemed repealed on such date that such local law for the year 2021 amending the administrative code of the city of New York, relating to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A for the year 2021, takes effect.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 2400

By Council Member Brannan.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of a department of emergency medical services

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new chapter 23 to read as follows:

*CHAPTER 23
DEPARTMENT OF EMERGENCY MEDICAL SERVICES*

§ 581. *Department; commissioner. There shall be a department of emergency medical services, the head of which shall be the commissioner of emergency medical services. The commissioner may appoint deputies within available appropriations.*

§ 582. *Powers and duties. a. The department shall have the power and authority to provide general ambulance services, emergency medical services and other response services necessary to preserve public health, safety and welfare, and to perform any functions relating to the provision of such services. This subdivision shall not be construed to limit or impair the powers of any other agency established pursuant to this charter.*

§ 2. Subdivision f of section 487 of the New York city charter, as added by local law number 20 for the year 1996, is amended to read as follows:

f. The department shall have the power and authority to provide [general ambulance services,] emergency medical services and other response services as necessary *in the course of performing the duties established pursuant to this chapter* to preserve public health, safety and welfare, and to perform any functions relating to the provision of such services. This subdivision shall not be construed to limit or impair the powers of any other agency established pursuant to this charter.

§ 3. The first paragraph of section 3-401 of the administrative code of the city of New York, as amended by chapter 387 of the laws of 2017, is amended to read as follows:

The mayor is authorized and empowered to make an award to the spouse or domestic partner of a member of the uniformed force of the police department, fire department, department of emergency medical services, including emergency medical technicians and advanced emergency medical technicians employed by the department of emergency medical services or the fire department, or uniformed transit police force, maintained by the New York city transit authority, killed while engaged in the discharge of duty. Such award shall equal the annual salary of such member at the time of death, but in no case less than the full salary payable to a first grade police officer, firefighter, transit police officer, emergency medical technician or advanced emergency medical technician at the date of death of such employee.

§ 4. Subparagraphs (i) and (ii) of paragraph (2) of subdivision b of section 12-126 of the administrative code of the city of New York, subparagraph (i) as amended by local law number 122 for the year 2018 and subparagraph (ii) as amended by chapter 430 of the laws of 2010, are amended to read as follows:

(2) Health insurance coverage for surviving spouses, domestic partners and children of police officers, firefighters and certain other city employees:

(i) Where the death of a member of the uniformed forces of the department of emergency medical services, police or fire departments is or was the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of a uniformed member of the correction or sanitation departments has occurred while such employee was in active service as the natural and proximate result of an accident or injury sustained while in the performance of duty, the surviving spouse or domestic partner, until he or she dies, and the child of such employee who is under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision. Where the death of an employee of the department of emergency medical services or the fire department of the city of New York who was serving in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law) is or was the natural and proximate result of an accident or injury sustained while in the performance of duty on or after September eleventh, two thousand one, the surviving spouse or domestic partner, until he or she dies, and the children under the age of nineteen years and any such child who is enrolled on a full-time basis in a program of undergraduate study in an accredited degree-granting institution of higher education until such child completes his or her educational program or reaches the age of twenty-six years, whichever comes first, shall be afforded the right to health insurance coverage, and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act, as is provided for city employees, city retirees and their dependents as set forth in paragraph one of this subdivision.

The mayor may, in his or her discretion, authorize the provision of such health insurance coverage for the surviving spouses, domestic partners and children of employees of the fleet services division of the police department who died on or after October first, nineteen hundred ninety-eight and before April thirtieth, nineteen hundred ninety-nine; the surviving spouses, domestic partners and children of employees of the roadway repair and maintenance division or the bridges division of the department of transportation who died on or after September first, two thousand five and before September twenty-eighth, two thousand five, or on or after April 3, 2018 and before April 5, 2018; the surviving spouses, domestic partners and children of employees of the bureau of wastewater treatment of the department of environmental protection who died on or after January

eighth, two thousand nine and before January tenth, two thousand nine or the surviving spouses, domestic partners and children of employees of the bureau of water supply of such agency who died on or after February second, two thousand fourteen and before February fourth, two thousand fourteen; the surviving spouses, domestic partners and children of employees of the traffic enforcement district of the transportation bureau of the police department who died on or after November first, two thousand thirteen and before December first, two thousand thirteen; and the surviving spouses, domestic partners and children of employees of the sanitation enforcement division of the department of sanitation who died on or after July twenty-eighth, two thousand fifteen and before July thirtieth, two thousand fifteen as a natural and proximate result of an accident or injury sustained while in the performance of duty, subject to the same terms, conditions and limitations set forth in the section. Provided, however, and notwithstanding any other provision of law to the contrary, and solely for the purposes of this subparagraph, a member otherwise covered by this subparagraph shall be deemed to have died as the natural and proximate result of an accident or injury sustained while in the performance of duty upon which his or her membership is based, provided that such member was in active service upon which his or her membership is based at the time that such member was ordered to active duty pursuant to Title 10 of the United States Code, with the armed forces of the United States or to service in the uniformed services pursuant to Chapter 43 of Title 38 of the United States Code, and such member died while on active duty or service in the uniformed services on or after June fourteenth, two thousand five while serving on such active military duty or in the uniformed services.

(ii) Where a retired member of the department of emergency medical services or the fire department dies and is enrolled in a health insurance plan, the surviving spouse shall be afforded the right to such health insurance coverage and health insurance coverage which is predicated on the insured's enrollment in the hospital and medical program for the aged and disabled under the social security act as is provided for retirees and their dependents as set forth in subparagraph (i) of this paragraph, provided such surviving spouse pays one hundred two percent of the group rate for such coverage, with two percent intended to cover administrative costs incurred, provided such spouse elects such health insurance coverage within one year of the death of his or her spouse. For purposes of this subparagraph, "retired member of the department of emergency medical services or the fire department" shall include persons who, immediately prior to retirement, were employed by the department of emergency medical services or the fire department of the city of New York in a title whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law), or whose duties required the direct supervision of employees whose duties are those of an emergency medical technician or advanced emergency medical technician (as those terms are defined in section three thousand one of the public health law).

§ 5. Paragraph (4) of subdivision a of section 12-307 of the administrative code of the city of New York, as amended by local law number 56 for the year 2005, is amended to read as follows:

(4) all matters, including but not limited to pensions, overtime and time and leave rules which affect employees in the uniformed police, fire, emergency medical, sanitation and correction services, or any other police officer as defined in subdivision thirty-four of section 1.20 of the criminal procedure law who is also defined as a police officer in this code, shall be negotiated with the certified employee organizations representing the employees involved. For purposes of this paragraph only:

(i) employees of the uniformed fire service shall also include persons employed at any level of position or service by the fire department of the city of New York as fire alarm dispatchers and supervisors of fire alarm dispatchers, fire protection inspectors and supervisors of fire protection inspectors, emergency medical technicians and advanced emergency medical technicians, as those terms are defined in section three thousand one of the public health law, and supervisors of emergency medical technicians or advanced emergency medical technicians;

(ii) employees of the uniformed police service shall also include persons employed at any level of position or service by the police department of the city of New York as traffic enforcement agents and supervisors of traffic enforcement agents, and school safety agents and supervisors of school safety agents; [and]

(iii) employees of the uniformed sanitation service shall also include persons employed at any level of position or service by the sanitation department of the city of New York as sanitation enforcement agents and supervisors of sanitation enforcement agents; *and*

(iv) employees of the uniformed emergency medical service shall also include persons employed at any level of position or service by the department of emergency medical services as emergency medical technicians

and advanced emergency medical technicians, as those terms are defined in section three thousand one of the public health law, and supervisors of emergency medical technicians or advanced emergency medical technicians:

§ 6. Subdivision b of section 15-129 of the administrative code of the city of New York, as amended by local law number 179 for the year 2017, is amended to read as follows:

b. The department, in collaboration with the department of emergency medical services, shall track the duration of time between a report to a 911 operator to which fire units or ambulances are required to respond and the time when the first fire unit, which shall include ladders and engines only, or the first ambulance unit, arrives on scene in the following categories:

- (1) Average response time to structural fires;
- (2) Average response time to non-structural fires;
- (3) Average response time to non-fire emergencies;
- (4) Average response time to medical emergencies by ambulance units, in total and disaggregated by segment;
- (5) Average response time to medical emergencies by fire units, in total and disaggregated by segment;
- (6) Percentage of response time to Advanced Life Support medical emergencies by Advanced Life support ambulances, in total and disaggregated by segment, in the following categories: (i) less than 6 minutes, (ii) between 6 and 10 minutes, (iii) between 10 and 20 minutes, and (iv) more than 20 minutes; and
- (7) Percentage of response time to structural and non-structural fires by fire units in the following categories: (i) less than 5 minutes, (ii) between 5 and 10 minutes, (iii) between 10 and 20 minutes, and (iv) more than 20 minutes.

§ 7. Subdivisions b, c and d of section 15-136 of the administrative code of the city of New York, as added by local law number 126 for the year 2018, are amended to read as follows:

b. Beginning with the calendar quarter starting on January 1, 2019, the commissioner, in collaboration with the department of emergency medical services, shall submit to the speaker of the council and the department of health and mental hygiene, within 25 days of the end of each quarter and post to the department's website five days thereafter, a report [compromised] comprised of de-identified patient information relating to the administration of opioid antagonists.

c. Such report shall include:

1. The number of opioid antagonists the department [has] *and the department of emergency medical services have* available, disaggregated by borough and division;
2. The number of emergency medical technicians and other first responders employed by the department *and the department of emergency medical services* that are trained to administer opioid antagonists, disaggregated by borough and division;
3. The number of instances in the quarter that an emergency medical technician or other first responder employed by the department *or the department of emergency medical services* administered an opioid antagonist to a patient, disaggregated by borough, division, and by method of administration, such as syringe injection or nasal atomizer; and
4. The number, expressed in both absolute terms and as a percentage of all administrations, of instances in which the patient responded to the administration of an opioid antagonist.

d. The report created pursuant to this section shall be provided within 30 days of the end of the quarter to which the report corresponds. Where necessary, the department may use preliminary data to prepare the required report. If preliminary data is used, the department shall include an acknowledgment that such preliminary data is non-final and subject to change.

§ 8. Section 15-138 of the administrative code of the city of New York, as added by local law number 8 for the year 2019, is amended to read as follows:

§ 15-138 Annual report on the potential impact of certain rezonings on department services.

a. [Definitions. For purposes of this section, the term "emergency medical services" means the services provided by the bureau of emergency medical services within the department.

b.] No later than February 1 of each year, the department, in consultation with the department of city planning, shall submit to the council a report, as set forth in subdivision [c]b of this section, stating the potential impact of certain rezonings that occurred during the previous fiscal year on the services the department provides,

in terms of fire protection[and emergency medical services], in areas for which certain rezonings were approved in the previous fiscal year.

[c.]b. Such report shall consider rezonings for which the department provided input in the city environmental quality review process and shall include for such rezonings, but need not be limited to, the following information:

1. The rezoned area, including the borough, formal and commonly known names of the area, major streets and avenues covered by the rezoning and the total area in square miles covered by the rezoning;
2. For each such rezoned area, a brief description of the type of rezoning that took place, including any substantial change in zoning district classification; and
3. For each such rezoned area, the potential impact of such rezoning on the services the department provides, as provided by the department in the city environmental quality review process, in terms of fire protection personnel and staffing, equipment, vehicles and stations, where applicable[, with a separate category including information on the impact of such rezoning on the services the department provides in terms of emergency medical services personnel and staffing, equipment, vehicles and station locations, where applicable].

§ 9. The administrative code of the city of New York is amended by adding a new title 15-A to read as follows:

*TITLE 15-A
DEPARTMENT OF EMERGENCY MEDICAL SERVICES
CHAPTER 1
GENERAL PROVISIONS*

§ 15-501 Definitions. As used in this title, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of emergency medical services.

Department. The term “department” means the department of emergency medical services.

Emergency medical services. The term “emergency medical services” means the services provided by the department.

§ 15-502 Annual report on the potential impact of certain rezonings on department services.

a. No later than February 1 of each year, the department, in consultation with the department of city planning, shall submit to the council a report, as set forth in subdivision b of this section, stating the potential impact of certain rezonings that occurred during the previous fiscal year on the services the department provides, in terms of emergency medical services, in areas for which certain rezonings were approved in the previous fiscal year.

b. Such report shall consider rezonings for which the department provided input in the city environmental quality review process and shall include for such rezonings, but need not be limited to, the following information:

- 1. The rezoned area, including the borough, formal and commonly known names of the area, major streets and avenues covered by the rezoning and the total area in square miles covered by the rezoning;*
- 2. For each such rezoned area, a brief description of the type of rezoning that took place, including any substantial change in zoning district classification; and*
- 3. For each such rezoned area, the potential impact of such rezoning on the services the department provides, as provided by the department in the city environmental quality review process, in terms of emergency medical services personnel and staffing, equipment, vehicles and station locations, where applicable.*

§ 10. Section 15-137 of the administrative code of the city of New York, as added by local law number 7 for the year 2019, is re-designated as a new section 15-503 of the administrative code of the city of New York and amended to read as follows:

[§ 15-137]§ 15-503 Report on emergency medical services supervisor to emergency medical services station staffing ratios. a. Definitions. For purposes of this section, the following terms have the following meanings:

[Emergency medical services. The term “emergency medical services” means the services provided by the bureau of emergency medical services within the department.]

Emergency medical services division. The term “emergency medical services division” means a collection of several emergency medical services stations, provided that if a division extends to two or more boroughs, the department shall report the information set forth below separately for each such borough.

Emergency medical services station. The term “emergency medical services station” means a location that houses ambulances, or other emergency vehicles, and emergency medical services staff.

Emergency medical services unit. The term “emergency medical services unit” means an individual ambulance or other emergency vehicle staffed by department personnel.

b. No later than January 1, 2019, and at the beginning of each subsequent quarter, the department shall submit to the council a report on emergency medical services divisions and stations.

c. Such report shall include, but need not be limited to, the following information:

1. The assigned number of each emergency medical services division and the general geographic area each such division covers;

2. The assigned number of each emergency medical services station within each emergency medical services division, the geographic area each such emergency medical services station covers, including any formal and commonly known names and the area in square miles, and the number of department personnel assigned to each such emergency medical services station;

3. The total number of emergency medical services units within each emergency medical services station;

4. The total number of designated emergency medical services supervising officers for each emergency medical services station within each emergency medical services division; and

5. For each emergency medical services division, the ratio of emergency medical services supervising officers to emergency medical services stations within each such division.

§ 11. The definition of “EMS transports” in section 21-982 of the administrative code of the city of New York, as added by local law number 93 for the year 2015, is amended to read as follows:

EMS transports. The term “EMS transports” means transports performed by emergency medical services, whether provided by *the department of emergency medical services*, the fire department or another authorized ambulance service, in which a student is taken from a New York city public school to a hospital.

§ 12. Subdivisions (f) and (g) of section 24-702 of the administrative code of the city of New York, subdivision (f) as added by local law number 92 for the year 1993 and subdivision (g) as added by local law number 26 for the year 1988 and renumbered by local law number 92 for the year 1993, are amended to read as follows:

(f) “emergency response agencies”: the departments of fire, *emergency medical services*, police, environmental protection, health, transportation and sanitation, and the division of emergency medical services of the health and hospitals corporation.

(g) “emergency response personnel”: any member of the departments of fire, emergency medical services, police, environmental protection, health, transportation and sanitation, the division of emergency services of health and hospitals corporation and any other government agency participating in response measures undertaken in connection with a fire, or a spill, or release or threatened release of a hazardous substance into the environment. For purposes of this chapter, the term “response measures” shall include actions taken by a city agency within the meaning of subdivision (f) of section 24-603.

§ 13. The commissioner of emergency medical services shall exercise the functions, powers and duties assigned by this local law in continuation of their exercise by the fire commissioner and shall have power to continue any business, proceeding or other matter commenced by the fire commissioner relating to such functions, powers and duties. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to their exercise by the fire commissioner shall, so far as not inconsistent with the provisions of this local law, apply to the department and commissioner of emergency medical services.

§ 14. All records, property and equipment relating to emergency medical services shall be transferred and delivered from the fire commissioner to the commissioner of emergency medical services within 90 days of the effective date of this local law.

§ 15. No civil or criminal action or proceeding pending when this local law takes effect shall be affected or abated by the adoption of this local law. All such actions and proceedings may be continued notwithstanding the functions, powers and duties of the fire commissioner that have been transferred to the commissioner of emergency medical services by this local law.

§ 16. All officers and employees in the classified city civil service who are transferred to the department of emergency medical services pursuant to this local law shall be transferred without examination and without affecting existing compensation or pension or retirement rights, privileges or obligations of such officers and employee

§ 17. Nothing contained in this local law shall affect or impair the rights or privileges of officers or employees of the city or of any agency in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement plan rights and any other rights or privileges of officers or employees of the city generally or officers of any agency.

§ 18. Any rule relating to emergency medical services promulgated by the fire commissioner and in force on the effective date of this local law shall continue in force as a rule of the department of emergency medical services, except insofar as it may be duly amended or repealed after such date.

§ 19. No right or remedy accruing to the city of New York shall be lost or impaired by reason of the adoption of this local law.

§ 20. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Governmental Operations.

Preconsidered Res. No. 1739

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

By Council Member Dromm.

Whereas, On June 30, 2021, the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

Whereas, On June 30, 2020, the City Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 and Fiscal 2021 Expense Budgets by approving the new designation and the changes in the designation of certain organizations receiving local and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Land Trust Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the changes in the designation of a certain organization receiving funding pursuant to the Foreclosure Prevention Programs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Construction Site Safety Training Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Education Equity Action Plan Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the removal of funds from the administering agency pursuant to the Physical Education and Fitness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the removal of funds from the administering agency pursuant to the Public Health Funding Backfill Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the removal of funds from the administering agency and the change in the designation of a certain organization receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Dedicated Contraceptive Fund Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Maternal and Child Health Services Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Reproductive and Sexual Health Services Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget; as set forth in Chart 35; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cancer Services Initiative in accordance with the Fiscal 2022 Expense Budget; as set forth in Chart 36; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Child Health and Wellness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Immigrant Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 38; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the MCCAP Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 39; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 40; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Hate Crimes Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 41; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 42; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Information and Referral Services Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 43; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Elder Abuse Prevention Programs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 44; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 45; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 46; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 47; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 48; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 49; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 50; and be it further

Resolved, That the City Council sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2022, as set forth in Chart 51.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1739 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Int. No. 2401

By Council Members Kallos and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to a public procurement database

Be it enacted by the Council as follows:

Section 1. Chapter 1 of Title 6 of the administrative code of the city of New York is amended by adding a new section 6-142 to read as follows:

§6-145 Public procurement database. a. The mayor shall establish and maintain a searchable public online database containing the following information for each agency procurement exceeding the small purchase limits established pursuant to section 314 of the charter:

- 1. a unique contracting process identifier;*
- 2. details of the purchasing agency, including the name of such agency, such agency address, and point of contact;*
- 3. prior to a solicitation, a summary outlining the requirements of a procurement, including, but not limited to, statements explaining:

 - (a) the purpose of the procurement and rationale;*
 - (b) the planned method of evaluating proposals;*
 - (c) the proposed term of the contract;*
 - (d) the procurement timeline, including, but not limited to, the anticipated start date for new contracts, anticipated solicitation release date, approximate proposal submission deadline and anticipated award announcement date;*
 - (e) funding information, including, but not limited to, total funding available for the procurement and sources of funding, anticipated number of contracts to be awarded, average funding level available for such contracts, anticipated funding minimums, maximums or ranges per award, if applicable; and*
 - (f) proposed vendor performance reporting requirements.**
- 4. upon production of a solicitation document, a summary outlining the information contained within such document including, but not limited to, statements explaining:

 - (a) the procurement method and purpose;*
 - (b) the category of the procurement;*
 - (c) a description in plain language of the scope of goods or services to be procured;*
 - (d) the submission method and period for bids;*
 - (e) the eligibility criteria of the bidder;*
 - (f) the evaluation and award criteria;*
 - (g) the estimated award date or period;*
 - (h) the estimated starting and scheduled completion date of the contract;*
 - (i) the public comment period; and*
 - (j) the date and reason for any modification or amendment to the solicitation document, if applicable.**
- 5. upon selection of a bidder for an award, a summary outlining such award, including, but not be limited to, statements explaining:

 - (a) the award date, description, and value;*
 - (b) details of the selected bidder; including legal name, address, and point of contact;*
 - (c) a description in plain language of the scope of goods or services to be provided pursuant to such award;*
 - (d) the estimated starting and completion dates of the contract;*
 - (e) the date and reason for any modification or amendment to such award; and*
 - (f) the number and list of other responding bidders not selected for such award.**
- 6. upon award of a contract, a summary outlining the basic information of such contract including, but not limited to, statements explaining:

 - (a) the contract date, type, and category;*
 - (b) the name of the agency that awarded such contract;*
 - (c) identifying details of the contractor, including such contractor's legal name, organization identification, address, and contact point;*
 - (d) a description in plain language of the scope of goods or services to be provided pursuant to the contract;*
 - (e) the method of such award;*
 - (f) the dollar amount of the maximum expenditure authorized under such contract;*
 - (g) the starting and anticipated completion date of such contract;*
 - (h) the date and reason for any modification or amendment to such contract, if applicable; and**

- (i) the registration number assigned to such contract by the comptroller.
7. upon agency expenditures pursuant to a contract, details of each spending transaction against the contract, including:
- (a) the date, value, payer, and payee of such transaction;
 - (b) a list of key milestones for contract implementation pursuant to such expenditure, including the status of such milestones;
 - (c) warrants for work completed or supplies furnished including relevant vouchers rendered by the commissioner or director of the contracting agency pursuant to such expenditure;
 - (d) any subcontract relating to such expenditure;
 - (e) any order of additional work relating to such expenditure, if any; and
 - (f) information regarding contractor performance pursuant to such expenditure as required by section 6-116.1;
- § 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Contracts.

Int. No. 2402

By Council Members Kallos and Yeger

A Local Law to amend the administrative code of the city of New York, in relation to the installation, alteration or removal of temporary pressurized walls

Be it enacted by the Council as follows:

Section 1. Item 9 of section 28-105.4 of the administrative code of the city of New York, as renumbered by local law number 195 for the year 2018, is renumbered item 10 and new item 9 is added, to read as follows:

9. *The installation, alteration or removal of a temporary pressurized wall, provided that notice of such installation, alteration or removal is submitted to the department with a drawing indicating the location of such temporary pressurized wall.*

§ 2. Section 28-105.4.2.1 of the administrative code of the city of New York is amended by adding a definition of the term “temporary pressurized wall”, in alphabetical order, to read as follows:

TEMPORARY PRESSURIZED WALL. A wall that extends from the floor to the ceiling and is installed by the use of pressure without being permanently affixed to the floor, ceiling, or any other wall and can be removed without damage to the floor, ceiling or any other wall.

§ 3. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Preconsidered Int. No. 2403

By Council Members Lander and Kallos

A Local Law in relation to extending the certification of no harassment pilot

Be it enacted by the Council as follows:

Section 1. Section 5 of local law number 1 for the year 2018 is amended to read as follows:

§ 5. This local law takes effect 270 days after it becomes a law except that the departments of housing preservation and development and the department of buildings may promulgate rules or take other administrative action for the implementation of this local law prior to such date. This local law shall remain in effect [for 36 months]*until October 31, 2021*, after which *date* it is deemed repealed. Notwithstanding the repeal of this local law, the provisions of this local law shall remain in effect for any pilot program building which submits an application for construction document approval pursuant to section 28-505.4 of the administrative code of the city of New York, as added by section three of this local law, prior to the repeal of such section. This local law shall not apply to work relating to applications for construction document approval filed with the department of buildings prior to the inclusion of a building on the pilot program list pursuant to subdivision b of section 27-2093.1 of the administrative code of the city of New York, as added by section two of this local law.

§ 2. This local law shall take effect immediately and shall be retroactive to and be deemed to be in effect on and after September 27, 2021.

Adopted by the Council (preconsidered and approved by the Committee on Housing and Buildings).

Preconsidered Int. No. 2404

By Council Members Lander and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings

Be it enacted by the Council as follows:

Section 1. The definition of “building qualification index” in subdivision a of section 27-2093.1 of the administrative code of the city of New York, as added by local law 1 of 2018, is amended to read as follows:

Building qualification index. The term “building qualification index” means an index created by the department and promulgated in rules to evaluate prospective pilot program buildings for distress based on the department’s records of open and closed hazardous and immediately hazardous violations of the housing maintenance code, records of paid and unpaid liens for expenses incurred by the department for the repair or elimination of dangerous conditions under the emergency repair program, open and closed hazardous and immediately hazardous violations issued by the department of health and mental hygiene or department of buildings, change of ownership or any other factor that reasonably indicates distress and would qualify such building for the certification of no harassment pilot program as determined by the department.

§ 2. Subdivision b of section 27-2093.1 of the administrative code of the city of New York, as added by local law 1 of 2018, is amended to read as follows:

b. Pilot program list. The department shall compile and publish a pilot program list. The criteria used to select buildings to be included on the pilot program list shall be promulgated by the department in rules and shall be limited to:

(1) Buildings with scores on the building qualification index indicating significant distress as determined by the department, and located within:

- (i) Bronx community district 4,
- (ii) Bronx community district 5,
- (iii) Bronx community district 7,
- (iv) Brooklyn community district 3,
- (v) Brooklyn community district 4,
- (vi) Brooklyn community district 5,
- (vii) Brooklyn community district 16,
- (viii) Manhattan community district 9,
- (ix) Manhattan community district 11,

- (x) Manhattan community district 12,
 - (xi) Queens community district 14, and
 - (xii) Any community district where any part of such district is subject to a city-sponsored neighborhood-wide rezoning after the date of enactment of the local law that added this section.
- (2)(i) Buildings where a full vacate order has been issued by the department or by the department of buildings, or (ii) buildings where there has been active participation in the alternative enforcement program for more than four months since February 1, 2016; [and]
- (3) Buildings where there has been a final determination by New York state homes and community renewal or any court having jurisdiction that one or more acts of harassment were committed at such building within the 60 months prior to the effective date of the local law that added this section or on or after the effective date of the local law that added this section. The department shall establish a method of identifying buildings where there have been adjudications of harassment after the effective date of the local law that added this section, and may request the cooperation of the tenant harassment prevention task force to establish and effectuate such method. The department shall add a building to the pilot program list within 30 days after it is identified in accordance with such method[.];
- (4) *Buildings where an administrator has been appointed under article seven-A of the real property actions and proceedings law;*
- (5) *Buildings where the department of buildings has determined there has been a failure to comply with any term of a tenant protection plan required by section 28-104.8.4;*
- (6) *Buildings which the department has included on the speculation watch list required by section 27-2109.52; and*
- (7) *Any community district determined by the department to be at a high risk for displacement pursuant to the index required by subdivision c of section 25-117.*

§ 3. Section 27-2093.1 of the administrative code of the city of New York, as added by local law 1 of 2018, is amended to add a new subdivision j to read as follows:

j. Penalties. Where the department has denied a certificate of no harassment pursuant to subparagraph (5)(c) of subdivision d of this section, such determination shall be conclusive proof that harassment occurred and the owner of record of such pilot program building:

(1) shall be subject to a civil penalty of not less than two thousand dollars and not more than ten thousand dollars for each dwelling unit; and

(2) shall within 60 days of the notice of such denial provide to any tenant of each dwelling unit during the previous 60 months an amount equal to twice the rent charged for the month of the denial for each year of occupancy during such period.

§ 4. Section 28-505.31 of the administrative code of the city of New York, as added by local law 1 of 2018, is amended to read as follows:

Applications for the approval of construction documents for the following categories of work are covered by this article:

1. demolition of all or part of the pilot program building;
2. change of use or occupancy of all or part of a dwelling unit, any residential portion of the pilot program building, or any part of such building serving such dwelling units;
3. any alteration resulting in the addition or removal of kitchen or bathrooms, an increase or decrease in the number of dwelling units, or any change to the layout, configuration, or location of any portion of any dwelling unit;
4. an application for a new or amended certificate of occupancy; or
5. such other types of alteration work to a pilot program building as shall be prescribed by rule of the commissioner of housing preservation and development.

Exceptions:

1. Work solely for the purpose of either (i) making the public areas of a pilot program building accessible to persons with disabilities without altering the configuration of any dwelling unit or rooming unit or (ii) making the interior or the entrance to a dwelling unit or a rooming unit accessible to persons with disabilities shall not be covered by this article.
2. Repairs, demolition or any other work performed by a city agency or by a contractor pursuant to a contract with a city agency shall not be covered by this article.
3. Work performed on a building that has an administrator currently appointed pursuant to article seven-a of the real property actions and proceedings law shall not be covered by this article.
- 4]3. Other categories of work that are excluded from the definition of covered categories of work by rule of the department of housing preservation and development shall not be covered by this article.

§ 5. The department, with the advice and assistance that may be provided by any community group described in paragraph (4) of subdivision d of section 27-2093.1 of the administrative code of the city of New York shall conduct a study to evaluate the effectiveness of the program in reducing harassment of tenants in the areas described in subdivision b of section 27-2093.1 of the administrative code of the city of New York. Such study shall be completed and a report shall be submitted to the Speaker no later than 6 months prior to the expiration of this local law. Such report shall contain the following information:

1. the number of covered buildings where the owner applied for a certificate of no harassment disaggregated by whether the department issued a certificate of no harassment, a cure agreement was reached, or a waiver of a certificate of no harassment;
2. the location of buildings where the department determined that harassment had occurred, disaggregated by community board and council district disaggregated by whether such building was subject to a cure agreement;
3. metrics which the department determines appropriate to determine the preventive impacts of such program;
4. a determination, using such metrics, as to whether such program resulted in preventive impacts;
5. estimated costs of the program to the city; and
6. recommendations for improving the efficacy of such program if the pilot program continues.

§ 6. Section 5 of local law of 2018 is amended to read as follows:

§ 5. This local law takes effect 270 days after it becomes a law except that the departments of housing preservation and development and the department of buildings may promulgate rules or take other administrative action for the implementation of this local law prior to such date. This local law shall remain in effect *until September 27, 2026* [for 36 months], after which it is deemed repealed. Notwithstanding the repeal of this local law, the provisions of this local law shall remain in effect for any pilot program building which submits an application for construction document approval pursuant to section 28-505.4 of the administrative code of the city of New York[, as added by section three of this local law,] prior to the repeal of such section. This local law shall not apply to work relating to applications for construction document approval filed with the department of buildings prior to the inclusion of a building on the pilot program list pursuant to subdivision b of section 27-2093.1 of the administrative code of the city of New York, as amended by a local law for the year 2021 amending the administrative code of the city of New York in relation to requiring a certification of no harassment prior to approval of construction documents or issuance of permits for demolition or renovation of certain buildings as proposed in introduction number XX for the year 2021 [added by section two of this local law].

§ 7. This local law shall take effect immediately and shall be repealed on the same day as local law 1 of 2018, as amended by this local law.

Referred to the Committee on Housing and Buildings (preconsidered but laid over by the Committee on Housing and Buildings).

Int. No. 2405

By Council Members Levin, Rose and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to runaway and homeless youth eligibility for rental assistance

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-145 to read as follows:

§ 21-145 Rental assistance for runaway and homeless youth. a. Definitions. For purposes of this section, the following terms have the following meanings:

Homeless young adult. The term “homeless young adult” has the same meaning as provided in section 532-a of the executive law.

Homeless youth. The term “homeless youth” has the same meaning as provided in section 532-a of the executive law. For purposes of this section, the term homeless youth also includes homeless young adults.

Rental assistance. The term “rental assistance” means subsidies provided through the rental assistance program established in chapter 10 of title 68 of the rules of the city of New York and any successor program.

Runaway and homeless youth crisis services program. The term “runaway and homeless youth crisis services program” has the same meaning as provided in section 532-a of the executive law.

Runaway and homeless youth services. The term “runaway and homeless youth services” means runaway and homeless youth crisis services programs and transitional independent living support programs funded by the department of youth and community development.

Runaway youth. The term “runaway youth” has the same meaning as provided in section 532-a of the executive law.

Shelter services. The term “shelter services” means residential programs within runaway and homeless youth crisis services programs and transitional independent living support programs.

Transitional independent living support program. The term “transitional independent living support program” has the same meaning as provided in section 532-a of the executive law.

b. Rental assistance program eligibility. The department shall count the time a runaway youth or homeless youth spent in runaway and homeless youth shelter as time spent in the city shelter system in determining such youth’s eligibility for rental assistance when such eligibility is dependent on having spent time residing in the city shelter system. The department shall not require such youth to reside in the city shelter system outside of shelter services as a condition of eligibility.

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on General Welfare

Int. No. 2406

By Council Members Levin, Rosenthal and Cumbo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to report on hospital treatment and programs for sexual assault survivors

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.18 to read as follows:

§ 17-199.18 Report on hospital treatment and programs for survivors of sexual assault. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Age category. The term “age category” means the age categories of 18 and under, 19-29, 30-39, 40-49, 50-59 and 60 and older.

Hospital. The term “hospital” means an institution or facility operating in New York city possessing a valid operating certificate issued pursuant to article 28 of the public health law.

Program. The term “program” means a program in a hospital for a survivor of sexual assault, which provides services to survivors such as advocacy, counseling, crisis intervention and support services.

Sexual assault. The term “sexual assault” means conduct defined under article 130 of the New York penal law.

b. Report. By no later than January 31, 2022, and annually thereafter, the commissioner shall report to the mayor and the speaker of the council on hospital treatment and programs for survivors of sexual assault and shall post such report on the department’s website. The annual report shall provide the following information, by month, for the immediately preceding calendar year, to the extent such is available to the department:

1. The number of survivors of sexual assault treated at a hospital for such sexual assault, disaggregated by the number of such survivors treated at a hospital less than 24 hours after such sexual assault and the number of such survivors who were treated at a hospital more than 24 hours after such sexual assault;

2. The percentage change, from the preceding calendar year, in the number of survivors of sexual assault treated at a hospital for such sexual assault;

3. The number and percentage of survivors of sexual assault treated at a hospital for such sexual assault and who received services from a program, disaggregated by the survivor’s age category, gender identity and race or ethnicity;

4. The percentage change, from the preceding calendar year, in the number of survivors of sexual assault treated at a hospital for such sexual assault and who received services from a program;

5. The number and percentage of survivors of sexual assault treated at a hospital for such sexual assault and who did not receive services from a program, disaggregated by the survivor’s age category, gender identity and race or ethnicity;

6. The percentage change, from the preceding calendar year, in the number of survivors of sexual assault treated at a hospital for such sexual assault and who did not receive services from a program; and

7. A list of the programs, by borough, which shall include:

(a) The program’s name and address;

(b) The services that the program provided to survivors of sexual assault;

(c) Whether the program followed-up with survivors of sexual assault after it provided services to such survivors, and if so, the number and percentage of such survivors who the program followed-up with and the form of such follow-up, including, but not limited to, email, phone or text;

(d) Whether the program provided any referrals to survivors of sexual assault for services outside of the program, and if so, the number and percentage of such survivors who received such referrals and the type of services that such referrals were for, including, but not limited to, medical, mental health, legal, housing or other services;

(e) Whether the program solicited feedback from survivors of sexual assault about the program or such referrals for additional services and how the program incorporated such feedback;

(f) The number and titles of the program’s staff and volunteers; and

(g) The trainings that such staff and volunteers received regarding the program.

c. The report required by subdivision b shall not contain any personally identifiable information.

d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Hospitals.

Int. No. 2407

By Council Members Miller, Holden, Rose, Cornegy, Koo, Brooks-Powers, Yeger and Maisel.

A Local Law to amend the administrative code of the city of New York, in relation to community notification of proposed major transportation projects

Be it enacted by the Council as follows:

Section 1. Section 19-101.2 of the administrative code of the city of New York, as added by local law number 90 for the year 2009, subdivision c of such section as amended by local law number 64 for the year 2011, and subdivision j of such section as added by local law number 64 for the year 2011, is amended to read as follows:

§ 19-101.2. Review of major transportation projects. a. For the purposes of this section, the following terms shall be defined as follows:

1. “Affected council member(s) and community board(s)” shall mean the council member(s) and community board(s) in whose districts a proposed major transportation project is to be located, in whole or in part.

2. “Major transportation project” shall mean any project that, after construction will alter four or more consecutive blocks, or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the roadway, including either removal of a vehicular lane(s) or full time removal of a parking lane(s) or addition of vehicular travel lane(s). Any project that involves the construction or removal of a bus lane, busway, or bike lane shall be considered a major transportation project, regardless of the number of consecutive blocks or consecutive feet of street that the project alters.

b. If an agency of the city other than the department implements a major transportation project, such agency, in lieu of the department, shall provide the notice required by this section.

c. Prior to the implementation of a major transportation project, the department shall forward notice of such project, including a description of such project, to affected council member(s) and community board(s) by electronic mail, and shall offer a presentation of the project plan to the affected community board(s).

d. Within ten business days after receipt of such notice and offer of a presentation to the affected community board(s): (i) the affected council member(s) may submit recommendations and/or comments on such notice to the department; and (ii) the affected community board(s) may [either] submit recommendations and/or comments on such notice to the department and/or [request] accept the offer of a presentation of the major transportation project plan by the department, which shall be made to the community board within thirty days of such community board's [request] acceptance of such offer.

e. Each presentation shall include, at a minimum, the project limits, a description, and a justification of such plan, and a map showing the streets affected by such plan and, within three days of such presentation, shall be forwarded to the affected council member(s).

f. The department shall consider (i) recommendations [and/or] and comments, if any, made under the provisions of subdivision d of this section [and/or] and (ii) recommendations and comments, if any, made within [seven] sixty days of the presentation to the community board, from the affected council member(s) and affected community board(s)[, and]. *The department* may incorporate changes, where appropriate, into the plan.

g. The department may implement its plan fourteen or more days after it sends an amended plan or notice that it will proceed with its original plan to the affected council member(s) and community board(s).

h. Nothing in this section shall be construed to prohibit the department from providing notice of its major transportation projects on its website and to affected council member(s) and community board(s) and other interested parties by other means in addition to those specified in this section.

i. Nothing in this section shall be construed to require the department to provide notification of major transportation projects requiring immediate implementation to preserve public safety.

j. Prior to the implementation of a major transportation project, the department shall consult with the police department, the fire department, the department of small business services and the mayor's office for people with disabilities. The department shall include a certification of such consultations in the notice required by subdivision c of this section.

§ 2. Subdivision b of section 19-101.4 of the administrative code of the city of New York, as added by local law number 23 for the year 2012, is amended to read as follows:

b. The department shall post on its website, in a format accessible to people with disabilities:

i. The location of all major transportation projects and all installations or removals of bicycle lanes, pedestrian plazas, leading pedestrian signals, exclusive pedestrian signals and accessible pedestrian signals. Such posting shall be made not less than seventy-two hours prior to the expected completion date of each project, installation or removal.

ii. The location of all major transportation projects subject to section 19-101.2 of this code completed on or after January 1, 2010 and all bicycle lanes, pedestrian plazas, leading pedestrian signals, exclusive pedestrian signals and accessible pedestrian signals in existence on the effective date of this section. Such posting shall be made on or before the effective date of this section, except that all such leading pedestrian signals and exclusive pedestrian signals shall be posted on or before December 31, 2012.

iii. *The location of all proposed major transportation projects and all proposed installations or removals of bicycle lanes, bus lanes and busways. Such postings shall be made within fourteen days of the date of their proposal. Such postings shall provide progress reports on a quarterly basis for each such posted proposed major transportation project and each such proposed installation or removal, including, at a minimum, information about the estimated date of completion for any such project, installation or removal and information regarding opportunities for community members to provide input or feedback on any such project, installation or removal.*

§ 3. This local law takes effect 180 days after becoming law.

Referred to the Committee on Transportation.

Int. No. 2408

By Council Members Miller and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to proof of residency required for relocation services

Be it enacted by the Council as follows:

Section 1. Subdivision 7 of section 26-301 of chapter 2 of title 26 of the administrative code of the city of New York, as added by local law number 16 for the year 2017, is amended by adding a new subparagraph d to read as follows:

(d) The department of housing preservation and development shall post on its website, and make available in each borough service center, the methods by which a tenant applying for relocation services may verify occupancy pursuant to subparagraph a of this subdivision, and that the department will also attempt to obtain records that verify such tenant's occupancy from the department of social services/human resources administration pursuant to subparagraph b of this subdivision. The department shall provide such information to such tenant upon notification to such tenant that such tenant may be eligible for relocation services.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 2409

By Council Members Miller, Ulrich, Gibson, Riley, Cornegy, Powers, Vallone, Kallos, Koslowitz, Adams, Holden, Koo, Yeger, Brooks-Powers, Dromm, Rivera, Rosenthal and Moya.

A Local Law to amend the administrative code of the city of New York, in relation to the cleaning and maintenance of city property

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-216 to read as follows:

§ 4-216 *Cleaning and maintenance of city property.* a. *As used in this section, the following terms have the following meanings:*

City property. The term “city property” means real property and physical structures owned by the city of New York including, but not limited to, roadways and sidewalks.

Cleaning. The term “cleaning” has its ordinary meaning and also includes weed removal, where appropriate, and snow removal when required for pedestrian and vehicular safety.

Park. The term “park” refers to public parks, beaches, waters, pools, boardwalks, playgrounds, recreation centers and all other property, buildings and facilities under the jurisdiction, charge or control of the department of parks and recreation.

Step street. The term “step street” means a city-owned staircase, whether mapped as a street or not, that leads from one sidewalk level to another.

b. *The department of sanitation shall clean and maintain all center malls, traffic islands, triangles, medians, sitting areas, underpasses, overpasses, safety zones, step streets, throw-out areas at the end of dead-end streets and pedestrian walkways and other strips of city property adjacent to streets. This subdivision shall not be construed to conflict with or lessen the department of parks and recreation’s responsibility for maintaining trees and other forms of vegetation, pursuant to section 18-104.*

c. *The department of parks and recreation shall clean and maintain all areas and all city properties that are located entirely within the boundaries of any park except those properties located within the right-of-way of arterial highways which are the responsibility of the department of transportation. This subdivision shall not be construed to conflict with or lessen the department of sanitation’s responsibility for snow removal, pursuant to section 16-124.*

d. *The department of transportation shall clean and maintain all areas and all city properties that are located on or along arterial highways, except those portions which run through parks which are the responsibility of the department of parks and recreation, including those areas and city properties which are part of exits and entrances to an arterial highway extending outward from the roadway until they reach a fence or other barrier designed to limit access to the main road, the curb of a street, service road or other roadway which is not an arterial highway or a cliff or steep embankment which restricts passage beyond that point. This subdivision shall not be construed to conflict with or lessen the department of sanitation’s responsibility for snow removal, pursuant to section 16-124, or with the department of parks and recreation’s responsibility for maintaining trees and other forms of vegetation, pursuant to section 18-104.*

e. *Each department specified in subdivisions b, c or d of this section shall develop and maintain a web-based application on its respective website to track such department’s progress in cleaning and maintaining properties pursuant to such subdivisions b, c and d.*

f. *It shall be the responsibility of any agency or other governmental body having jurisdiction over any subway, railway or developed property to clean alongside such subway, railway or developed property. When cleaning of such areas or properties is not performed, the commissioner of sanitation shall order compliance as provided in subdivision c of section 753 of the charter.*

g. *Nothing in this section shall be construed as prohibiting or conflicting with any obligation pursuant to the highway law.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Governmental Operations.

Preconsidered L.U. No. 845

By Council Member Dromm:

Little Italy Restoration Apartments, Block 493, Lot 41; Manhattan, Community District No. 2; Council District No. 1.

Adopted by the Council (preconsidered but adopted by the Committee on Finance).

Preconsidered L.U. No. 846

By Council Member Dromm:

Manhattan Beach Housing, Block 8719, Lots 27 and 73; Brooklyn, Community District No. 15; Council District No. 48.

Adopted by the Council (preconsidered but adopted by the Committee on Finance).

L.U. No. 847

By Council Member Salamanca:

Application No. 20225004 HAM (TMN1002-West Harlem Renaissance) submitted by the New York City Department of Housing and Development requesting the waiver of the designation requirements of Section 693 of the General Municipal Law and Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law, approval of an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law, and approval of an exemption from real property taxation pursuant to Article XI of the Private Housing Finance Law for property located at 101 West 141th Street, aka 621-23 Lenox Avenue (Block 2010, Lot 28) and 121-23 West 144th (Block 2013, Lot 20), Borough of Manhattan, Community District 10, Council District 9.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

L.U. No. 848

By Council Member Salamanca:

Application No. C 210253 ZMK (Glenmore Manor) submitted by New York City Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17c and 17d, changing from an R6 District to an R7A District, changing from an R6 District to an R7D District property, establishing within the proposed R7A District a C2-4 District, and establishing within the proposed R7D District a C2-4 District, for property bounded by Liberty Avenue, Christopher Avenue, Glenmore Avenue, and Mother Gaston Boulevard, Borough of Brooklyn, Community District 16, Council District 37.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

L.U. No. 849

By Council Member Salamanca:

Application No. N 210254 ZRK (Glenmore Manor) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 16, Council District 37.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

L.U. No. 850

By Council Member Salamanca:

Application No. C 210255 HAK (Glenmore Manor) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and approval of Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, for property located at 305-309 Mother Gaston Boulevard (Block 3692, Lots 1, 2, 3 and 4), 46 – 64 Christopher Avenue (Block 3692, Lots 23, 24, 25, 26, 27, 28, 29, 30, 31 and 32), 111-117 Glenmore Avenue (Block 3692, Lots 34, 35 and 37), Borough of Brooklyn, Community District 16, Council District 37.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions

L.U. No. 851

By Council Member Salamanca:

Application No. C 210256 HUK (Glenmore Manor) submitted by the Department of Housing Preservation and Development, pursuant to Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, for the third amendment to the Brownsville II Urban Renewal Plan, Borough of Brooklyn, Community District 16, Council District 37.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

L.U. No. 852

By Council Member Salamanca:

Application No. C 200070 ZMQ (62-04 Roosevelt Avenue Rezoning) submitted by Woodside 63 Management, LLC and Mare Nostrum Elements, Inc pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d, eliminating from an existing

R6 District a C1-4 District and changing from an existing R6 to a C4-4 District for property located in the Borough of Queens, Community District 2, Council District 26.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 853

By Council Member Salamanca:

Application No. N 2020069 ZRQ (62-04 Roosevelt Avenue Rezoning) submitted by Woodside 63 Management, LLC and Mare Nostrum Elements, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area in the Borough of Queens, Community District 2, Council District 26.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 854

By Council Member Salamanca:

Application No. C 210324 ZMM (495 Eleventh Ave – Slaughterhouse) submitted by 495 11 Avenue Owner Realty LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d changing from an M1-5 District to a C6-4 District and establishing a Special Hudson Yard District bounded by West 40th Street, Eleventh Avenue, West 39th Street, and a line 125 feet westerly of Eleventh Avenue, Borough of Manhattan, Community District 4, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 855

By Council Member Salamanca:

Application No. N 210325 ZRM (495 Eleventh Ave – Slaughterhouse) submitted by 495 11 Avenue Owner Realty LLC and the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article IX, Chapter 3 for the purpose establishing a new Subdistrict G within the Special Hudson Yards District, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 4, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 856

By Council Member Salamanca:

Application No. C 210326 PCM (495 Eleventh Ave – Slaughterhouse) submitted by New York City Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for a site selection and acquisition of property located at 495 Eleventh Avenue (Block 685, Lot 38) for use as an NYPD vehicle storage facility, Borough of Manhattan, Community District 4, Council District 3.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 857

By Council Member Salamanca:

Application No. C 210361 ZMR (252 Victory Boulevard) submitted by Victory Boulevard Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map Section No. 21c changing from an R3-2 District to an R6B District, changing from an R3X District to an R6B District, establishing within an existing R3-2 District a C1-3 District, and establishing within the proposed R6B District a C1-3 District, Borough of Staten Island, Community District 1, Council District 49.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 858

By Council Member Salamanca:

Application No. N 210362 ZRR (252 Victory Boulevard) submitted by Victory Boulevard Realty, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Staten Island, Community District 1, Council District 49.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 859

By Council Member Salamanca:

Application No. C 20210151 ZMK (270 Nostrand Avenue) submitted by BRP East Brooklyn Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a changing from an R7A District to an R8A District and establishing within the proposed R8A District a C2-4 District, for property located in the Borough of Brooklyn, Community District 3, Council District 36.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 860

By Council Member Salamanca:

Application No. N 20210152 ZRK (270 Nostrand Avenue) submitted by BRP East Brooklyn Development LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Community District 3, Council District 36.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 861

By Council Member Salamanca:

Application No. C 20200296 ZMK (1776 48th Street Rezoning) submitted by Mr. Yitzchok Stern pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c changing from an R5 District to an R6B District and establishing within the proposed R6B District a C2-4 District, for property located in the Borough of Brooklyn, Community District 12, Council District 44.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 862

By Council Member Salamanca:

Application No. N 20200297 ZRK (1776 48th Street Rezoning) submitted by Mr. Yitzchok Stern, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Community District 12, Council District 44.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 863

By Council Member Salamanca:

Application No. C 20190260 ZMQ (48-18 Van Dam Teamsters Rezoning) submitted by 48-18 Van Dam Property Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, by changing from an M2-1 District to an M1-5 District property bounded by 48th Avenue, Van Dam Street, Hunters Point Avenue, and 31st Place, Borough of Queens, Community District 2, Council District 26

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 864

By Council Member Salamanca:

Application No. C 210351 ZMM (New York Blood Center) submitted by New York Blood Center, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an R8B District to a C2-7 District and changing from a C1-9 District to a C2-8 District, for property located between East 66th Street and East 67th Street in the vicinity of Second Avenue, Borough of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 865

By Council Member Salamanca:

Application No. N 201352 ZRM (New York Blood Center) submitted by New York Blood Center, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4, for the purpose of allowing scientific research and development facilities in C2-7 Districts and allowing related use and bulk modifications, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 866

By Council Member Salamanca:

Application No. N 201353 ZSM (New York Blood Center) submitted by New York Blood Center, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-48 of the Zoning Resolution to allow a scientific research and development facility as a commercial use, to allow the floor area ratio regulations, up to the maximum floor area ratio permitted for community facility uses for the District, to apply to the scientific research and development facility use, to modify the height and setback regulations of Section 33-432 (In other Commercial Districts), and the required yard equivalents regulations of Section 33-283 (Required rear yard equivalents), and to modify the signage regulations of Section 32-641 (Total surface area of signs), Section 32-642 (Non-illuminated signs), Section 32-643 (Illuminated non-flashing signs), Section 32-655 (Permitted Projections or Height of Signs), and Section 32-67 (Special Provisions Applying Along District Boundaries), to facilitate a proposed 16-story building on property located at 310 East 67th Street (Block 1441, Lot 40), Borough of Manhattan, Community District 8, Council District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 867

By Council Member Salamanca:

Application No. C 20210369 ZSM (343 Madison Avenue – MTA/HQ) submitted by BP 347 Madison Associates, LLC and Metropolitan Transportation Authority pursuant to Sections 197-c and 201 of the New York City Charter for, in conjunction with the grant of a special permit pursuant to 81-633 of the Zoning Resolution (Special permit for Grand Central public realm improvements), the grant of a special permit pursuant to Section 81-634 to modify the street wall requirements of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements); the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations - Daylight Evaluation); and the mandatory district plan elements of Section 81-42 (Retail Continuity Along Designated Streets), Section 81-45 (Pedestrian Circulation Space), Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), Sections 81-47 (Major Building Entrances), Section 81-674 (Ground floor use provisions), Section 81-44 (Curb Cut Restrictions), and Section 81-675 (Curb cut restrictions and loading berth requirements), in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea), Borough of Manhattan, Community District 5, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 868

By Council Member Salamanca:

Application No. C 20210370 ZSM (343 Madison Avenue – MTA/HQ) submitted by BP 347 Madison Associates, LLC and Metropolitan Transportation Authority pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-633 of the Zoning Resolution to allow an increase in floor area in excess of the basic maximum floor area ratio established in the Table in Section 81-63 (Special Floor Area Provisions for the Vanderbilt Corridor Subarea) up to a maximum floor area as set forth in such Table, in connection with a proposed commercial development, on property located at 343 Madison Avenue (Block 1279, Lots 23, 24, 25 & 48), in a C5-3 District, within the Special Midtown District (Vanderbilt Corridor Subarea), Borough of Manhattan, Community District 5, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 869

By Council Member Salamanca:

Application No. C 210177 ZMK (Gowanus Neighborhood Plan) submitted by the New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c and 16d eliminating from within an existing R8A District a C2-4 District, eliminating a Special Enhanced Commercial District (EC-1), changing from an R6B District to an R6A District, changing from an R6 District to an R6B District, changing from an R8A District to a C4-4D District, changing from an C8-2 District to a C4-4D District, changing from an M1-2 District to a C4-4D District, changing from an C8-2 District to an M1-4 District,

changing from an M1-1 District to an M1-4 District, changing from an M2-1 District to an M1-4 District, changing from an M3-1 District to an M1-4 District, changing from an R6 District to an M1-4/R6A District, changing from an M1-1 District to an M1-4/R6A District, changing from an M1-2 District to a M1-4/R6A District, changing from an M2-1 District to an M1-4/R6A District, changing from an C8-2 District to an M1-4/R6B District, changing from an M1-1 District to an M1-4/R6B District, changing from an M1-2 District to an M1-4/R6B District, changing from an M2-1 District to an M1-4/R6B District, changing from an M2-1 District to an M1-4/R7-2 District, changing from an M3-1 District to an M1-4/R7-2 District, changing from an M1-2 District to an M1-4/R7A District, changing from an R6 District to an M1-4/R7X District, changing from an C8-2 District to an M1-4/R7X District, changing from an M1-2 District to an M1-4/R7X District, changing from an M2-1 District to an M1-4/R7X District, and establishing a Special Gowanus Mixed Use District (G), for property located in the Borough of Brooklyn, Community Districts 2 and 6, Council Districts 33 and 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 870

By Council Member Salamanca:

Application No. N 210178 ZRK (Gowanus Neighborhood Plan) submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Gowanus Mixed Use District (Article XIII, Chapter 9) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections, for property located in the Borough of Brooklyn, Community Districts 2 and 6, Council Districts 33 and 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 871

By Council Member Salamanca:

Application No. C 210179 MMK (Gowanus Neighborhood Plan) submitted by the New York City Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the establishment of Hoyt Street between 5th Street and Nelson Street, the establishment of Luquer Street and Nelson Street between Smith Street and the Gowanus Canal, the elimination of a 7th Street between Smith Street and The Gowanus Canal, the elimination of Public Place, the establishment of legal grades, and the adjustment of grades and block dimensions necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2754 dated December 7, 2020 and signed by the Borough President, Borough of Brooklyn, Community District 6, Council Districts 33 and 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 872

By Council Member Salamanca:

Application No. C 210180 MMK (Gowanus Neighborhood Plan) submitted by the New York City Department of City Planning and the New York City Department of Parks and Recreation pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving the establishment of Park within the area bounded by Huntington Street, Smith Street, Nelson Street, Hoyt Street, 4th Street, Bond Street and The Gowanus Canal, the adjustment of grades and block dimensions necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2755 and X-2756 dated December 7, 2020 and signed by the Borough President, Borough of Brooklyn, Community District 6, Council Districts 33 and 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 873

By Council Member Salamanca:

Application No. C 210053 PPK (Gowanus Neighborhood Plan) submitted by the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition pursuant to zoning of city-owned property, located at 276 4th Avenue (Block 456, Lot 29), Borough of Brooklyn, Community District 6, Council Districts 33 and 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 874

By Council Member Salamanca:

Application No. C 210052 HAK (Gowanus Neighborhood Plan) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD to facilitate an affordable mixed-use development with approximately 950 units, on property located at 5th Street and 431 Hoyt Street (Block 471, Lots 1 and 100), Borough of Brooklyn, Community District 6, Council Districts 33 and 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 875

By Council Member Salamanca:

Application No. C 210278 ZMK (130 St. Felix Street) submitted by 130 St. Felix Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c changing from an existing C6-1 District to an C6-4 District and changing from an existing C6-1 District to an C6-6 District, for property located in the Borough of Brooklyn, Community District 2, Council District 35.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 876

By Council Member Salamanca:

Application No. N 210279 ZRK (130 St. Felix Street) submitted by 130 St. Felix Street LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the Special Downtown Brooklyn District (ARTICLE X, Chapter 1) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Community District 2, Council District 35.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 877

By Council Member Salamanca:

Application No. C 210280 ZSK (130 St. Felix Street) submitted by 130 St. Felix Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property generally bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, a line 165 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street (Block 2111, Lots 37, 40, & 1001-1199), in C6-4 and C6-6 Districts, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2, Council District 35.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 878

By Council Member Salamanca:

Application No. C 210281 ZSK (130 St. Felix Street) submitted by 130 St. Felix Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 101-82* of the Zoning Resolution to modify the tower lot coverage requirements of Section 101-223 (Tower Regulations), to modify the rear yard requirements of Section 23-532 (Required rear yard equivalents), to modify the inner court dimension requirements of Section 23-851 (Minimum dimensions of inner courts), in connection with a proposed mixed-use development, on property generally bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, a line 165 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between 55 Ashland Place and St. Felix Street (Block 2111, Lots 37, 40, & 1001-1199), in C6-4 and C6-6 Districts, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2, Council District 35.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Friday, September 24, 2021

Committee on Hospitals

Carlina Rivera, Chairperson

Oversight - NYC Interns and Residents’ Wellness and Health.

Remote Hearing (Virtual Room 1)..... 10:00 a.m.

Subcommittee on Zoning & Franchises

Francisco Moya, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 2).....10:00 a.m.

Committee on Immigration jointly with the
Committee on Consumer Affairs & Business Licensing

Carlos Menchaca, Chairperson
Diana Ayala, Chairperson

Oversight - Combatting Immigration Services Fraud

Remote Hearing (Virtual Room 3).....12:00 p.m.

Committee on Technology

Robert Holden, Chairperson

Oversight - Government and Technology in New York City.

Int 1133 - By Council Members Rosenthal, Holden and Yeger - **A Local Law** to amend the New York city charter, in relation to the creation of a database to track violations from issuance to resolution.

Int 2158 - By Council Members Levin, Holden and Kallos (by request of the Manhattan Borough President) - **A Local Law** to amend the New York city charter, in relation to designating a geospatial information officer.

Int 2305 - By Council Member Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to conducting a feasibility study on a digital identification program.

Int 2358 - By Council Members Holden and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a centralized mobile application for accessing city services.

Remote Hearing (Virtual Room 4).....3:00 p.m.

Monday, September 27, 2021

Committee on Parks and Recreation

Peter Koo, Chairperson

Oversight - Maintaining the City’s Tree Stock.

Proposed Int 98-A - By Council Members Koo, Koslowitz, Holden and Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to abandoned tree pits.

Int 199 - By Council Members Matteo, Holden and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to the undertaking of surveys before planting trees.

Int 467 - By Council Members Dromm and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to requests for trees.

Int 552 - By Council Members Levine, Holden and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to the posting of information online regarding tree stump removal.

Int 957 - By Council Members Borelli, Yeger, Rose, Moya and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to the replacement of city-owned trees that have been lawfully removed.

Int 2365 - By Council Members Koo, Gennaro, Yeger, Holden, Brannan, Vallone, Van Bramer, Adams, Dinowitz, Cumbo, Ayala, Louis, Riley, Brooks-Powers, Maisel and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a task force to coordinate the removal of fallen trees due to a severe weather event.

Int 2366 - By Council Members Koo, Gennaro, Yeger, Holden, Brannan, Vallone, Van Bramer, Adams,

Dinowitz, Cumbo, Ayala, Louis, Riley, Brooks-Powers, Maisel and Ulrich - **A Local Law** to amend the administrative code of the city of New York, in relation to tree health assessments and inspections.
Remote Hearing (Virtual Room 2).....10:00 a.m.

Committee on Public Safety Adrienne E. Adams, Chairperson
Oversight - Reducing the responsibilities of the NYPD.
Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Veterans Eric Dinowitz, Chairperson
Oversight - Assistance for Veterans Seeking to Upgrade Discharge Status.
Proposed Int 2354-A - By Council Member Dinowitz (by request of the Mayor) - **A Local Law** to amend the New York city charter, in relation to the definition of the term veteran and the membership of the veterans’ advisory board.
Remote Hearing (Virtual Room 3).....1:00 p.m.

Thursday, September 30, 2021

Committee on Health jointly with the Mark Levine, Chairperson
Committee on Hospitals Carlina Rivera, Chairperson
Oversight - Mandated COVID-19 Vaccinations and Testing for All Municipal Workers.
Int 2373 - By Council Members Salamanca, Yeger, Brannan, Ampry-Samuel, Riley, Van Bramer, Lander, Rosenthal, Brooks-Powers, Powers, Koo, Dinowitz, Rivera, Rose, Adams, Koslowitz, D. Diaz, Dromm, Moya and Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to amending death certificates for deaths caused by COVID-19.
Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Land Use Rafael Salamanca, Jr., Chairperson
All items reported out of the Subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Remote Hearing (Virtual Room 2).....11:00 a.m.

Tuesday, October 5, 2021

Subcommittee on Zoning & Franchises Francisco Moya, Chairperson
See Land Use Calendar
Council Chambers - City Hall.....10:00 a.m.

Thursday, October 7, 2021

Stated Council Meeting.....Agenda –1:30 p.m

Tuesday, October 12, 2021

Subcommittee on Zoning & Franchises Francisco Moya, Chairperson
See Land Use Calendar
Council Chambers - City Hall.....10:00 a.m.

Wednesday, October 13, 2021

Subcommittee on Landmarks, Public Sitings and Dispositions
See Land Use Calendar

Kevin C. Riley, Chairperson

Council Chambers - City Hall.....10:00 a.m.

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Council Chambers - City Hall.....1:00 p.m.

Thursday, October 21, 2021

Stated Council Meeting.....Agenda –1:30 p.m

The following comments were among the remarks made by the Speaker (Council Member Johnson) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Johnson) acknowledged that the September 15th through October 15th time period marks Hispanic Heritage Month. He further acknowledged the many contributions of Hispanic leaders in the city and across the nation.

The Speaker (Council Member Johnson) wished a joyous holiday of Sukkoth to those who celebrate. He noted that he had spent time earlier in the day in the *sukkah* outside of City Hall with Council Member Yeger and the Speaker (Council Member Johnson) thanked him for organizing the event. He also hoped that all those who observed Yom Kippur had a meaningful fast.

The Speaker (Council Member Johnson) acknowledged that long-time human resources associate Cecilia Mogilansky was leaving the Council. He noted that she had served the Council and its Speakers with grace and professionalism for more than thirty years. The Speaker (Council Member Johnson) congratulated and thanked Ms. Mogilansky and wished her best wishes on her future endeavors. As he thanked her for her service, those assembled in the Council Chambers applauded in appreciation.

During the Land Use Call-up segment of this Meeting, the Speaker (Council Member Johnson) congratulated Council Member Holden and his wife Amy on their 48th wedding anniversary as those assembled in the Chambers applauded.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Thursday, October 7, 2021.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council