

## **THE COUNCIL**

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*Minutes of the Proceedings for the*

### **STATED MEETING**

*of*

Thursday, March 16, 2023, 2:22 p.m.

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

#### Council Members

Adrienne E. Adams, *The Speaker*

Shaun Abreu	Jennifer Gutiérrez	Lincoln Restler
Joann Ariola	Shahana K. Hanif	Kristin Richardson Jordan
Alexa Avilés	Kamillah Hanks	Kevin C. Riley
Diana I. Ayala	Robert F. Holden	Rafael Salamanca, Jr
Charles Barron	Crystal Hudson	Pierina Ana Sanchez
Joseph C. Borelli	Rita C. Joseph	Lynn C. Schulman
Erik D. Bottcher	Ari Kagan	Althea V. Stevens
Justin L. Brannan	Shekar Krishnan	Sandra Ung
Gale A. Brewer	Linda Lee	Marjorie Velázquez
Selvena N. Brooks-Powers	Farah N. Louis	Inna Vernikov
Tiffany Cabán	Christopher Marte	Nantasha M. Williams
David M. Carr	Darlene Mealy	Julie Won
Carmen N. De La Rosa	Julie Menin	Kalman Yeger
Eric Dinowitz	Mercedes Narcisse	
Amanda Farías	Sandy Nurse	
Oswald Feliz	Chi A. Ossé	
James F. Gennaro	Keith Powers	

Absent: Council Member Paladino;

Medical Leave: Council Member Moya.

Maternity Leave: Council Member Rivera.

The Majority Leader (Council Member Powers) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these 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 Powers).

*There were 48 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Member Hanks who participated remotely).*

### INVOCATION

The Invocation was delivered by Monsignor Kevin Sullivan, Church of Our Saviour located at 59 Park Avenue, New York, N.Y. 10016.

So, let's begin by bowing our heads and praying.

Oh, mighty, heavenly God, you have created us,  
and you walk with us on this early journey.  
This afternoon we give you thanks for the wonderful people  
who work hard for our city; those here present, those elected,  
those appointed, watch over them, protect them.  
We ask you to watch over this great city, and we need your help.  
Even though there is darkness that confronts us,  
may your light guide us.  
And, unfortunately, the ugliness,  
the too much mars the beauty of your creation.  
May you be gracious and your graciousness shield us  
from the scars of divisiveness that afflict us.  
May your presence heal us.  
May the hate that too often spews forth  
from our "un-social" media be overcome by your love.  
Oh, mighty God we are in a season  
in which our great religions  
reflect and recommend the best of our values and beliefs.  
For Christians, we are in the midst of the 40 days of lent;  
Muslims, in a week, will begin the holy time of *Ramadan*,  
and then shortly thereafter, Jews will celebrate Passover.  
May these holy seasons not divide us one from another,  
but unite us together for the common work of watching out,  
especially for the poorest and most vulnerable among us.  
And, oh mighty God, we know that there are many  
who draw their inspiration not from you,  
but from other spiritual realities that are part of them.  
We know that even though they may not express belief in you,  
they are made in your image and likeness,  
and, so, may respect their spirituality and their beliefs also.  
And as we think about the great issues  
that confront us as this city,  
help us to focus even more clearly.  
And we ask that no one be hungry,  
that all may have a decent place to live,  
that our air and water be clean and healthy,  
our children well educated,  
our families so diverse;  
may they be strong and loving,

and may decent jobs available to all.  
And, so, help us this day to create a just society.  
We promise that we will work hard,  
but we know that challenges need your infinite power.  
And, so, we give you thanks this afternoon,  
and we will do so tomorrow,  
and we do so forever, and ever.  
Amen.

The Majority Leader (Council Member Powers) moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this Stated Meeting, the Speaker (Council Member Adams) asked for a moment to remember the lives of several New Yorkers who had died recently while in the workplace: Felix Thomas Bontia, 47, a car-wash worker who was killed on February 19, 2023 in a Bronx hit and run accident in Council Member Stevens's district; Sueng Choi, 67, who was shot and killed on March 3, 2023 during a robbery at an Upper East Side deli in Council Member Menin's district; and a 64-year old construction worker, who died on March 7, 2023 after a wall collapsed at a SoHo demolition site in Council Member Marte's district.

On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to the loved ones of the deceased as well as to their communities during this very difficult time.

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#### **ADOPTION OF MINUTES**

Council Member Won moved that the Minutes of the Stated Meeting of February 16, 2023 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

Preconsidered M-130

**Communication from the Mayor - Submitting the name of Dr. Michael Lindsey to the Council for its advice and consent regarding his appointment to the Board of Health, pursuant to Sections 31 and 553 of the City Charter.**

March 3, 2023

The Honorable Adrienne Adams  
Speaker  
New York City Council  
City Hall  
New York, N.Y. 10007

Dear Speaker Adams:

Pursuant to Sections 31 and 553 of the New York City Charter, I am pleased to present the name of Michael Lindsey, Ph.D. to the City Council for advice and consent in anticipation of her appointment to the New York City Board of Health.

If appointed, Dr. Lindsey will serve for the remainder of a six-year term expiring on May 31, 2026.

I send my thanks to you and the Members of the City Council for reviewing this nomination.

Sincerely,

Eric Adams  
Mayor

EA: ek

cc: Michael Lindsey, Ph.D.  
Anne Williams-Isom, Deputy Mayor for Health and Human Services  
Dr. Ashwin Vasani, Commissioner, NYC Department of Health and Mental Hygiene

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-131

**Communication from the Mayor - Submitting the name of Dr. Angelo Acquista to the Council for its advice and consent regarding his appointment to the Board of Health, pursuant to Sections 31 and 553 of the City Charter.**

March 3, 2023

The Honorable Adrienne Adams  
Speaker  
New York City Council  
City Hall  
New York, N.Y. 10007

Dear Speaker Adams:

Pursuant to Sections 31 and 553 of the New York City Charter, I am pleased to present the name of Dr. Angelo Acquista, M.D. to the City Council for advice and consent in anticipation of his appointment to the New York City Board of Health.

If appointed, Dr. Acquista will serve for the remainder of a six-year term expiring on May 31, 2028.

I send my thanks to you and the Members of the City Council for reviewing this nomination.

Sincerely,

Eric Adams  
Mayor

EA: ek

cc: Dr. Angelo Acquista, M.D.  
Anne Williams-Isom, Deputy Mayor for Health and Human Services  
Dr. Ashwin Vasani, Commissioner, NYC Department of Health and Mental Hygiene

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-132

**Communication from the Mayor - Submitting the name of Dr. Maida Galvez to the Council for its advice and consent regarding her appointment to the Board of Health, pursuant to Sections 31 and 553 of the City Charter.**

March 3, 2023

The Honorable Adrienne Adams  
Speaker  
New York City Council  
City Hall  
New York, N.Y. 10007

Dear Speaker Adams:

Pursuant to Sections 31 and 553 of the New York City Charter, I am pleased to present the name of Dr. Maida Galvez, M.D. to the City Council for advice and consent in anticipation of her appointment to the New York City Board of Health.

If appointed, Dr. Galvez will serve for the remainder of a six-year term expiring on May 31, 2024.

I send my thanks to you and the Members of the City Council for reviewing this nomination.

Sincerely,

Eric Adams  
Mayor

EA: ek

cc: Dr. Maida Galvez, M.D.  
Anne Williams-Isom, Deputy Mayor for Health and Human Services  
Dr. Ashwin Vasani, Commissioner, NYC Department of Health and Mental Hygiene

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-133

**Communication from the Mayor - Submitting the name of Dr. Judith Salerno to the Council for its advice and consent regarding her appointment to the Board of Health, pursuant to Sections 31 and 553 of the City Charter.**

March 3, 2023

The Honorable Adrienne Adams  
Speaker  
New York City Council  
City Hall  
New York, N.Y. 10007

Dear Speaker Adams:

Pursuant to Sections 31 and 553 of the New York City Charter, I am pleased to present the name of Dr. Judith Salerno, M.D. to the City Council for advice and consent in anticipation of her appointment to the New York City Board of Health.

If appointed, Dr. Salerno will serve for the remainder of a six-year term expiring on May 31, 2024.

I send my thanks to you and the Members of the City Council for reviewing this nomination.

Sincerely,

Eric Adams  
Mayor

EA: ek

cc: Dr. Judith Salerno, M.D.  
Anne Williams-Isom, Deputy Mayor for Health and Human Services  
Dr. Ashwin Vasani, Commissioner, NYC Department of Health and Mental Hygiene

Referred to the Committee on Rules, Privileges and Elections.

**COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

M-134

**Communication from the Comptroller - Charter Mandated Report to the Mayor and City Council on City Comptroller Audit Operations Fiscal Year 2022.**

(For text of the Charter Mandated Report, please see the attachment on [the M-134 of 2023 file](https://council.nyc.gov) on the New York City Council at <https://council.nyc.gov> )

Received, Ordered, Printed and Filed.

M-135

**Communication from the Comptroller - Submitting Statement of Debt Service as of January 12, 2023, containing a schedule of the appropriations required during the ensuing fiscal year for debt service, pursuant to Section 242 of the New York City Charter.**

(For text of the Statement of Debt Service and accompanying Schedule of Appropriations, please see the attachment on [the M-135 of 2023 file](https://council.nyc.gov) on the New York City Council at <https://council.nyc.gov> )

Received, Ordered, Printed and Filed.

M-136

**Communication from the Richmond County Democratic Committee - Submitting Certificate of Recommendation for Priscilla Marco, for appointment as the Richmond County Democratic Commissioner of Elections pursuant to Section 3-204 of the New York State Election Law.**

February 21st, 2023

City Clerk and Clerk of the City Council of New York City  
141 Worth Street  
Municipal Building  
New York, New York 10013

To Whom it May Concern:

Enclosed please find a Certificate of Recommendation for the appointment of Priscilla Marco, to fill the vacancy as Richmond County Democratic Commissioner of Elections.



Ms. Marco is an extremely qualified candidate for the position of Commissioner of Elections. She has been an attorney for over 40 years, and was on the Community Board for over 9 years, 3 of which she was Chair. The Democratic Committee of Richmond County Committee voted unanimously for her to fill this vacancy.

As you are aware, Patricia Anne Taylor Carsel recently resigned after years of service, which prompted this recommendation to fill the vacancy.

This appointment is very important to me on both a personal and professional level. I want to thank you in advance for your time and consideration in this regard.

Sincerely Yours,

Laura Sword  
County Chairwoman

**(For text of the Certificate of Recommendation, please refer to the attachments section of [the M-137 of 2023 file](#) on the New York City Council website at <https://council.nyc.gov/> )**

Referred to the Committee on Rules, Privileges and Elections.

**REPORTS OF THE STANDING COMMITTEES**

**Report of the Committee on Economic Development**

Report for Int. No. 236-A

**Report of the Committee on Economic Development 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 providing contracted ferry service at reduced cost to certain persons.**

The Committee on Economic Development, to which the annexed proposed amended local law was referred on April 28, 2022 (Minutes, page 778), respectfully

**REPORTS:**

**INTRODUCTION**

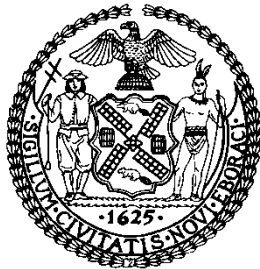
On March 16, 2023, the Committee on Economic Development, Chaired by Council Member Amanda Farías, held a vote on Introduction Number 236-A (Int. No. 236-A) in relation to providing contracted ferry service at reduced cost to certain persons. The Committee passed Int. No. 236-A with six in the affirmative, zero in the negative, and zero abstentions. Thus, the Committee recommends adoption.

The Committee held a hearing on an earlier version of Int. No. 236-A on September 22, 2022, and received testimony from the New York City Economic Development Corporation (EDC) and several advocates.

**INT. NO. 236-A**

Int. No. 236-A would require the inclusion of city high school students in the NYC Ferry discount program and would memorialize the entire NYC Ferry discount program in the city's administrative code. It would also ensure any future contracted ferry service offered by the administration would maintain the NYC Ferry discount program if the contract were overseen by a City agency other than EDC.

**(The following is the text of the Fiscal Impact Statement for Int. No. 236-A:)**



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

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
OFFICER AND DEPUTY CHIEF OF STAFF TO THE  
SPEAKER**

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 236-A**

**COMMITTEE: Economic Development**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to providing contracted ferry service at reduced cost to certain persons.

**SPONSOR(S):** Council Members Farías, Stevens, Hanif, Sanchez, Yeger, Velázquez, Ayala, Restler, Abreu, Krishnan, Nurse, Won, Powers, Salamanca, Brannan, Ossé, Barron, Brooks-Powers, Williams, Avilés, Narcisse, Louis, Riley, Schulman, Cabán, Hudson, Gutiérrez, Menin, Joseph, Richardson Jordan, Marte, Vernikov, Paladino and Carr.

**SUMMARY OF LEGISLATION:** The proposed legislation would require the inclusion of city high school students in the NYC Ferry Discount Program and would memorialize the entire NYC Ferry Discount Program in the administrative code. NYC Ferry Discount Program was modeled after the City’s Fair Fares program and offers reduced-fare one-way rides of \$1.35 for seniors, people with disabilities, and other low-income riders. The discounted fare program took effect on September 12, 2022, and notably did not include city high school students which this proposed legislation expands into. It would also ensure any future contracted ferry service offered by the administration maintain the ferry discount program if the administration should ever take over NYC Ferry from EDC.

**EFFECTIVE DATE:** This local law takes effect September 1, 2024

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2026

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues (-)</b>	*	*	*
<b>Expenditures (+)</b>	\$0	\$0	\$0
<b>Net</b>	*	*	*

\*ESTIMATED CHANGE TO REVENUES IS A RANGE SUMMARIZED BELOW.

**IMPACT ON REVENUES:**

The estimated financial impact of this legislation on revenues is based on historical average ridership of NYC Ferry. According to the Terms and Conditions report submitted by NYCEDC, annual ridership for NYC Ferry in calendar year 2022 was 6,094,459. Of this total, it is reported that 90 percent of riders are New York City residents and 0.7 percent are under 18 years of age. There is no data available to determine if riders who are under 18 use the ferry to attend school.

Assuming that a reduced price ticket would cost \$1.35, which is the current standard for the elderly and disabled discounted fare on NYC Ferry, the decline in revenue anticipated will be roughly \$102,000 a year for 38,395 additional qualifying recipients.

We are unable to determine the effect that the discount would have on ridership levels. We can assume that a discount would likely lead to an increase in ridership among the affected demographic, but we are unable to determine the size of the increase. As a result we consider the \$102,000 annual cost to be the lower end of the cost of the project.

**IMPACT ON EXPENDITURES:** There is no estimated impact on expenditures as a result of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Glenn P. Martelloni, Financial Analyst

**ESTIMATE REVIEWED BY:** Aliya Ali, Unit Head  
Jonathan Rosenberg, Managing Deputy Director  
Kathleen Ahn, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on April, 28, 2022 as Int No. 236 and refereed to the Committee on Economic Development. The legislation was considered by the Committee on Economic Development at a joint hearing with the Committee on Transportation and Infrastructure held on September 9, 2022, and was Laid Over by the Committee. It was subsequently amended on March 8, 2023, and the amended version, Proposed Intro. No 236-A will be considered by the Committee on Economic Development. Upon a successful vote by the Committee on March 16, 2023, Proposed Intro. No. 236-A will be submitted to the full Council for a vote on March 16, 2023.

**DATE PREPARED:** March 15, 2023.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 236-A:)**

Int. No. 236-A

By Council Members Fariás, Stevens, Hanif, Sanchez, Yeger, Velázquez, Ayala, Restler, Abreu, Krishnan, Nurse, Won, Powers, Salamanca, Brannan, Ossé, Barron, Brooks-Powers, Williams, Avilés, Narcisse, Louis, Riley, Schulman, Cabán, Hudson, Gutiérrez, Menin, Joseph, Richardson Jordan, Marte, Gennaro, Rivera, Vernikov, Paladino, Carr and Kagan.

**A Local Law to amend the administrative code of the city of New York, in relation to providing contracted ferry service at reduced cost to certain persons**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-308 to read as follows:

*§ 19-308 Fares for contracted ferry service.*

*a. For purposes of this section, the following terms have the following definitions:*

*Administering agency. The term “administering agency” means an office or agency designated by the mayor to implement and administer the provisions of this section.*

*Airport route. The term “airport route” means a ferry route operated by a contracted ferry service that provides transport by ferry to an airport.*

*Contracted ferry service. The term “contracted ferry service” means the provision of mass transportation via ferry by a third-party operator pursuant to a contract with the city, or with an entity that contracts with the city to provide or administer economic development benefits on behalf of the city.*

*Person with a disability. The term “person with a disability” means a natural person with a physical or mental condition that on a permanent or temporary basis substantially limits one or more life activities, who is able to provide documentation relating to such condition, such as an award letter from the social security administration, the railroad retirement board or the United States postal service or a certificate from the state commission for the blind.*

*Seasonal route. The term “seasonal route” means a ferry route operated by a contracted ferry service that operates only on certain days or during certain months of the year.*

*Special route. The term “special route” means an airport route or a seasonal route.*

*Standard fare.* The term “standard fare” means the cost of a single-ride ticket to access a contracted ferry service for a person who is not eligible for any discount, including any discount based on the time of day a ticket is purchased or used.

*Student.* The term “student” means any person who is enrolled in grade 9, 10, 11 or 12, or is enrolled without an assigned grade, in a school of the city school district of the city of New York or a charter school that is located within the city of New York.

b. In accordance with this section, the cost to access a contracted ferry service, other than on a special route, shall be no greater than half of a standard fare for any:

(i) person who is age 65 or older;

(ii) person with a disability who is age 18 or over;

(iii) participant, as defined in section 12-01 of title 68 of the rules of the city of New York, in the program established pursuant to chapter 12 of such title; and

(iv) student, for the purpose of traveling to or from school.

c. To access a contracted ferry service at a cost no greater than half of a standard fare pursuant to paragraph (i), (ii), or (iii) of subdivision b of this section, a person must file an application with the administering agency, or, where the contracted ferry service is provided by a third-party operator pursuant to a contract with an entity that contracts with the city to provide or administer economic development benefits on behalf of such city, with such entity or an agent designated by such entity. Such application shall be in such form and manner as determined by such administering agency or such entity. Such administering agency, or such entity or such entity’s agent, may require that a person submit proof that such person is eligible to access a contracted ferry service at a cost no greater than half of a standard fare pursuant to paragraph (i), (ii) or (iii) of subdivision b of this section. Such proof may include, but need not be limited to a valid driver’s license or other form of government-issued identification, an award letter from the social security administration, or a written determination of eligibility for the program established pursuant to chapter 12 of title 68 of the rule of the city of new work, issued pursuant to subdivision (c) of section 12-03 of such title.

§ 2. This local law takes effect September 1, 2024.

AMANDA FARÍAS, *Chairperson*; RAFAEL SALAMANCA, Jr., KEVIN C. RILEY, ALEXA AVILÉS, ARI KAGAN, INNA VERNIKOV; 6-0-0; *Absent*: Jennifer Gutiérrez; Committee on Economic Development, March 16, 2023. *Other Council Members Attending*: Council Member Stevens.

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

### **Report of the Committee on Education**

Report for Int. No. 403-A

**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute IDNYC applications to all high school students.**

The Committee on Education, to which the annexed proposed amended local law was referred on May 19, 2022 (Minutes, page 1097), respectfully

**REPORTS:**

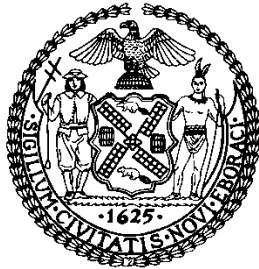
## I. INTRODUCTION

On March 16, 2023, the Committee on Education, chaired by Council Member Rita Joseph, held a vote on Int. No. 403-A, a local law to amend the administrative code of the city of New York in relation to requiring the Department of Education (DOE) to distribute IDNYC applications to all high school students. The bill was originally heard by the Committee on January 25, 2023. Witnesses who testified at the hearing included DOE, the NYC Comptroller, United Federation of Teachers, New York Appleseed, Integrate NYC, Advocates for Children, The Committee for Hispanic Children & Families, Coalition for Asian American Children & Families (CACF), the Citywide Council of Special Education (CCSE), and the Citywide Council on High Schools (CCHS). On March 16, 2023, the Committee passed this legislation by a vote of nineteen in the affirmative, zero in the negative, and zero abstentions.

## II. INT. NO. 403-A ANALYSIS

This bill would require DOE to distribute information about the IDNYC municipal identification program to every student grades 9 through 12 at the start of each school year. At a minimum, this legislation would require DOE to provide every student with an IDNYC application form, as well as information about IDNYC eligibility requirements, the application process, including but not limited to a list of documents accepted to prove IDNYC identity and residency requirements, and the relevant benefits and discounts provided to IDNYC cardholders. Since it was heard, the bill was edited to include distribution of information about IDNYC benefits and discounts and received technical edits.

**(The following is the text of the Fiscal Impact Statement for Int. No. 403-A:)**



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

**TANISHA EDWARDS, CHIEF FINANCIAL OFFICER AND  
DEPUTY CHIEF OF STAFF TO THE SPEAKER**

**RICHARD LEE, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 403-A**

**COMMITTEE: Education**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Education to distribute IDNYC applications to all high school students

**Sponsors:** Council Members Joseph, Stevens, Schulman, Hanif, Ayala, Hudson, Brewer, Louis, Ung, Nurse, Marte, Avilés, Riley, De La Rosa, Krishnan, Dinowitz, Barron, Ossé, Farías, Abreu, Restler, Richardson Jordan, Sanchez, Lee, Gennaro, Narcisse, Won, Menin, Hanks and Vernikov.

**SUMMARY OF LEGISLATION:** The proposed local law would require the Department of Education (DOE) to distribute information about the IDNYC municipal identification program to every student, grades 9 through 12, at the start of each school year. At a minimum, this legislation would require DOE to provide every student with an IDNYC application form, as well as information on IDNYC eligibility requirements, the application process, including list of acceptable documents to prove IDNYC identity and residency requirements, and the relevant benefits and discounts offered to IDNYC cardholders.

**EFFECTIVE DATE:** This bill would take effect 120 days after it becomes law.

**FISCAL YEAR (FY) IN WHICH FULL FISCAL IMPACT ANTICIPATED: FY25**

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>Succeeding FY25</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$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 fiscal impact on expenditures resulting from the enactment of this legislation as the agency responsible for carrying out its requirements would use existing resources to fulfill its requirements.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A**

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Elizabeth Hoffman, Assistant Director

**ESTIMATE REVIEWED BY:** Chima Obichere, Deputy Director  
Kathleen Ahn, Finance Division Counsel  
Jonathan Rosenberg, Managing Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on May 19, 2022, as Intro. No. 403 and referred to the Committee on Education (the Committee). The legislation was considered by the Committee at a hearing held on January 25, 2023 and was subsequently amended to Proposed Intro. 403-A. The amended version, Proposed Intro. No. 403-A will be considered by the Committee on March 16, 2023. Upon successful vote by the Committee, Proposed Intro. No. 403-A will be submitted to the full Council for a vote on March 16, 2023.

**DATE PREPARED:** March 15, 2023.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 403-A:)**

## Int. No. 403-A

By Council Members Joseph, Stevens, Schulman, Hanif, Ayala, Hudson, Brewer, Louis, Ung, Nurse, Marte, Avilés, Riley, De La Rosa, Krishnan, Dinowitz, Barron, Ossé, Farías, Abreu, Restler, Richardson Jordan, Sanchez, Lee, Gennaro, Narcisse, Won, Menin, Hanks, Velázquez, Rivera and Vernikov.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute IDNYC applications to all high school students**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 30 to read as follows:

*CHAPTER 30  
DISTRIBUTION OF IDNYC MUNICIPAL IDENTIFICATION PROGRAM MATERIALS*

*§ 21-1001 Distribution of IDNYC municipal identification program materials. a. Definitions. As used in this section, the following terms have the following meanings:*

*IDNYC. The term "IDNYC" means the New York city identity card established pursuant to section 3-115.*

*School. The term "school" means a school of the city school district of the city of New York that contains any combination of grades from and including grade 9 through grade 12.*

*b. At the start of each school year, the department shall distribute to each school, for distribution to every student of such school, information related to the IDNYC program. Distribution of such information to schools and students may be in hard copy or electronic if distribution of other similar information occurs electronically. At a minimum, such information shall include the IDNYC application form and information on: (i) eligibility requirements; (ii) the application process, including but not limited to a list of documents accepted to prove identity and residency; and (iii) relevant benefits and discounts provided to IDNYC cardholders.*

*c. The department shall make available the information required to be distributed pursuant to subdivision b of this section on the department's website in English and in each of the designated citywide languages, as such term is defined in subdivision a of section 23-1101.*

*§ 2. This local law takes effect 120 days after it becomes law.*

RITA C. JOSEPH, *Chairperson*; FARAH N. LOUIS, JAMES F. GENNARO, ERIC DINOWITZ, OSWALD FELIZ, ALEXA AVILÉS, CARMEN N. De La ROSA, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, KAMILLAH HANKS, SHEKAR KRISHNAN, LINDA LEE, JULIE MENIN, MERCEDES NARCISSE, LINCOLN RESTLER, PIERINA ANA SANCHEZ, LYNN C. SCHULMAN, ALTHEA V. STEVENS, SANDRA UNG; 19-0-0; Committee on Education, March 16, 2023.

On motion of the Speaker (Council Member Adams), 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 Environmental Protection, Resiliency and Waterfronts**

Report for Int. No. 210-A

**Report of the Committee on Environmental Protection, Resiliency and Waterfronts in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to creating a marine debris disposal and vessel surrendering office.**

The Committee on Environmental Protection, Resiliency and Waterfronts to which the annexed proposed amended local law was referred on April 28, 2022 (Minutes, page 742), respectfully

**REPORTS:****INTRODUCTION**

On March 16, 2023, the Committee on Environmental Protection, Resiliency and Waterfronts, chaired by Council Member James F. Gennaro will hold a hearing to consider Proposed Int. No. 210-A, sponsored by Council Member Ariola, in relation to creating a marine debris disposal and vessel surrendering office. This legislation was originally heard at a hearing held on June 13, 2022, during which testimony was received from the Departments of Parks and Recreation and Environmental Protection, the Sheriff of the City of New York, advocates, and other interested parties. More information about this bill, along with the materials for that hearing, can be accessed [here](#).<sup>1</sup>

**LEGISLATION**

Below is a brief summary of the legislation being considered today by the Committee. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

**Proposed Int. No. 210-A, A Local Law to amend the New York city charter, in relation to creating a marine debris disposal and vessel surrendering office**

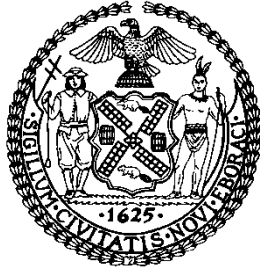
Proposed Int. No. 210-A would establish an Office of Marine Debris Disposal and Vessel Surrendering, headed by a Director of Marine Debris Disposal. The Director would be responsible for collaborating with relevant federal, state and City agencies and offices of the Mayor to remove marine debris from the City's waters and shores, developing a plan to recycle, reuse or dispose of marine debris, developing recommendations for enforcement against people who abandon marine debris, recommending programs to track and monitor vessels to prevent abandonment, developing recommendations for a program for surrendering boats to the City for disposal, and coordinating with organizations and volunteer groups who help remove marine debris from the City's beaches and shores.

This local law would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 210-A:)**

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<sup>1</sup> <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5570370&GUID=20DF7B43-E294-4470-9DC4-5C090E7A8DA0&Options=ID|Text|Search=210>



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

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL OFFICER, AND DEPUTY CHIEF OF STAFF TO THE SPEAKER**

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 210-A**

**COMMITTEE: Environmental Protection, Resiliency and Waterfronts**

**TITLE:** A Local Law to amend the New York city charter, in relation to creating a marine debris disposal and vessel surrendering office.

**SPONSOR(S):** By Council Members Ariola, Brooks-Powers, Menin, Velázquez, Ossé, Farías, Gennaro, Gutiérrez, Ayala, Holden, Narcisse, Abreu, Riley, Barron, Schulman, Marte, Kagan, Lee, Louis, Krishnan, Sanchez, Brannan, Hanif, Hanks, Carr, Borelli, Paladino and Vernikov.

**SUMMARY OF LEGISLATION:** This proposed legislation would require the creation of an Office of Marine Debris Disposal and Vessel Surrendering, headed by a Director of Marine Debris Disposal. The Director would be responsible for collaborating with relevant federal, state and City agencies and offices of the Mayor to remove marine debris from the City’s waters and shores, developing a plan to recycle, reuse or dispose of marine debris, developing recommendations for enforcement against people who abandon marine debris, recommending programs to track and monitor vessels to prevent abandonment, developing recommendations for a program for surrendering boats to the City for disposal, and coordinating with organizations and volunteer groups who help remove marine debris from the City’s beaches and shores.

**EFFECTIVE DATE:** This local law takes effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2024

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$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 fiscal impact on expenditures resulting from the enactment of this legislation, as New York City’s Office of the Mayor would use existing resources to fulfill its requirement.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A**

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

**ESTIMATE PREPARED BY:** Andrew Lane-Lawless, Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Crilhien Francisco, Assistant Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on April 28, 2022, as Intro. 210 and referred to the Committee on Resiliency and Waterfronts. The legislation was considered by the Committee on Resiliency and Waterfronts at a hearing held on June 13, 2022, and was Laid Over by the Committee on Resiliency and Waterfronts. It was subsequently amended, and upon the dissolution of the Committee on Resiliency and Waterfronts, the amended version Proposed Intro No. 210-A was referred to the Committee on Environmental Protection, Resiliency and Waterfronts. Proposed Int. No. 210-A will be considered by the Committee on Environmental Protection, Resiliency and Waterfronts (Committee) on March 16, 2023. Upon successful vote by the Committee, Proposed Int. 210-A will submitted to the full Council for a vote on March 16, 2023.

**DATE PREPARED:** 3/14/2023.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 210-A:)**

Int. No. 210-A

By Council Members Ariola, Brooks-Powers, Menin, Velázquez, Ossé, Farías, Gennaro, Gutiérrez, Ayala, Holden, Narcisse, Abreu, Riley, Barron, Schulman, Marte, Kagan, Lee, Louis, Krishnan, Sanchez, Brannan, Hanif, Hanks, Carr, Borelli, Paladino and Vernikov.

**A Local Law to amend the New York city charter, in relation to creating a marine debris disposal and vessel surrendering office**

*Be it enacted by the Council as follows:*

Section 1. Section 20-m of chapter 1 of the New York city charter, as added by local law number 164 for the year 2021, is renumbered section 20-o.

§ 2. Chapter 1 of the New York city charter is amended by adding a new section 20-p to read as follows:

*§ 20-p. Office of marine debris disposal and vessel surrendering. a. Definitions. As used in this section, the following terms have the following meanings:*

*Abandon. The term “abandon” means the permanent relinquishment of possession or control.*

*Director. The term “director” means the director of the office of marine debris disposal and vessel surrendering.*

*Littoral waters. The term “littoral waters” means any waters within or bounding the city.*

*Marine debris. The term “marine debris” means any debris or other material or substance that is abandoned in or on littoral waters or shores, other than a vessel.*

*Shores. The term “shores” means the land, within or bounding the city, between the mean high water mark and mean low water mark.*

*b. The mayor shall establish an office of marine debris disposal and vessel surrendering. Such office may be established in the executive office of the mayor or may be established as a separate office, within any other office of the mayor or within any department, the head of which is appointed by the mayor. Such office shall be headed by a director, who shall be appointed by the mayor or the head of such department.*

*c. Powers and duties. In addition to any powers and duties the mayor may assign, the director shall have the power and duty to:*

*1. Collaborate with relevant agencies including, but not limited to, the department of small business services, the department of finance, the department of sanitation, the department of environmental protection, the department of parks and recreation, and the department of citywide administrative services, as well as relevant federal and state agencies, to effectuate the purposes of this section;*

*2. Coordinate the removal of marine debris in or on littoral waters or shores;*

*3. Develop a plan to recycle or reuse marine debris and options to dispose of any such marine debris that is unable to be recycled or reused;*

*4. Recommend policies to enforce against persons who abandon marine debris or vessels in or on littoral waters or shores;*

*5. Recommend programs to track and monitor vessels in order to prevent abandonment, and provide information to vessel owners and marina operators regarding solutions for proper disposal of such vessels;*

*6. Evaluate the feasibility of and develop recommendations for a program for persons to surrender vessels to the city for disposal; and*

*7. Coordinate with and promote organizations and volunteer groups involved in removing marine debris from the shores.*

§ 3. This local law takes effect immediately.

JAMES F. GENNARO, *Chairperson*; ROBERT F. HOLDEN, JULIE MENIN, SANDY NURSE, LINCOLN RESTLER; 5-0-0; Committee on Environmental Protection, Resiliency & Waterfronts, March 16, 2023. *Absent:* Jennifer Gutiérrez. *Medical:* Kamillah Hanks. *Other Council Members Attending:* Council Member Ariola.

On motion of the Speaker (Council Member Adams), 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 Adams) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Res. No. 530

#### **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 March 16, 2023, 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, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”). On June 13, 2022, the Council adopted the expense budget for fiscal year 2023 with various programs and initiatives (the “Fiscal 2023 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 2023 and Fiscal 2022 Expense Budgets (“Chart”).

This Resolution, dated March 16, 2023, approves the new designation and the changes in the designation of certain organizations receiving local, aging, youth, community safety and victims’ services, and Speaker’s initiative to address citywide needs discretionary funding and funding for certain initiatives in accordance with the Fiscal 2023 Expense Budget; approves the changes in designation of certain organizations receiving aging and boroughwide discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget and amends the description for the Description/Scope of Services of certain organizations receiving youth, local, aging, community safety and victims’ services, and Speaker’s initiative discretionary funding in accordance with the Fiscal 2023 Expense Budget. All new designations and changes in designations are as described in the attached Charts and the Resolution text.

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 2023 and Fiscal 2022 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. 530:)**

Preconsidered Res. No. 530

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Members Brannan and Ayala.

**Whereas**, On June 13, 2022, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”); and

**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 2022 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, and boroughwide 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 2023 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, youth, and Speaker’s initiative discretionary funding, and certain organizations receiving funding pursuant to certain initiatives; now, therefore, be it

**Resolved**, That the City Council approves the new designations and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 8; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Hate Crimes Prevention Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Trauma Recovery Centers Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving aging discretionary funding 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 change 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 16; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 17.

**(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 530 of 2023 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 17-0-0; *Medical*: Francisco P. Moya; Committee on Finance, March 16, 2023.

On motion of the Speaker (Council Member Adams), 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 General Welfare**

Report for Int. No. 124-A

### **Report of the Committee on General Welfare 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 reporting on and training of housing specialists within the human resources administration and department of homeless services.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred on March 24, 2022 (Minutes, page 474), respectfully

#### **REPORTS:**

##### **I. Introduction**

On March 16, 2023, the Committee on General Welfare, chaired by Deputy Speaker Diana Ayala, held a hearing to consider Proposed Introduction Number (Int. No.) 124-A and Proposed Int. No. 431-A, both sponsored by Council Member Salamanca, Jr., and Proposed Int. No. 642-A, sponsored by Council Member Williams. The Committee previously held a hearing on Proposed Int. No. 124-A and Proposed Int. No. 431-A on September 13, 2022. At that hearing, the Committee heard testimony from the New York City Department of Social Services, community-based organizations, service providers, individuals who have formerly experienced or are currently experiencing homelessness, and members of the public. The Committee previously held a hearing on Proposed Int. No. 642-A on October 13, 2022. At that hearing, the Committee heard testimony from the New York City Administration for Children's Services, community-based organizations, service providers, and members of the public. At the hearing on March 16, 2023, the Committee passed this legislation by a vote of 10 in the affirmative, zero in the negative and zero abstentions.

##### **II. Bill Analysis**

###### **Int. No. 124-A**

This bill would require the Human Resources Administration (HRA) to designate housing specialists within all temporary shelters and to submit an annual report on the performance of such housing specialists. This bill would also require the Commissioner of Social Services to establish a training program for housing specialists and develop criteria to assess the performance of such housing specialists in matching eligible homeless persons with available housing resources as expeditiously as possible. The bill would also amend the existing requirements for housing specialists in Department of Homeless Services (DHS) transitional housing facilities and require DHS to submit an annual report to the Speaker and post on its website regarding such housing specialists.

Since being heard, this bill was amended to require the Commissioner of Social services to take into account the special needs of the relevant population when developing its performance assessment criteria for housing specialists in HRA shelters. This bill also received technical edits.

###### **Int. No. 431-A**

This bill would require biannual customer service training for all shelter personnel who have direct contact with shelter residents. Such training would include techniques to improve professionalism, increase cultural sensitivity, implement a trauma-informed approach to interactions with shelter residents, and de-escalate conflict.

Since introduction, this bill was amended to require DHS to develop and provide the required training to



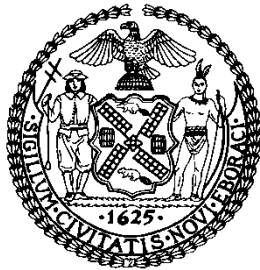
shelter personnel unless provided otherwise by contract. This bill also received technical edits.

**Int. No. 642-A**

This bill would require the Administration for Children’s Services (ACS) to submit to the Mayor and the Speaker of the Council, and post on the ACS website, a quarterly report regarding the amount of time that children spend in the children’s center, youth reception centers, rapid intervention centers or other temporary placement facilities of ACS. Such report would include information about the number of children placed in such facilities, the length of stay and age ranges of such children, and the number of such children placed in a facility for the first time.

Since introduction, this bill was amended to require that the data reported be provided in a table format with specific rows and columns. This bill was further amended to require report submission by March 31, 2024 annually, instead of April 30, 2022. This bill also received technical edits. This bill would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 124-A:)**



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

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
OFFICER AND DEPUTY CHIEF OF STAFF TO THE  
SPEAKER**

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 124-A**

**COMMITTEE: General Welfare**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on and training of housing specialists within the human resources administration and department of homeless services.

**SPONSOR(S):** Salamanca, Stevens, Restler, Ayala, Sanchez, and Louis.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 124-A would require the Department of Homeless Services (DHS) and the Human Resources Administration (HRA) to designate housing specialists to serve in all temporary shelters. This bill would require that the commissioner establish a training program for housing specialists employed by contracted providers that would include, establishing expertise in the various housing programs to which eligible homeless clients may be referred and proper case management techniques. Additionally, the commissioner would be required to develop specific criteria to assess the performance of housing specialists in expeditiously matching eligible homeless persons with available housing resources. By January 15, 2024, and by January 15 annually thereafter, DHS and HRA would submit to the Council and post on its website an annual report regarding information on housing specialists.

**EFFECTIVE DATE:** This local law would take effect 120 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2025

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated 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 as HRA and DHS will utilize existing resources to fulfill the requirements of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

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

**ESTIMATE PREPARED BY:** Julia K. Haramis, Principal Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Aliya Ali, Unit Head, NYC Council Finance Division  
  
Kathleen Ahn, Counsel, NYC Council Finance Division  
Chima Obichere, Deputy Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on March 24, 2022, as Int. No. 124 and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on September 13, 2022, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 124-A, will be voted on by the Committee at a hearing on March 16, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 124-A will be submitted to the full Council for a vote on March 16, 2023.

**DATE PREPARED:** March 12, 2023.

**(For text of Int. Nos. 431-A and 642-A and their Fiscal Impact Statements, please see the Report of the Committee on General Welfare for Int. Nos. 431-A and 642-A, respectively, printed in these Minutes; for text of Int. No. 124-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 124-A, 431-A, and 642-A.*

**(The following is the text of Int. No. 124-A:)**

## Int. No. 124-A

By Council Members Salamanca, Stevens, Restler, Ayala, Sanchez, Louis, Velázquez, Gennaro, Dinowitz and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on and training of housing specialists within the human resources administration and department of homeless services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-151 to read as follows:

§ 21-151 *Training and supervision of housing specialists. a. Definitions.* For purposes of this section, the following terms have the following meanings:

*Domestic violence emergency shelter.* The term “domestic violence emergency shelter” means time-limited housing for domestic violence survivors managed by the department or a provider under a contract or similar agreement with the department and subject to section 459-b of the social services law.

*Domestic violence tier II shelter.* The term “domestic violence tier II shelter” means housing for domestic violence survivors managed by the department or a provider under a contract or similar agreement with the department and subject to the provisions of part 453 of title 18 of the New York codes, rules, and regulations.

*HIV/AIDS Services Administration (“HASA”) shelter.* The term “HASA shelter” means single room occupancy hotels or congregate facilities that are managed by the department or a provider under contract or similar agreement with the department and assist individuals living with AIDS or HIV illness.

*Housing specialist.* The term “housing specialist” means a case manager or other staff of the department, or of a provider under contract or similar agreement with the department, assigned to work in domestic violence emergency shelters, domestic violence tier II shelters, or HASA shelters to help clients in such shelters secure appropriate housing.

*Temporary shelter.* The term “temporary shelter” means domestic violence emergency shelters, domestic violence tier II shelters, and HASA shelters managed by the department or a provider under contract or similar agreement with the department.

**b. Training and supervision of housing specialists.** The department shall designate housing specialists to serve in temporary shelters. The commissioner shall establish a training program for housing specialists employed by providers under contract or similar agreement with the department that shall include, but not be limited to, establishing expertise in the various housing programs to which eligible homeless clients may be referred and proper case management techniques. The commissioner shall develop specific criteria to assess the performance of housing specialists in matching, as expeditiously as possible, eligible homeless persons with available housing resources. To the extent such criteria relate to timetables for clients moving out of a shelter system, such criteria shall take into account the special needs of the relevant population with respect to living independently.

**c. Reporting on housing specialists.** No later than January 15, 2024, and no later than January 15 annually thereafter, the department shall submit to the speaker of the council and post on its website an annual report regarding information on housing specialists. Such report shall include, but not be limited to: (i) the number of temporary shelters, disaggregated by district and type of shelter; (ii) the number of housing specialists within temporary shelters, disaggregated by district and type of shelter; (iii) the average caseload of housing specialists within each temporary shelter; and (iv) the criteria by which the commissioner shall assess the performance of housing specialists. No information that is required to be reported pursuant to this section shall be reported if doing so would violate any applicable provision of federal, state, or local law relating to the privacy, confidentiality, use, or disclosure of that information, or if there are fewer than 5 data points in the reporting cohorts. If there are fewer than 5 data points, the report shall designate this with an asterisk in place of the data point.

§ 2. Section 21-303 of the administrative code of the city of New York, as amended by local law number 75 for the year 1995, is amended to read as follows:

§ 21-303 Training and supervision of housing specialists. *a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Housing specialist. The term “housing specialist” means a case manager or other staff of the department, or of a provider under contract or similar agreement with the department, assigned to work in transitional housing facilities in order to help clients in such facilities secure appropriate housing.*

*Transitional housing facility. The term “transitional housing facility” means a shelter placement for families with children, adult families, single adults, or veterans managed by the department or a provider under contract or similar agreement with the department.*

**b. Training and supervision of housing specialists.** The department shall designate [Housing] housing specialists [shall be available] to serve in each transitional housing facility [used, owned, operated, managed or contracted for, by or on behalf of the department]. Where housing specialists are placed in transitional housing facilities and are employed by not-for-profit or for-profit operators of such facilities, the commissioner shall establish a training program for such housing specialists which shall include, but not be limited to, establishing expertise in the various housing programs to which eligible homeless persons may be referred and proper case management techniques. The commissioner shall develop definite program goals and timetables by which [he or she] *the commissioner* shall assess the performance of housing specialists in matching as expeditiously as possible eligible homeless persons with available housing resources [and, on or before December 31, 1995, shall report to the speaker of the city council in writing on such goals and timetables by which he or she shall assess the performance of housing specialists].

*c. Reporting on housing specialists. No later than January 15, 2024, and no later than January 15 annually thereafter, the department shall submit to the speaker of the council and post on its website a report regarding information on housing specialists. Such report shall include, but not be limited to: (i) the number of transitional housing facilities, disaggregated by district and type of transitional housing facility; (ii) the number of housing specialists within all transitional housing facilities, disaggregated by district and type of transitional housing facility; (iii) the average caseload of housing specialists within each transitional housing facility; and (iv) the goals and timetables by which the commissioner shall assess the performance of housing specialists. No information that is required to be reported pursuant to this section shall be reported if doing so would violate any applicable provision of federal, state, or local law relating to the privacy, confidentiality, use, or disclosure of that information, or if there are fewer than 5 data points in the reporting cohorts. If there are fewer than 5 data points, the report shall designate this with an asterisk in place of the data point.*

§ 3. This local law takes effect 120 days after it becomes law.

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, TIFFANY CABÁN, CRYSTAL HUDSON, LINDA LEE, CHI A. OSSÉ, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, NANTASHA M. WILLIAMS; 10-0-0; Committee on General Welfare, March 16, 2023.

On motion of the Speaker (Council Member Adams), 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. 431-A

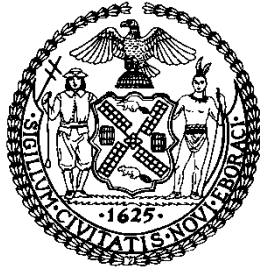
**Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to customer service training for shelter personnel of the department of homeless services and its contractors.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred on May 19, 2022 (Minutes, page 1130), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 124-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 431-A:*



**THE COUNCIL OF THE CITY OF NEW YORK**

**FINANCE DIVISION**

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL OFFICER AND DEPUTY CHIEF OF STAFF TO THE SPEAKER**

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 431-A**

**COMMITTEE: General Welfare**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to customer service training for shelter personnel of the department of homeless services and its contractors.

**SPONSOR(S):** Salamanca, Hanif, Louis, Krishnan, Ayala, Lee, and Sanchez.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 431-A would require the Department of Homeless Services (DHS) to develop and provide biannual training, unless otherwise provided by contract, to shelter personnel on best practices for improving interactions with shelter residents. The training would include techniques to improve professionalism, increase cultural sensitivity, implement a trauma-informed approach to interactions with shelter residents, and de-escalate conflict.

**EFFECTIVE DATE:** This local law would take effect 120 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2025

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated 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 as DHS will utilize existing resources to fulfill the requirements of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A****SOURCE OF INFORMATION:** New York City Council Finance Division**ESTIMATE PREPARED BY:** Julia K. Haramis, Principal Financial Analyst, NYC Council Finance Division**ESTIMATE REVIEWED BY:** Aliya Ali, Unit Head, NYC Council Finance Division  
Kathleen Ahn, Counsel, NYC Council Finance Division  
Chima Obichere, Deputy Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on May 19, 2022, as Int. No. 431 and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on September 13, 2022, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 431-A, will be voted on by the Committee at a hearing on March 16, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 431-A will be submitted to the full Council for a vote on March 16, 2023.

**DATE PREPARED:** March 12, 2023.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 431-A:)**

## Int. No. 431-A

By Council Members Salamanca, Hanif, Louis, Krishnan, Ayala, Lee, Sanchez, Velázquez, Gennaro and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to customer service training for shelter personnel of the department of homeless services and its contractors**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-331 to read as follows:

§ 21-331 *Customer service training. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Provider. The term “provider” means a person under contract or similar agreement with the department to provide shelter.*

*Shelter. The term “shelter” means temporary emergency housing provided by the department or a provider to homeless adults, adult families, and families with children.*

*Shelter personnel. The term “shelter personnel” means employees of the department or a provider who have direct contact with shelter residents.*

*b. Unless provided otherwise by contract, the department shall develop and provide biannual training to shelter personnel on best practices for improving interactions between shelter personnel and shelter residents. Such training shall include techniques to improve professionalism, increase cultural sensitivity, implement a trauma-informed approach to interactions with shelter residents, and de-escalate conflict.*

§ 2. This local law takes effect 120 days after it becomes law.

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, TIFFANY CABÁN, CRYSTAL HUDSON, LINDA LEE, CHI A. OSSÉ, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, NANTASHA M. WILLIAMS; 10-0-0; Committee on General Welfare, March 16, 2023.

On motion of the Speaker (Council Member Adams), 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. 642-A

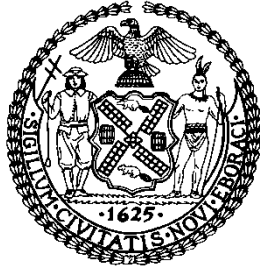
**Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring quarterly reporting on the amount of time children and youth spend in the children's center and other temporary placement facilities of the administration for children's services.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred on August 11, 2022 (Minutes, page 2025), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 124-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 642-A:*



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

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE  
SPEAKER**

**RICHARD LEE, FINANCE DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 642-A**

**COMMITTEE: General Welfare**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring quarterly reporting on the amount of time children and youth spend in the children's center and other temporary placement facilities of the administration for children's services.

**SPONSOR(S):** By Council Members Williams, Restler, Hanif, Won, Nurse, Gutiérrez, Sanchez, Louis, Cabán, Menin, Brooks-Powers, Abreu, Ossé, Krishnan, Brannan, Hudson Riley, Lee, Velázquez, Schulman, Narcisse, Barron and Marte.

**SUMMARY OF LEGISLATION:** This bill would require the Administration for Children's Services (ACS) to report to the Mayor and the Speaker of the Council, and post on the ACS website, a quarterly report about the amount of time that children spend in the children's center, youth reception centers, rapid intervention centers or other temporary placement facilities. The report would include information about the length of time spent in a facility, the type of facility, the age range of the child, and the number of children placed in a facility for the first time.

**EFFECTIVE DATE:** This local law takes effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2024**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$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

**ESTIMATE PREPARED BY:** Austrid Chan, Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Aliya Ali, Unit Head, NYC Council Finance Division  
Kathleen Ahn, Counsel, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council on August 11, 2022 as Int. No. 642 and was referred to the Committee on General Welfare (Committee). At a hearing held by the Committee on October 13, 2022, the bill was heard and laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 642-A, will be heard by the Committee on March 16, 2023. Upon a successful vote by the Committee, the bill will be submitted to the full Council for a vote on March 16, 2023.

**DATE PREPARED:** March 14, 2023.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 642-A:)**

Int. No. 642-A

By Council Members Williams, Restler, Hanif, Won, Nurse, Gutiérrez, Sanchez, Louis, Cabán, Menin, Brooks-Powers, Abreu, Ossé, Krishnan, Brannan, Hudson Riley, Lee, Velázquez, Schulman, Narcisse, Barron, Marte, Avilés, Gennaro and Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring quarterly reporting on the amount of time children and youth spend in the children's center and other temporary placement facilities of the administration for children's services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-923 to read as follows:



§ 21-923 Reporting on length of stay of children and youth in ACS facilities. a. Definitions. For purposes of this section, the following terms have the following meanings:

*Age range.* The term “age range” refers to a breakdown by the following categories: 6 years or less; 7-12 years; 13-17 years; and 18-20 years.

*Children’s center.* The term “children’s center” means the Nicholas Scoppetta children’s center or a successor center operated by ACS for the purpose of providing short-term care and maintenance therein for children or youth under ACS’s care.

*Length of stay.* The term “length of stay” refers to a breakdown by the following categories: 3 days or less; 4-7 days; 8-10 days; 11-20 days; 21-30 days; 31-60 days; 61-120 days; 121-180 days; and 181 or more days.

*Rapid intervention center.* The term “rapid intervention center” means a facility that provides intensive, structured, clinically-focused, therapeutic programming designed to provide stabilization and short-term, intensive treatment interventions to youth in a residential setting so that they may be returned to their parents, foster parents, or least-restrictive level of care as promptly as possible.

*Temporary placement facility.* The term “temporary placement facility” means a facility for children or youth under the care of ACS who await a longer-term placement.

*Youth reception center.* The term “youth reception center” means a short-term, pre-placement facility for children or youth under the care of ACS who await placement with an appropriate foster care provider.

b. No later than March 31, 2024, and quarterly thereafter, ACS shall submit to the mayor and the speaker of the council, and shall post conspicuously on the ACS website, a report containing the following information, disaggregated by age range and length of stay, for the children’s center, youth reception centers, rapid intervention centers, and any other temporary placement facilities for the immediately preceding quarter:

1. The number of children or youth residing in such facility; and
2. The number of such children or youth who were placed in such facility for the first time.

c. The report required pursuant to subdivision b shall be presented as a table where each row represents 1 of the following: (i) the children’s center; (ii) youth reception centers; (iii) rapid intervention centers; and (iv) other temporary placement facilities. The columns in such table shall include the number of children or youth residing in the applicable facility, the number of such children or youth in each age range, the number of such children or youth in each category of length of stay, and the number of such children or youth placed in such facility for the first time.

d. No report required by this section shall contain personally identifiable information. If a category contains between 1 and 5 children or youth, or contains a number that would allow the identity of a child or youth in another category that contains between 1 and 5 children or youth to be deduced, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state, or local law relating to the privacy of children’s information. Reports submitted pursuant to this section shall be made in accordance with all applicable provisions of federal, state, and local laws relating to the privacy of information and confidentiality of records.

§ 2. This local law takes effect immediately.

DIANA I. AYALA, Chairperson; KEVIN C. RILEY, TIFFANY CABÁN, CRYSTAL HUDSON, LINDA LEE, CHI A. OSSÉ, LINCOLN RESTLER, ALTHEA V. STEVENS, SANDRA UNG, NANTASHA M. WILLIAMS; 10-0-0; Committee on General Welfare, March 16, 2023.

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

## Report of the Committee on Health

Report for Int. No. 918-A

### **Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to develop and implement a citywide diabetes incidence and impact reduction plan.**

The Committee on Health, to which the annexed proposed amended local law was referred on February 2, 2023 (Minutes, page 433), respectfully

#### **REPORTS:**

##### **I. INTRODUCTION**

On March 13, 2023, the Committee on Health, chaired by Council Member Lynn Schulman, voted on Introduction 918-A, in relation to requiring the Department of Health and Mental Hygiene to develop and implement a citywide diabetes incidence and impact reduction plan. Introduction 918-A passed with seven votes in the affirmative, with no nays or abstentions. On February 1, 2023, the Committee on Health heard this legislation and received testimony from the New York City Department of Health and Mental Hygiene, advocates, and other interested parties.

##### **II. BACKGROUND**

Diabetes is a common chronic illness that affects how our bodies turn food into energy.<sup>1</sup> When the body converts food into sugar (glucose) and releases it into the bloodstream, the hormone insulin regulates blood sugar by allowing cells to use glucose as energy.<sup>2</sup> Low insulin levels lead to higher sugar levels in the bloodstream, causing damage and increasing the risk for various illnesses such as heart disease, vision loss, and kidney disease.<sup>3</sup> According to the Centers for Disease Control and Prevention (CDC), diabetes is the 7<sup>th</sup> leading cause of death in the United States (U.S.), as over 37.3 million Americans, or 11.3 percent of the country's population, suffer from some form of diabetes.<sup>4</sup>

Nationally, the three most diagnosed forms of diabetes include type 1 (5 to 10 percent of all diagnosed cases), type 2 (90 to 95 percent of all diagnosed cases), and gestational diabetes (diagnosed in 2 to 10 percent of all pregnancies in the U.S.).<sup>5</sup> Often occurring in children, adolescents, and young adults, type 1 diabetes is thought to be caused by an autoimmune reaction where the body attacks itself and stops producing insulin.<sup>6</sup> According to the CDC, between 2001 and 2017, type 1 diabetes cases among individuals under age 20 increased by 45 percent.<sup>7</sup> The estimated number of youth aged 0-19 years with type 1 diabetes increased from 148 per

<sup>1</sup> Centers for Disease Control & Prevention, *Diabetes*, CDC, <https://www.cdc.gov/diabetes/basics/diabetes.html>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* There is also latent autoimmune diabetes in adults (LADA), which is a slow-progressing form of autoimmune diabetes. It occurs when the pancreas stops producing adequate insulin, most likely from some “insult” that slowly damages the insulin-producing cells in the pancreas. Unlike type 1 diabetes, with LADA, an individual often won’t need insulin for several months up to years after diagnosis. M Regina Castro, M.D., *Latent Autoimmune Diabetes in Adults (LADA): What is it?*, Mayo Clinic, <https://www.mayoclinic.org/diseases-conditions/type-1-diabetes/expert-answers/lada-diabetes/faq-20057880>. Many researchers believe LADA, sometimes called type 1.5 diabetes, is a subtype of type 1, while others do not recognize it as a distinct entity. Others believe diabetes occurs on a continuum, with LADA falling between type 1 and type 2 diabetes. *Id.*

<sup>6</sup> Centers for Disease Control & Prevention, *Diabetes*, CDC, <https://www.cdc.gov/diabetes/basics/diabetes.html>.

<sup>7</sup> Press Release, Center for Disease Control & Prevention, *New Research Uncovers Concerning Increases in Youth Living with Diabetes in the U.S.*, CDC Newsroom (Aug. 24, 2021), <https://www.cdc.gov/media/releases/2021/p0824-youth-diabetes.html>.

100,000 in 2001 to 215 per 100,00 in 2017.<sup>8</sup> Specifically, there were significant increases in the number of youth living with type 1 diabetes in those aged 5-9, 10-14, and 15-19 years old, in both sexes and for each racial and ethnic group.<sup>9</sup> However, type 1 diabetes remains more common among White youth compared to other racial and ethnic groups.<sup>10</sup>

In type 2 diabetes, the body uses insulin inefficiently as cells develop insulin resistance and are unable to absorb sugar for energy, leading to high blood sugar levels.<sup>11</sup> Although primarily found in adults, from 2001 to 2017, there were significant increases in the number of youth living with type 2 diabetes in those aged 10-14 and 14-19 year olds, in both sexes and for each racial and ethnic group.<sup>12</sup> The estimated number of youth aged 0-19 living with type 2 diabetes increased from 34 per 100,000 in 2001 to 67 per 100,000 in 2017.<sup>13</sup> This increase was observed in youth aged 10-14 and 15-19 years old, in both sexes and for each racial and ethnic group.<sup>14</sup> However, type 2 diabetes remains more common among youth in non-White racial and ethnic groups.<sup>15</sup> The greatest increases in type 2 diabetes prevalence were seen in youth who are Black or Hispanic, and the highest number of youth per 1,000 living with type 2 diabetes were seen in youth who are Black or American Indian.<sup>16</sup> This impact on youth from diverse racial and ethnic groups is likely linked to social determinants of health, such as where children live and play.<sup>17</sup>

Gestational diabetes, on the other hand, only develops in pregnant people who have never had diabetes and typically goes away after pregnancy; but it does predispose the mother and child to type 2 diabetes and other health problems.<sup>18</sup> While type 2 diabetes is often linked to genetics, certain risk factors such as a higher Body Mass Index, obesity, smoking, and a diet comprised of low-fiber, high saturated fat, and sugar can lead to insulin resistance and developing diabetes.<sup>19</sup> Additionally, being over the age of 45, or belonging to certain racial and ethnic groups (such as Black and Hispanic) can raise the risk of developing diabetes.<sup>20</sup> Currently, there is no cure for diabetes, but studies show that dietary and lifestyle changes can prevent or delay diabetes-related complications.<sup>21</sup> According to the National Diabetes Education Program, which is sponsored by the National Institutes of Health and the CDC, individuals with prediabetes who make modest lifestyle changes could delay and possibly prevent the onset of type 2 diabetes.<sup>22</sup> For example, by losing 5 to 7 percent of their body weight and getting 150 minutes of physical activity a week, individuals with prediabetes can cut their risk of developing type 2 by more than half.<sup>23</sup> A diet low in saturated fat, refined carbohydrates, high-fructose corn syrup, and high in fiber and monounsaturated fats, is also recommended.<sup>24</sup>

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Centers for Disease Control & Prevention, *Diabetes*, CDC, <https://www.cdc.gov/diabetes/basics/diabetes.html>.

<sup>12</sup> Press Release, Centers for Disease Control & Prevention, *New Research Uncovers Concerning Increases in Youth Living with Diabetes in the U.S.*, CDC Newsroom (Aug. 24, 2021), <https://www.cdc.gov/media/releases/2021/p0824-youth-diabetes.html>.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* “Social determinants of health” (SDOH) are the conditions in the environments where people are born, live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality-of-life outcome and risks. SDOH can be grouped into 5 domains: (1) economic stability; (2) education access and quality; (3) health care access and quality; (4) neighborhood and built environment; and (5) social and community context. *Social Determinants of Health*, Health.gov, <https://health.gov/healthypeople/priority-areas/social-determinants-health>.

<sup>18</sup> Press Release, Center for Disease Control & Prevention, *New Research Uncovers Concerning Increases in Youth Living with Diabetes in the U.S.*, CDC Newsroom (Aug. 24, 2021), <https://www.cdc.gov/media/releases/2021/p0824-youth-diabetes.html>.

<sup>19</sup> National Library of Medicine, *Type 2 diabetes: Overview* (October 22, 2020) <https://www.ncbi.nlm.nih.gov/books/NBK279509>.

<sup>20</sup> Victoria Pelham, *Diabetes-Related Risks During COVID-19*, Cedars-Sinai Blog (Feb. 15, 2021), <https://www.cedars-sinai.org/blog/diabetes-covid-19.html>.

<sup>21</sup> Centers for Disease Control & Prevention, *Living with Diabetes* (March 9, 2022) <https://www.cdc.gov/diabetes/managing/index.html>.

<sup>22</sup> National Diabetes Education Program, “*Small Steps. Big Rewards. Prevent type 2 Diabetes*” HHS/NDEP Diabetes Prevention Campaign. Available at: <https://docs.fcs.org/Staff/wellness/PreventType2Diabetes.pdf>.

<sup>23</sup> National Diabetes Education Program, “*Small Steps. Big Rewards. Prevent type 2 Diabetes*” HHS/NDEP Diabetes Prevention Campaign. Available at: <https://docs.fcs.org/Staff/wellness/PreventType2Diabetes.pdf>.

<sup>24</sup> Rajeev Goyal et al., *Diabetes Mellitus Type 2*, National Library of Medicine (June 19, 2022) <https://www.ncbi.nlm.nih.gov/books/NBK513253>.

According to an April 2022 article in the New York Times, several studies suggest that 30 to 40 percent of all COVID-19 deaths in the U.S. occurred among people with some form of diabetes.<sup>25</sup> Among the reported underlying medical conditions, cardiovascular disease and diabetes were the most common.<sup>26</sup> Although researchers are still exploring the dynamics between the virus and diabetes, most agree that uncontrolled diabetes impairs the immune system and can decrease an individual's ability to withstand a COVID-19 infection.<sup>27</sup> As Dr. David Kerr, director of research and innovation at Sansum Diabetes Research Institute in California, put it: "[d]iabetes is a wicked problem and Covid has just shone a bright light on this crisis."<sup>28</sup>

#### a. Diabetes in New York

In 2020, there were an estimated 773,000 New Yorkers in the city who reported that they had diabetes (about 12 percent),<sup>29</sup> with the number of Black New Yorkers afflicted being more than double that of White, non-Latino/Hispanic New Yorkers (3,608 vs. 1,605).<sup>30</sup> In 2019, individuals over age 45 made up approximately 83 percent of total diabetes cases among adults.<sup>31</sup> Further, women comprised about 10 percent more of the total adults diagnosed compared to men (435,000 vs. 352,000).<sup>32</sup> In DOHMH's Diabetes City Council Report, data from the NYC A1C registry<sup>33</sup> was compared between the 5 boroughs, and showed that Queens had the highest number of adults diagnosed with diabetes (233,000), followed by Brooklyn (228,000), the Bronx (157,000), Manhattan (126,000), and Staten Island (46,000).<sup>34</sup> Additionally, across different races and ethnicities in the city, Hispanics represented the highest rates of adult diagnosed with diabetes, followed by Black (197,000), White (219,000), Asian (104,000), and Other, non-Hispanic New Yorkers (14,000).<sup>35</sup> NYC witnessed a startling 140 percent increase in diabetes cases between 1996 and 2006, and new cases are still being diagnosed nearly twice as quickly in the city as they are nationally.<sup>36</sup> While diabetes can be effectively managed, the city continues to see a rise in diabetes-related complications. For example, in 2017 the illness resulted in 2,001 amputations,<sup>37</sup> and one report estimated that New York State (NYS) had a minimum 20 percent annual increase in diabetes-related amputations between 2018 and 2021.<sup>38</sup>

#### b. New York State Diabetes Prevention Program

The New York State Department of Health (NYSDOH) previously launched the NYS Medicaid program's coverage of the CDC's National Diabetes Prevention Program (NDPP) for Medicaid members that meet criteria

<sup>25</sup> Andrew Jacobs, *Covid and Diabetes, Colliding in a Public Health Train Wreck*, NY Times (April 13, 2022), <https://www.nytimes.com/2022/04/03/health/diabetes-covid-deaths.html>.

<sup>26</sup> Jonathan M. Wortham, M.D. et al., *Morbidity and Mortality Weekly Report*, CDC (July 17, 2020), <https://www.cdc.gov/mmwr/volumes/69/wr/mm6928e1.htm>.

<sup>27</sup> Andrew Jacobs, *Covid and Diabetes, Colliding in a Public Health Train Wreck*, NY Times (April 13, 2022), <https://www.nytimes.com/2022/04/03/health/diabetes-covid-deaths.html>.

<sup>28</sup> Andrew Jacobs, *Covid and Diabetes, Colliding in a Public Health Train Wreck*, NY Times (April 13, 2022), <https://www.nytimes.com/2022/04/03/health/diabetes-covid-deaths.html>.

<sup>29</sup> NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/fn1071874?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en).

<sup>30</sup> NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/fn1071874?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en).

<sup>31</sup> NYC DOHMH, *Diabetes City Council Report* (July 14, 2021). Available at: [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/Op0969090?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/Op0969090?locale=en).

<sup>32</sup> NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/fn1071874?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en).

<sup>33</sup> The NYC A1C registry program is a government mandated name-based reporting of New Yorkers' A1C test results, which is discussed below.

<sup>34</sup> NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/fn1071874?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en).

<sup>35</sup> *Id.*

<sup>36</sup> N.R. Kleinfeld, *Diabetes and Its Awful Toll Quietly Emerge as a Crisis*, N.Y. Times (Jan. 9, 2006), <https://www.nytimes.com/2006/01/09/nyregion/nyregionspecial5/09diabetes.html>.

<sup>37</sup> Health People, *New York State Diabetes-Related Amputation: A Horror Story*, (December 7, 2022), [https://www.newswise.com/pdf\\_docs/167044300234434\\_Newpercent20Yorkpercent20Statepercent20Diabetespercent20Amputationpercent20FINAL.pdf](https://www.newswise.com/pdf_docs/167044300234434_Newpercent20Yorkpercent20Statepercent20Diabetespercent20Amputationpercent20FINAL.pdf)

<sup>38</sup> NYC DOHMH, *Epi data Brief, Diabetes-related Mortality in New York City*, (June 2013), <https://www.nyc.gov/assets/doh/downloads/pdf/epi/databrief28.pdf>

for participation.<sup>39</sup> To be eligible for enrollment in NYS Medicaid as an NDPP provider,<sup>40</sup> all community-based organizations (CBOs), clinics, practitioner group practices, or sole practitioner group practices must first achieve pending, preliminary, or full recognition status under the CDC-National Diabetes Prevention Recognition Program (DPRP).<sup>41</sup> NYSDOH also provides resources and guidance on how to access NDPP telehealth and other diabetes prevention and management resources.<sup>42</sup>

### c. DOHMH Diabetes Prevention and Control and Resources

DOHMH has multiple programs and resources to help New Yorkers prevent, identify, and control diabetes. The DOHMH Diabetes Action Kit (the Kit) provides clinical tools, provider resources, and patient education materials to help New Yorkers navigate prediabetes and diabetes.<sup>43</sup> The Kit has a “My Diabetes Checkbook,” which is a daily log to help individuals manage diabetes and keep track of important health information, and a “My Plate Planner” tool to help with meal planning.<sup>44</sup> Other materials in the Kit include fact sheets on the NDPP, the Diabetes Self-Management Program, signs and symptoms of type 2 diabetes, and a guide to healthy eating and active living in NYC.<sup>45</sup> For healthcare providers, the Kit has a Diabetes Prevention, Diagnosis, and Treatment Guide as well as a Diabetes Prevention and Management Coaching Guide, which offer ways to discuss diabetes prevention and management.<sup>46</sup>

DOHMH has various reporting requirements related to the prevalence of diabetes in NYC, including the sending of quarterly reports to 1800 providers across 145 healthcare facilities to help identify patients in need of follow-up diabetes care using electronic health records.<sup>47</sup> A 2006 amendment to the NYC Health Code requires laboratories to report the results of A1C blood tests (blood tests that measure average blood sugar levels over the past 3 months, commonly used to diagnosed prediabetes and diabetes<sup>48</sup>) for NYC residents to DOHMH,

<sup>39</sup> The **NDPP** is a partnership of public and private organizations working to prevent or delay type 2 diabetes. Partners make it easier for people at risk for type 2 diabetes to participate in evidence-based lifestyle change programs to reduce their risk of type 2 diabetes. NYS Department of Health, *New York State Diabetes Prevention Program (NDPP)*. Available at:

[https://www.health.ny.gov/health\\_care/medicaid/redesign/ndpp/index.htm](https://www.health.ny.gov/health_care/medicaid/redesign/ndpp/index.htm). <https://www.cdc.gov/diabetes/prevention/index.html>; CDC, *National Diabetes Prevention Program*. Available at: <https://www.cdc.gov/diabetes/prevention/index.html>.

<sup>40</sup> “**NDPP provider**” refers to providers that are eligible to receive reimbursement for Medicaid NDPP services. NYS Department of Health, *NDPP Policy and Billing Guidelines*. Available at: [https://health.ny.gov/health\\_care/medicaid/redesign/ndpp/policy-billing\\_guide.htm](https://health.ny.gov/health_care/medicaid/redesign/ndpp/policy-billing_guide.htm).

<sup>41</sup> The CDC releases DPRP standards and operating procedures, which describe the standards for type 2 diabetes prevention lifestyle change programs and explain how an organization may apply for, earn, and maintain recognition as a quality diabetes-prevention program. National Diabetes Prevention Program, *DPRP Standards and Operating Procedures* (Nov. 14, 2022), <https://nationaldppcsc.cdc.gov/s/article/DPRP-Standards-and-Operating-Procedures>. Organizations that wish to offer CDC-recognized lifestyle change programs must submit an application and meet certain standards, such as having trained lifestyle coaches and using a CDC-approved curriculum to ensure high program quality. National Diabetes Prevention Program, *What CDC Recognition Means* (Dec. 16, 2022), <https://nationaldppcsc.cdc.gov/s/article/What-CDC-Recognition-Means>

<sup>42</sup> National Diabetes Prevention Program, *NDPP Telehealth Guidance*, eMedNY (July 14, 2020).

[https://www.emedny.org/Listserv/NDPP/NDPP\\_Telehealth\\_Guidance\\_07-14-20.pdf](https://www.emedny.org/Listserv/NDPP/NDPP_Telehealth_Guidance_07-14-20.pdf); NYS Department of Health, *New York State Diabetes Prevention Program (NDPP)*. Available at: [https://www.health.ny.gov/health\\_care/medicaid/redesign/ndpp/index.htm](https://www.health.ny.gov/health_care/medicaid/redesign/ndpp/index.htm).

<sup>43</sup> NYC DOHMH, *Diabetes Action Kit*, NYC Health. Available at: <https://www.nyc.gov/site/doh/providers/resources/public-health-action-kits-diabetes.page>.

<sup>44</sup> *My Diabetes Checkbook*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/diabetes/diabetes-checkbook.pdf>; *My Plate Planner*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/csi/obesity-plate-planner-13.pdf>.

<sup>45</sup> The DSMP provides free classes on strategies to manage diet and medications, increase physical activity, and is led by at least one instructor living with diabetes. The program is open to participants aged 18 and older with type 2 diabetes. *Reduce Your Risk of Getting Type 2 Diabetes*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/csi/ndpp-factsheet.pdf>; *Learn How to Manage Your Type 2 Diabetes*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/csi/dsmp-factsheet.pdf>; *Guide to Healthy Eating & Active Living in NYC*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/cdp/healthy-eating-active-living-guide.pdf>.

<sup>46</sup> *Diabetes Prevention, Diagnosis and Treatment Guide*, NYC Health. Available at:

<https://www.nyc.gov/assets/doh/downloads/pdf/csi/diabetes-treatment-guide.pdf>; *Diabetes Prevention and Management Coaching Guide*, NYC Health. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/csi/diabetes-coaching-scripts.pdf>.

<sup>47</sup> NYC DOHMH, *Diabetes*, NYC Health. Available at: <https://www.nyc.gov/site/doh/providers/health-topics/chronic-diseases-diabetes.page>.

<sup>48</sup> CDC, *All About Your A1C*, NYC Health, <https://www.cdc.gov/diabetes/managing/managing-blood-sugar/a1c.html>.



which are then entered in a registry and used for diabetes-related projects.<sup>49</sup> Pursuant to Local Law 221 of 2019, DOHMH must also produce data and submit a biannual report on diabetes-related health problems to the Council, disaggregated by geographic area and demographic characteristics where feasible.<sup>50</sup>

On July 14, 2021, DOHMH submitted the agency’s initial data report to then-Speaker of the City Council, Corey Johnson. Data was sourced from the NYC Community Health Survey (CHS), NYC A1C Registry (Registry), and the United States Data Renal System (USDRS).<sup>51</sup> On April 4, 2022, DOHMH submitted a report that focused on recommendations to be implemented by DOHMH, such as prioritizing place-based investments in historically marginalized neighborhoods affected by structural racism, continuing to address food justice by increasing the affordability of health foods and promoting physical activity, and addressing the social determinants of health.<sup>52</sup> Other recommendations include increasing the delivery of the Diabetes Self-Management Education and Support program in underserved neighborhoods and continuing to expand the number of CBOs and providers in areas that deliver the NDPP.<sup>53</sup>

#### **d. Other NYC Programs Addressing Diabetes Prevention and Control**

The NYC Office of Labor Relations provides information and resources on its website on how NYC employees can join the NDPP through WorkWell NYC (WorkWell), the City’s employee workplace wellness program.<sup>54</sup> WorkWell provides access to NDPP classes that are designed to help employees lead a healthier lifestyle and is open to all NYC employees for free.<sup>55</sup> On January 17, 2023, Mayor Eric Adams outlined his “vision for a ‘New York City Women’s Health Agenda,’” directed at “dismantling decades of systematic inequity that have negatively impacted the health of women across the five boroughs.”<sup>56</sup> This includes launching a provider education campaign on maternal health that focuses on supporting those with hypertension and diabetes and will involve direct outreach to providers in the Bronx, Brooklyn, and Manhattan that experience health and other socioeconomic disparities.<sup>57</sup> The program is set to launch in the summer of 2023.<sup>58</sup>

### **III. ISSUES AND CONCERNS**

#### **a. Intersection of Diabetes, Food Access, Race, Sex and Socioeconomic Status**

The COVID-19 pandemic highlighted unequal vulnerabilities borne by racially and ethnically diverse populations and low-income communities.<sup>59</sup> This inequality is especially visible when examining rates of type 2 diabetes within the context of socioeconomic status.<sup>60</sup> Decades of research show that diabetes affects racially and ethnically diverse populations and low-income adult populations in the U.S. disproportionately, with relatively intractable patterns seen in these populations’ increased risks for and rates of diabetes complications

<sup>49</sup> DOHMH, *Diabetes*, NYC Health. Available at: <https://www.nyc.gov/site/doh/providers/health-topics/chronic-diseases-diabetes.page> ; DOHMH Board of Health, *Notice of Adoption to Amend Article 13 of the New York City Health Code*. Available at: <https://www.nyc.gov/assets/doh/downloads/pdf/public/notice-adoption-a1c.pdf>.

<sup>50</sup> L.L. 2019/221.

<sup>51</sup> NYC DOHMH, *Diabetes City Council Report* (July 14, 2021). Available at: [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/Op0969090?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/Op0969090?locale=en).

<sup>52</sup> NYC DOHMH, *Diabetes City Council Report* (April 4, 2022). Available at: [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/w9505331h?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/w9505331h?locale=en).

<sup>53</sup> NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/fn1071874?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en).

<sup>54</sup> NYC Office of Labor Relations, *National Diabetes Prevention Program*. Available at: <https://www.nyc.gov/site/olr/wellness/wellness-dpp.page>.

<sup>55</sup> *Id.*

<sup>56</sup> Press Release, *Mayor Adams Commits to Making New York City Future of Women’s Health*, NYC (Jan. 17, 2023). Available at: <https://www.nyc.gov/office-of-the-mayor/news/037-23/mayor-adams-commits-making-new-york-city-future-women-s-health-/0>.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> Felicia Hill-Briggs et al., *Social Determinants of Health and Diabetes: A Scientific Review*, *Diabetes Care* (Jan. 2021). Available at: <https://doi.org/10.2337/dci20-0053>.

<sup>60</sup> *Id.*

and mortality.<sup>61</sup> DOHMH's website advises that Black Americans, Hispanic/Latino Americans, American Indians, Asian Americans, and Pacific Islanders are at higher risk of developing type 2 diabetes than non-Hispanic White individuals.<sup>62</sup> Mounting research also shows that while men are more susceptible to developing type 2 diabetes, diabetes more adversely affects women.<sup>63</sup> Women with diabetes are disproportionately impacted by depression and anxiety, and women with type 2 diabetes have a 27 percent higher risk of stroke and 44 percent higher risk of coronary heart disease than men with diabetes.<sup>64</sup> Compounding the issue, women with diabetes are more likely to receive a lower standard of care than that received by men, leading to worse health outcomes.<sup>65</sup>

According to a study, individuals with a lower socioeconomic status, who are disproportionately individuals from diverse racial and ethnic groups, were more likely to develop type 2 diabetes, experience more complications, and die sooner than individuals with a higher socioeconomic status.<sup>66</sup> The higher a person's income, the greater their educational attainment, and the higher their occupational grade, the less likely a person is to develop type 2 diabetes or to experience its complications.<sup>67</sup> In fact, the prevalence of diabetes increases on a gradient from highest to lowest income, showing that rates of diabetes are directly correlated to income level.<sup>68</sup> Rates of type 2 diabetes are significantly higher and concentrated in U.S. Census-designated areas characterized by factors including lower incomes, lower high school graduation rates, more single-parent households, and crowded housing.<sup>69</sup> Living in neighborhoods with lower educational attainment, lower annual income, and larger percentages of households receiving Supplemental Nutrition Assistance Program benefits has been associated with higher risk of progression to type 2<sup>70</sup> diabetes among adults with prediabetes.<sup>71</sup> Because people with diabetes have medical expenses approximately 2.3 times higher than those who do not, Black and Brown communities and low-income communities are disproportionately impacted due to lack of access to health insurance,<sup>72</sup> pay inequity,<sup>73</sup> and lack of access to affordable health care options.

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<sup>61</sup> Sherita Golden et al., *Health disparities in endocrine disorders: biological, clinical, and nonclinical factors – an Endocrine Society scientific statement*, PubMed.gov (Sept. 2012). Available at: <https://pubmed.ncbi.nlm.nih.gov/22730516>.

<sup>62</sup> NYC DOHMH, *Type 2 Diabetes*, <https://www.nyc.gov/site/doh/health/health-topics/diabetes.page>.

<sup>63</sup> The Lancet Diabetes & Endocrinology, *Sex disparities in diabetes: bridging the gap* (Nov. 2017), [https://doi.org/10.1016/S2213-8587\(17\)30336-4](https://doi.org/10.1016/S2213-8587(17)30336-4).

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> Emilie Agardh et al., *Type 2 diabetes incidence and socio-economic position: a systematic review and meta analysis*, PubMed.gov (June 2011). Available at: <https://pubmed.ncbi.nlm.nih.gov/21335614>; Arleen Brown et al., *Socioeconomic position and health among persons with diabetes mellitus: a conceptual framework and review of the literature*, *Epidemiologic reviews* (July 1, 2004). Available at: <https://www.semanticscholar.org/paper/Socioeconomic-position-and-health-among-persons-a-Brown-Ettner/c09cb54afbd6e49a505e8e8ff5e8a1d79b401a41>.

<sup>67</sup> Linnie Greene, *Treating diabetes with data*, Arcadia (Nov. 10, 2022), <https://arcadia.io/resources/treating-diabetes-with-data>.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/fn1071874?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en).

<sup>71</sup> *Id.*

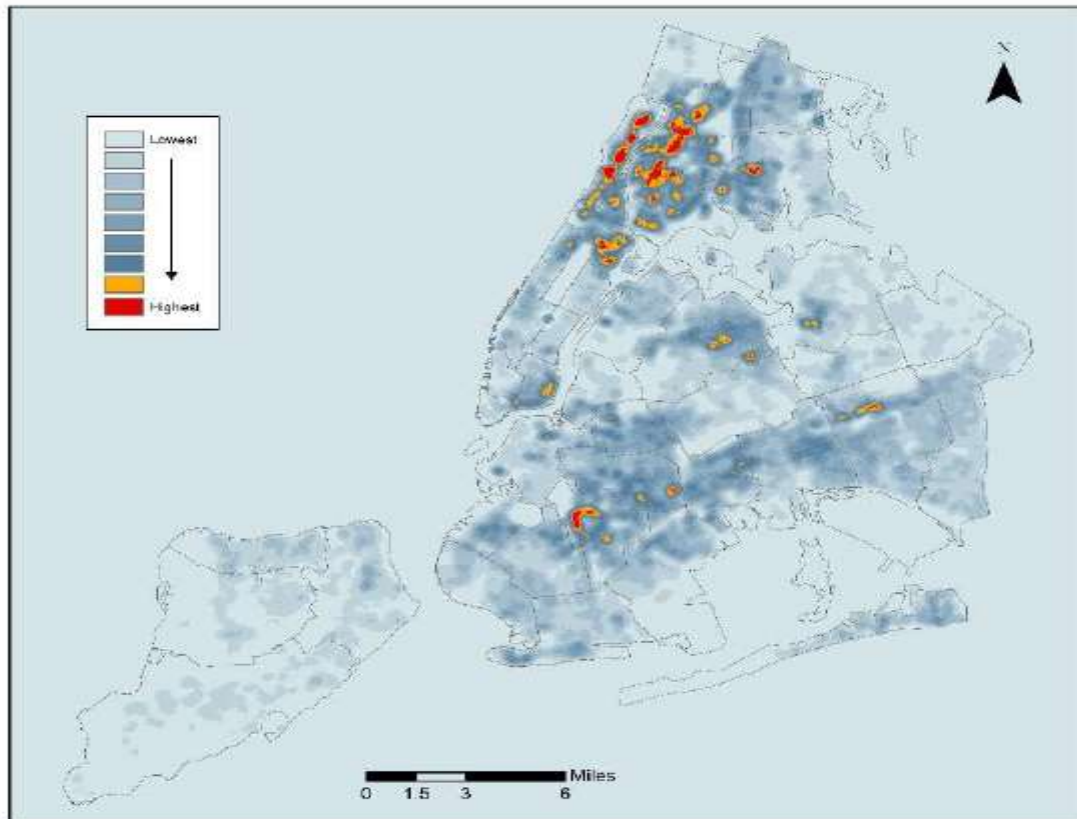
<sup>72</sup> Samantha Artiga and Latoya Hill, *Health Coverage by Race and Ethnicity, 2010-2021*, Kaiser Family Foundation (Dec. 20, 2022) <https://www.kff.org/racial-equity-and-health-policy/issue-brief/health-coverage-by-race-and-ethnicity>.

<sup>73</sup> U.S. Department of Labor: Office of Federal Contract Compliance Programs, *Earnings Disparities by Race and Ethnicity*, <https://www.dol.gov/agencies/ofccp/about/data/earnings/race-and-ethnicity>.

City statistics are consistent with national trends identified in these studies. The highest concentrations of New Yorkers living with poorly controlled or uncontrolled diabetes in 2020 were found in many areas of the Bronx, as well as Upper Manhattan and central Brooklyn.<sup>74</sup>

In its reporting, DOHMH acknowledged that limited access to healthy and affordable food in these neighborhoods directly contributes to higher rates of type 2 diabetes.<sup>75</sup> Indeed, many national studies have shown associations between food access, availability, geographic characteristics, and the prevalence of type 2

### Density of Persons with Poorly Controlled Diabetes New York City 2020



\*Density of persons with poorly controlled diabetes per 0.1 square mile

Data source: New York City A1C Registry, 2020



diabetes.<sup>76</sup> Specifically, these studies showed that availability of fast-food outlets and convenience stores were associated with a higher rates of type 2 diabetes, and, by contrast, access to healthier foods in grocery stores were associated with lower diabetes risk.<sup>77</sup> In addition to food insecurity and health food access, overeating can contribute to risks of developing type 2 diabetes. Fast food consumption in the U.S. has risen by 500% during the last 3 decades, while the number of children who are obese has tripled.<sup>78</sup> In one study, it was reported that

<sup>74</sup> NYC DOHMH, *Diabetes City Council Report Number 4* (Nov. 23, 2022). Available at: [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/fn1071874?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/fn1071874?locale=en).

<sup>75</sup> *Id.*

<sup>76</sup> Melissa Ahern et al., *A national study of the association between food environments and county-level health outcomes*, PubMed.gov (April 27, 2011). Available at: <https://pubmed.ncbi.nlm.nih.gov/21967380>.

<sup>77</sup> N.R. den Braver et al., *Built environmental characteristics and diabetes: a systematic review and meta-analysis*, PubMed.gov (Jan. 31, 2018). Available at: <https://pubmed.ncbi.nlm.nih.gov/29382337>.

<sup>78</sup> Salynn Boyles, *Fast Food Leads Teens to Overeat*, WebMD (June 15, 2004), <https://www.webmd.com/parenting/news/20040615/fast-food-leads-teens-to-overeat>.



kids who eat fast food tend to take in more total calories in a day than those who do not, and that the additional calories could account for an extra 6 pounds of weight gain per year.<sup>79</sup> Further, research from the Mount Sinai School of Medicine found that overeating can cause a malfunction in brain insulin signaling, which can initiate and worsen obesity and type 2 diabetes.<sup>80</sup> When an individual overeats, the brain becomes unresponsive to important clues such as insulin, “which puts you on the road to diabetes.”<sup>81</sup>

#### **b. Barriers to Accessing Preventative and Primary Health Care**

Primary care represents an important venue for addressing diabetes prevention, given that over 350 million adult ambulatory care visits are made annually, and screening tests are commonly performed in these settings.<sup>82</sup> Access to effective primary care means that providers and services are affordable, comprehensive, ongoing, and coordinated.<sup>83</sup> The onset of type 2 diabetes, as discussed above, can be addressed through lifestyle and diet modification to avoid developing a more serious, costly, and chronic health condition. Inequalities in primary care access and delivery are largely driven by economics, including insurance coverage, reimbursement, and social determinates of health.<sup>84</sup> Geographic, demographic, and socioeconomic characteristics impact where primary care providers are located, and even in communities where providers are available, disparities in access remain.<sup>85</sup> According to a 2019 report by the Primary Care Development Corporation, primary care plays a critical role in mitigating chronic disease burden (i.e., diabetes) and helps reduce unnecessary hospitalizations and mortality due to poorly managed chronic conditions.<sup>86</sup> Diabetes disproportionately affects individuals of lower socioeconomic status and is indicative of the overlapping factors related to increased primary care need.<sup>87</sup>

### **IV. LEGISLATIVE ANALYSIS**

#### **a. Int. 918-A**

This bill would require DOHMH to develop a citywide diabetes incidence and impact reduction plan. DOHMH would be required to report annually on the number of adults with diabetes in NYC and on its strategies and efforts to reduce the incidence and impact of diabetes.

Since its initial hearing, the bill was amended to expand the scope of the required plan from a “type 2 diabetes reduction plan” to a “diabetes incidence and impact reduction plan,” which would encompass all types of diabetes. The bill as amended requires specific data points for DOHMH to include in its plan and in its annual reports to the Mayor, the Speaker of the Council, and the Chair of the Council’s Committee on Health. The bill also now includes a sunset provision and would expire on December 21,

**(The following is the text of the Fiscal Impact Statement for Int. No. 918-A:)**

<sup>79</sup> *Id.*

<sup>80</sup> Mount Sinai Medical Center, *Overeating impairs brain insulin function, a mechanism that can lead to diabetes and obesity*, Science News (Oct. 17, 2012), <https://www.sciencedaily.com/releases/2012/10/121017153911.htm>.

<sup>81</sup> *Id.*

<sup>82</sup> Namratha R. Kandula et al., *Preventing Diabetes in Primary Care: Providers’ Perspectives About Diagnosing and Treating Prediabetes*, Journal on Clinical Diabetes (Jan. 1, 2018). Available at: <https://diabetesjournals.org/clinical/article/36/1/59/31793/Preventing-Diabetes-in-Primary-Care-Providers>.

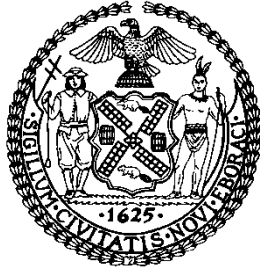
<sup>83</sup> Primary Care Development Corporation, *Primary Care Access in New York City 2019 Report*. Available at: [https://www.pcdc.org/wp-content/uploads/Resources/FY19\\_NYC\\_Districts/FY19-NYC-CD-Profiles-Report--FINAL.pdf](https://www.pcdc.org/wp-content/uploads/Resources/FY19_NYC_Districts/FY19-NYC-CD-Profiles-Report--FINAL.pdf).

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*



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

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL OFFICER, AND DEPUTY CHIEF OF STAFF TO THE SPEAKER**

**RICHARD LEE, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**INTRO. NO: 918-A**

**COMMITTEE: Health**

**TITLE:** 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 develop and implement a citywide diabetes incidence and impact reduction plan.

**SPONSOR(S):** By Council Members Schulman, Cabán, Menin, Restler, Riley, Hudson, Narcisse, Ung, Williams, Stevens, Louis, Nurse, Brannan, Brewer, Krishnan, Gennaro, Feliz, Sanchez, Ayala, Abreu, Powers, Richardson Jordan, Velázquez, Farías, Lee, Won, Salamanca Jr., Ariola, Hanif, Avilés, Marte, Bottcher, Dinowitz, Ossé, De La Rosa, Brooks-Powers, Barron, Rivera, Hanks, Carr and Borelli.

**SUMMARY OF LEGISLATION:** This bill would require the Department of Health and Mental Hygiene (DOHMH) to develop and implement a citywide diabetes incidence and impact reduction plan no later than April 1, 2024. Additionally, DOHMH would be required to report annually on the number of adults with diabetes in NYC and on its strategies and efforts to reduce the incidence and impact of diabetes.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because DOHMH would utilize existing resources to fulfill the requirements.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** New York City Council Finance Division  
New York City Office of Management and Budget

**ESTIMATE PREPARED BY:** Danielle Glants, Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Crilhien R. Francisco, Assistant Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on February 1, 2023 as Intro. 918 and referred to the Committee on Health (Committee). The legislation was considered by the Committee on February 2, 2023 and was subsequently amended to Proposed Intro. 918-A. The amended version, Proposed Intro. No. 918-A will be considered by the Committee on March 13, 2023. Upon successful vote by the Committee, Proposed Intro. No. 918-A will be submitted to the full Council for a vote on March 16, 2023.

**DATE PREPARED:** February 24, 2023.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 918-A:)**

Int. No. 918-A

By Council Members Schulman, Cabán, Menin, Restler, Riley, Hudson, Narcisse, Ung, Williams, Stevens, Louis, Nurse, Brannan, Brewer, Krishnan, Gennaro, Feliz, Sanchez, Ayala, Abreu, Powers, Richardson Jordan, Velázquez, Fariás, Lee, Won, Salamanca, Hanif, Avilés, Marte, Bottcher, Dinowitz, Ossé, De La Rosa, Brooks-Powers, Barron, Rivera, Hanks, Joseph, Ariola, Carr, Borelli and Paladino.

**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 develop and implement a citywide diabetes incidence and impact reduction plan**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.20 to read as follows:

§ 17-199.20 *Citywide diabetes reduction plan. a. No later than April 1, 2024, the department shall develop a plan to reduce the incidence and impact of diabetes in the city. Such plan shall, at a minimum:*

*1. Identify a goal percentage by which and a goal timeline in which each of the following will be reduced:*

*(a) new annual diagnoses of diabetes;*

*(b) the number of individuals with uncontrolled diabetes;*

*(c) the number of individuals on dialysis due in whole or in part to diabetes; and*

*(d) the number of amputations performed due in whole or in part to diabetes;*

*2. Identify a goal percentage by which and a goal timeline in which the number of individuals with diabetes that are successfully self-managing their diabetes is increased;*

*3. Include a description of strategies the department will utilize to realize such goals;*

*4. Include strategies to increase access to low- and no-cost obesity and diabetes care that may or may not include medications and treatments;*

*5. Be culturally appropriate and focus on social determinants of health; and*

*6. Be posted in plain language on the department's website and available in the designated citywide languages as defined in section 23-1101.*

*b. Report. No later than April 1, 2025, and every April 1 thereafter, the department shall submit to the mayor, the speaker of the council, and the chair of the New York city council committee on health, and post on its website a report on the implementation of the plan.*

1. Such report shall include, for the prior year, disaggregated by the type of diabetes, geographic area, and demographic characteristics, where such data is available, provided that information included in the report shall maintain the confidentiality of any individual included in such data:

- (a) The number of adults with diabetes, and the proportion of such number of the general population;
- (b) The change in the incidence of diabetes, when such data is available;
- (c) The change in the incidence and prevalence of uncontrolled diabetes;
- (d) The change in the number of individuals on dialysis due in whole or in part to diabetes; and
- (e) The number of amputations performed due in whole or in part to diabetes;

2. A description of the strategies used by the department during the prior year to achieve the goals identified by the plan;

3. A detailed description of the strategies used by the department during the prior year to promote the self-management of diabetes and increase access to devices and information that facilitate such self-management;

4. A detailed description of the strategies employed by the department to increase access to low- and no-cost obesity and diabetes care that may or may not include medications and treatments; and

5. Any new goals the department may identify to reduce the incidence of diabetes based on the content of the report.

§ 2. This local law takes effect immediately and expires and is deemed repealed on December 21, 2034.

LYNN C. SCHULMAN, *Chairperson*; CHARLES BARRON, CRYSTAL HUDSON, JULIE MENIN, MERCEDES NARCISSE, MARJORIE VELÁZQUEZ, JOANN ARIOLA; 7-0-0; *Absent*: Oswald Feliz and Kalman Yeger; Committee on Health, March 13, 2023.

On motion of the Speaker (Council Member Adams), 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**

Report for Int. No. 876-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York in relation to green building standards and repealing section 224.1 of the New York city charter in relation thereto.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 4, 2023 (Minutes, page 168), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On March 16, 2023, the New York City Council Committee on Housing and Buildings, chaired by Council Member Pierina Sanchez, will hold a hearing to vote on Proposed Int. No. 876-A, sponsored by Council Member Sanchez, in relation to green building standards; and Proposed Res. No. 503-B, sponsored by Council Member Brannan, calling upon the New York State Legislature to pass, and the Governor to sign, legislation that allows for the conversion of commercial units to residential units and creates the Affordable Housing from Commercial

Conversions (“AHCC”) tax benefit program. Proposed Int. No. 876-A was first heard on January 24, 2023. Proposed Res. No. 503-B was first heard on March 15, 2023.

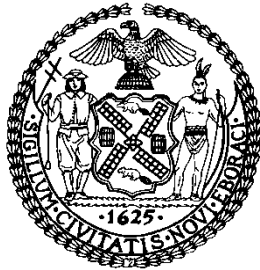
## **II. LEGISLATION**

### **Proposed Int. No. 876-A**

In 2005, the City Council enacted Local Law 86, otherwise known as the “Green Building Law,” requiring City-owned buildings and City-funded capital construction projects be built to certain specified green building design and performance standards, as set forth in the Leadership in Energy and Environmental Design (LEED) rating system. Local Law 86 was amended in 2016, raising the LEED certification level from Silver to Gold, and introducing energy use caps for City-owned buildings. Proposed Int. No. 876-A would further update the Green Building Law in order to bring it into alignment with Local Law 97 of 2019, establishing caps on building greenhouse gas emissions, and Local Law 154 of 2021, phasing out fossil fuel combustion in new construction. This bill would authorize the mayor to allow less stringent alternative standards for capital projects of select occupancy groups, subject to rulemaking procedures. This bill would also change existing requirements for energy cost reductions to requirements around energy use reductions.

This legislation would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 876-A:)**



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

**TANISHA S. EDWARDS, ESQ., CHIEF FINANCIAL  
OFFICER, AND DEPUTY CHIEF OF STAFF TO THE  
SPEAKER**

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 876-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the New York city charter and the administrative code of the city of New York in relation to green building standards and repealing section 224.1 of the New York city charter in relation thereto.

**SPONSOR(S):** By Council Member Pierina Ana Sanchez, Marjorie Velázquez, (by request of the Mayor).

**SUMMARY OF LEGISLATION:** This bill would make updates to Local Law 86 of 2005, which requires that certain city-owned and city-funded buildings be built to specific green design and performance standards, as set forth in the Leadership in Energy and Environmental Design (LEED) rating system. This bill brings the existing law into alignment with updates that have been made since the bill’s passage, including, among other things, updating

the baseline inflation year, ensuring the most recent energy standards are being used, and streamlining administrative and reporting requirements.

**EFFECTIVE DATE:** This local law takes effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2024

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$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 fiscal 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  
New York City Mayor's Office of City Legislative Affairs

**ESTIMATE PREPARED BY:** Daniel Kroop, Principal Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on January 4, 2023, as Intro. 876 and referred to the Committee on Housing and Buildings. The legislation was considered by the Committee on Housing and Buildings at a hearing held on January 24, 2023, and was Laid Over by Committee. It was subsequently amended. Proposed Intro No. 876-A was referred to the Committee on Housing and Buildings. Proposed Int. No. 876-A will be considered by the Committee on Housing and Buildings 16, 2023. Upon successful vote by the Committee, Proposed Int. 876-A will submitted to the full Council for a vote on March 16, 2023.

**DATE PREPARED:** 3/14/2023.

**(For text of Res. No. 503-B, please see the Report of the Committee on Housing and Buildings for Res. No. 503-B printed in the voice-vote Resolutions Calendar section of these Minutes; for text of Int. No. 876-A, please see below:)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 876-A and Res. No. 503-B.*

**(The following is the text of Int. No. 876-A:)**

## Int. No. 876-A

Council Members Sanchez, Velázquez and Rivera (by request of the Mayor).

**A Local Law to amend the New York city charter and the administrative code of the city of New York in relation to green building standards and repealing section 224.1 of the New York city charter in relation thereto**

*Be it enacted by the Council as follows:*

Section 1. Section 224.1 of the New York city charter is REPEALED and a new section 224.1 is added to read as follows:

§ 224.1. *Green building standards. a. As used in this section, the following terms have the following meanings:*

*ASHRAE 90.1. The term "ASHRAE 90.1" means the edition of the energy standard for buildings except low-rise residential buildings published by the American society of heating, refrigerating and air conditioning engineers (ASHRAE) as indicated by rule of the mayor.*

*Base building systems. The term "base building systems" has the same meaning as set forth in section 28-308.1 of the administrative code.*

*Capital project. The term "capital project" means a capital project as defined in section 210 of this chapter that is paid for in whole or in part from the city treasury.*

*City agency. The term "city agency" has the same meaning as the term "agency" as defined in section 1150.*

*Construction work. The term "construction work" means any work or operations necessary or incidental to the erection, demolition, assembling, alteration, installing or equipping of any building.*

*Energy use intensity. The term "energy use intensity" means, for a building, the energy use intensity projected for such building based on its design at the time of filing with the department of buildings.*

*Estimated construction cost. The term "estimated construction cost" means capital dollars allocated to construction as defined in the respective project's certificate to proceed, or with respect to entities that are not city agencies, cost allocated to construction of a project intended to achieve a public purpose of the city as such project is described in supporting documentation submitted to the office of management and budget for the issuance of the certificate to proceed.*

*Green building standards. The term "green building standards" means design guidelines, a rating system or rules for constructing buildings that ensure site planning, water efficiency, energy efficiency and renewable energy, conservation of materials and resources and indoor environmental quality.*

*Inflation. The term "inflation" means the annual 12-month average of the consumer price index published by the United States department of labor.*

*LEED green building rating system. The term "LEED green building rating system" means a version of the leadership in energy and environmental design (LEED) building rating system published by the United States green building council that is not less stringent than the selected green building rating system, or another standard not less stringent than the selected green building rating system which has been developed by or for the city consisting of practices and technologies derived from the LEED rating system that are reasonable and appropriate for building in New York city and approved by the mayor.*

*LEED water efficiency: indoor water use reduction credit. The term "LEED water efficiency: indoor water use reduction credit" means the credit to achieve points under the LEED for building design and construction version 4, or another version as approved by the mayor, intended to achieve water use reduction.*

*Mayor. The term "mayor" means the mayor, or as designated by the mayor, an office within the office of the mayor or any department or office the head of which is appointed by the mayor.*

*Net zero energy building. The term "net zero energy building" means a building that has been designed and constructed to produce energy onsite from renewable energy sources in an amount equal to or greater than such building's total energy needs.*

*Not less stringent. The term "not less stringent" means providing no less net environmental and health benefits.*

*Occupancy group. The term "occupancy group" means occupancy group as classified in accordance with the New York city construction codes.*

*Onsite energy generating building.* The term "onsite energy generating building" means a building that has been designed and constructed to produce energy onsite from renewable energy sources to the maximum practicable extent as leads to a system of high performance and best value to New York city.

*Rehabilitation work.* The term "rehabilitation work" means any restoration, replacement or repair of any materials, systems or components.

*Renewable energy source.* The term "renewable energy source" means a qualified energy resource, as such term is defined in paragraph (1) of subsection (c) of section 45 of title 26 of the United States code.

*Selected green building rating system.* The term "selected green building rating system" means LEED building design and construction version 4, building operations and maintenance version 4 or interior design and construction version 4, whichever is most appropriate for the project under United States green building council guidelines, or other not less stringent versions of such building rating systems as approved by the mayor.

*Source energy use intensity.* The term "source energy use intensity" means, for a building, the total energy used by such building in a year, including losses that take place during generation, transmission and distribution of such energy, divided by the building's gross floor area.

*Substantial reconstruction.* The term "substantial reconstruction" means:

(1) For buildings not classified in occupancy group R, a capital project in which (i) the scope of work includes rehabilitation work in at least two of the following three major systems of the building: electrical, HVAC (heating, ventilating and air conditioning) and plumbing, and (ii) at least 50 percent of the building's gross floor area is subject to construction work.

(2) For buildings classified in occupancy group R, a capital project that includes (i) heating system replacement, which includes the heating equipment and distribution system, (ii) work on at least 75 percent of dwelling units contained within such building, including but not limited to fixture replacements in kitchens and bathrooms, and (iii) substantial work on the building envelope.

*Substantial work on the building envelope.* The term "substantial work on the building envelope" means the replacement or alteration of 50 percent or more of the building envelope's total glazing area, or 50 percent or more of the building envelope's total area of opaque components, including, but not limited to, recladding, work on the interior side of exterior walls, such as removal of interior wallboard or plaster, and roof replacements.

b. (1) Except as otherwise provided in this section, each capital project with an estimated construction cost of \$2,000,000 or more involving the construction of a new building, an addition to an existing building or the substantial reconstruction of an existing building, shall be designed and constructed to comply with green building standards not less stringent than the standards prescribed for buildings designed in accordance with the LEED green building rating system to achieve a LEED gold or higher rating, or, with respect to buildings classified in occupancy groups F or H, to achieve a LEED certified or higher rating, or, with respect to buildings classified in occupancy group R, to comply with the version of the New York city overlay of the enterprise green communities criteria designated by rule of the department of housing preservation and development.

(2) This subdivision shall not apply to a capital project involving additions to or the substantial reconstruction of existing buildings in occupancy groups F or H with an estimated construction cost of not more than \$10,000,000.

(3) If the mayor elects to utilize a green building standard other than the LEED green building rating system for compliance with paragraph (1) of this subdivision, the mayor shall publish findings demonstrating that such other green building standards are not less stringent than the LEED standards described above for achievement of a LEED gold or, if applicable, a LEED certified rating.

(4) The green building standards utilized by the city in accordance with this subdivision shall be reviewed and updated, as necessary, by the mayor no less often than once every three years.

c. For capital projects required to comply with subdivision b of this section that are buildings classified in occupancy groups E, F, H, I-2 or R, the mayor may, in coordination, when relevant, with the New York city economic development corporation, the New York city school construction authority or any other relevant office or agency, establish by rule alternative design and construction standards that may be less stringent than the green building standards described in subdivision b of this section provided that:

(1) For buildings classified in occupancy groups F, H or I-2, such alternative standards may be less stringent than the green building standards described in subdivision b only to the minimum extent necessary to address provisions of the green building standards described in such subdivision that the mayor finds to be impracticable or burdensome for the particular occupancy group;



(2) For buildings classified in occupancy group R, such alternative standards shall not be less stringent than the standards prescribed for buildings designed to achieve a LEED certified rating under LEED green building rating system version 4; and

(3) For buildings classified in occupancy group E, such alternative standards may be the version of the New York city green schools guide designated by the mayor but shall be not less stringent than the standards prescribed for buildings designed to achieve a LEED certified rating under LEED green building rating system version 4.

d. (1) In addition to compliance with subdivision b or c, each capital project that involves the construction of a new city-owned building, and each capital project that involves an addition to, or the substantial reconstruction of, an existing city-owned building, where such substantial reconstruction involves substantial work on the building envelope, shall be designed and constructed to reduce energy use as follows:

(a) For a building that is not classified in occupancy groups F or H, either:

(i) An energy use intensity that is no greater than 50 percent below the energy use intensity of such a building if designed and constructed according to the prescriptive and mandatory requirements of ASHRAE 90.1; or

(ii) For new buildings, a source energy use intensity not more than 38 kBtu/yr per square foot of floor area, and for additions to or substantial reconstructions of existing buildings involving substantial work on the building envelope, a source energy use intensity not more than 42 kBtu/yr per square foot of floor area.

(b) For a building classified in occupancy groups F or H, energy usage of the base building systems, exclusive of process loads, that is at least 50 percent less than such energy usage would be if such building were designed and constructed according to ASHRAE 90.1.

(2) For each capital project required to comply with this subdivision, the design agency shall:

(a) Conduct a design alternate study to construct such project as an onsite energy generating building;

(b) Where a capital project involves a building that is no more than three stories above grade, conduct a design alternate study to construct such project as a net zero energy building; and

(c) Conduct a design alternate study to construct such project to incorporate green infrastructure.

e. (1) Capital projects with an estimated construction cost of \$12,000,000 or more required to comply with green building standards in accordance with subdivision b, and which involve buildings that are not city-owned or involve city-owned buildings not subject to subdivision d, shall be designed and constructed to reduce energy use as set forth in this subdivision, provided that this subdivision shall not apply to buildings that are not city-owned and projects involving city-owned buildings not subject to subdivision d that are classified in occupancy groups E or R.

(2) Capital projects with an estimated construction cost of \$12,000,000 or more but less than \$30,000,000 shall be designed and constructed to reduce energy use as follows:

(a) For capital projects involving buildings not classified in occupancy groups F or H that are new buildings or additions to existing buildings, the energy use intensity shall be no less than 25 percent below the design energy use intensity of such a building if designed and constructed according to the prescriptive and mandatory requirements of ASHRAE 90.1. For such capital projects that are substantial reconstructions of existing buildings, the energy use intensity shall be no less than 25 percent below the existing building's energy use as determined in accordance with a methodology determined by the mayor.

(b) For capital projects involving buildings classified in occupancy groups F or H that are for new buildings and additions to existing buildings, energy usage of the base building systems, exclusive of process loads, shall be no less than 25 percent below what it would be if such building were designed and constructed according to ASHRAE 90.1. For such capital projects that are for substantial reconstruction of existing buildings, energy usage shall be no less than 25 percent below the existing building's energy usage as determined in accordance with a methodology determined by the mayor.

(3) Capital projects with an estimated construction cost of \$30,000,000 or more shall be designed and constructed to reduce energy use as follows:

(a) For capital projects involving buildings not classified in occupancy groups F or H that are for new buildings and additions to existing buildings, energy use intensity shall be no less than 30 percent below the design energy use intensity of such a building if designed and constructed according to the prescriptive and mandatory requirements of ASHRAE 90.1. For such capital projects that are for substantial reconstruction of existing buildings, design energy use intensity shall be no less than 30 percent below the existing building's energy use intensity measured in accordance with a methodology determined by the mayor.

*(b) For capital projects involving buildings classified in occupancy groups F or H that are for new buildings and additions to existing buildings, energy usage of the base building systems, exclusive of process loads, shall be no less than 30 percent below what it would be if such building were designed and constructed according to ASHRAE 90.1. For such capital projects that are for substantial reconstruction of existing buildings, energy usage of the base building systems shall be no less than 30 percent below the existing building's energy usage as measured in accordance with a methodology determined by the mayor .*

*f. For capital projects required to comply with subdivision d or e, the mayor may establish an alternative energy intensity requirement for new buildings, or additions to or substantial reconstructions of existing buildings classified in a particular occupancy group that may be less stringent than the energy intensity requirements described in subdivision d or e. Such alternative energy intensity requirement may be less stringent than the energy use intensity described by subdivision d or e to the minimum extent necessary to avoid impracticality or undue burden found by the mayor for a particular occupancy group.*

*g. Capital projects, other than those required to comply with green building and energy use standards in accordance with subdivision b, that involve the installation or replacement of HVAC systems at an estimated construction cost for such installation or replacement of \$2,000,000 or more, shall be designed and constructed to reduce energy use by a minimum of 10 percent from the standard as determined by the New York city energy conservation code, or other methodology designated by the mayor.*

*h. In addition to complying with any other applicable subdivisions in this section, each capital project involving the installation or replacement of plumbing systems that includes the installation or replacement of plumbing fixtures at an estimated construction cost for such installation or replacement of \$500,000 or more shall be designed and constructed to reduce potable water consumption in the aggregate by a minimum of 30 percent from the calculated baseline as determined by a methodology not less stringent than that prescribed in LEED water efficiency: indoor water use reduction credit.*

*i. This section shall not apply to capital projects that only involve buildings classified in occupancy groups A-5 or U.*

*j. The mayor may exempt from each provision of this section a capital project accounting for up to 20 percent of the capital dollars in each fiscal year subject to such provision if, in the mayor's sole judgment, exemption from such provision is necessary for the public interest. At the conclusion of each year, the mayor shall inform the city council of any exemption granted pursuant to this subdivision.*

*k. This section shall not apply to capital projects of entities that are not city agencies unless 50 percent or more of the estimated cost of such project is to be paid for out of the city treasury. This exemption shall not apply to any capital project that receives \$10,000,000 or more out of the city treasury.*

*l. The costs listed in subdivisions b, c, d and g are denominated in January 2022 dollars and shall be indexed to inflation annually.*

*m. Capital projects that are subject to subdivision b that utilize a version of the LEED green building rating system for which the United States green building council will accept applications for certification, shall apply to the United States green building council for certification that such projects have achieved a gold or higher rating under the LEED green building rating system, or where applicable, a certified or higher rating. The mayor shall establish an alternative certification process for capital projects that are complying with alternative standards promulgated by the mayor pursuant to subdivision c.*

*n. No later than December 1 of each year, the mayor shall submit to the speaker of the council a report, containing, at a minimum:*

*(1) For each capital project subject to this section completed during the preceding fiscal year:*

*(a) A brief description of such project, including the total cost of the project;*

*(b) The street address of such project and the community district and council district in which such project is located;*

*(c) The estimated level of LEED certification such project has achieved as determined by the city agency that designed such project in accordance with the LEED green building rating system or, if applicable, the level achieved, as certified by the United States green building council;*

*(d) A statement as to whether such project has been designed and constructed to comply with the energy use reduction required in subdivision e, as an onsite energy generating building or a net zero energy building and, for each project designed and constructed to comply with the prescribed energy use reduction, the energy use*

*intensity for such building or, if the mayor has adopted an alternative energy intensity target pursuant to subdivision f, such alternative target;*

*(e) If such capital project was not designed and constructed as an onsite energy generating building, a description of the reasons therefor, a statement as to whether such building has been designed and constructed to produce any energy onsite from renewable energy sources and, if so, the amount of such onsite energy production expressed as a percentage of the building's total energy needs; and*

*(f) An assessment of the environmental and energy-related benefits achieved in comparison with a base-case code compliant project, including projected energy savings reductions in peak load, reductions in emissions and potable water use.*

*(2) The total value of capital allocations in the preceding calendar year to projects exempted from the requirements of this section by the mayor pursuant to subdivision j, and a list and brief description of each such project, including but not limited to square footage, project cost and the reason for such exemption, disaggregated by city agency.*

*o. The mayor shall publish online and submit a report to the speaker of the council within 12 months of establishing any alternative standards pursuant to subdivisions c or f, and every three years thereafter. Such report shall:*

*(1) Describe the alternative standard and the occupancy groups to which it will apply;*

*(2) Identify any provision in such alternative standard that is less stringent than the standard which it replaces, and for each such provision, describe the reasons why compliance with the standard which it replaces would be impracticable or unduly burdensome for buildings classified in such occupancy groups;*

*(3) For an alternative standard provided pursuant to subdivision c that is not for a building classified in occupancy group R, describe how such alternative standard is not less stringent than the standard prescribed for buildings designed to achieve a LEED certified rating under LEED green building rating system version 4; and*

*(4) Describe the reasons why the mayor has determined that such alternative standard continues to be necessary and why such standard cannot be made more stringent.*

§ 2. Paragraph 2 of subdivision d of section 3-125 of the administrative code of the city of New York, as added by local law number 6 for the year 2016, is amended to read as follows:

2. If the geothermal system has the [lowest] *highest* net present value of all alternatives considered it shall be selected for implementation.

§ 3. This local law takes effect immediately, except that for a capital project that has either (A) received the last certificate to proceed for construction, or the last certificate for design and construction prior to bid, as issued by the New York city office of management and budget, prior to the effective date of this local law, or (B) has submitted documentation to obtain a permit from the New York city department of buildings prior to the effective date of this local law, the repeal and reenactment of section 224.1 of the New York city charter pursuant to section one of this local law shall not apply, and section 224.1 of the New York city charter as was in effect prior to the repeal and re-enactment of such section pursuant to this local law, and any rules promulgated thereto, shall continue to be in effect as if such section had not been so repealed and re-enacted.

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD FELIZ, TIFFANY CABÁN, SHAUN ABREU, ALEXA AVILÉS, CHARLES BARRON, CRYSTAL HUDSON; 8-1-0; *Negative*: David M. Carr; Committee on Housing and Buildings, March 16, 2023.

On motion of the Speaker (Council Member Adams), 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. 168

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application number C 210090 ZMK (1880-1888 Coney Island Avenue Rezoning) submitted by Plaza Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from a C8-2 District to an C4-5A District property bounded by Avenue O, Coney Island Avenue, a line 590 feet southerly of Avenue O, and a line midway between East 10th Street and Coney Island Avenue, Borough of Brooklyn, Community District 12, Council District 44.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 2, 2023 (Minutes, page 438) and which same Land Use item was coupled with the resolution shown below, respectfully

### REPORTS:

#### SUBJECT

#### **BROOKLYN CB-12 - TWO APPLICATIONS RELATED TO 1800-1888 CONEY ISLAND AVENUE REZONING**

##### **C 210090 ZMK (L.U. No. 168)**

City Planning Commission decision approving an application submitted by Plaza Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from an C8-2 within Special Ocean Parkway District (“OP”) to an C4-5A/OP District property bounded by Avenue O, Coney Island Avenue, a line 590 feet southerly of Avenue O, and a line midway between East 10<sup>th</sup> Street and Coney Island Avenue, as shown on a diagram (for illustrative purposes only) dated September 6, 2022, and subject to the conditions of CEQR Declaration E-684.

##### **N 210091 ZRK (L.U. No. 169)**

City Planning Commission decision approving an application submitted by Plaza Realty, LLC, 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 Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

#### INTENT

To approve a zoning map amendment to change a C8-2/OP zoning district to a C4-5A/OP zoning district and a text amendment to establish a Mandatory Inclusionary Housing (MIH) area, which would facilitate the development of a 216,423-square-foot mixed-use building containing a total of approximately 231 dwelling units, approximately 60 of which would be designated permanently income-restricted, as well as 36,456 square feet of ground floor commercial space at 1880-1888 Coney Island Avenue in the Midwood neighborhood of Brooklyn, Community District 12.

**PUBLIC HEARING****DATE:** February 8, 2023**Witnesses in Favor:** Ten**Witnesses Against:** Thirty**SUBCOMMITTEE RECOMMENDATION****DATE:** March 14, 2023

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant on L.U.s 168 and 169.

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Schulman  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** March 14, 2023

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Riley  
Abreu  
Brooks-Powers  
Bottcher  
Krishnan  
Sanchez  
Borelli

**Against:**

None

**Abstain:**

None

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

## Res. No. 536

**Resolution approving a motion to file pursuant to withdrawal of the application regarding the decision of the City Planning Commission on Application No. C 210090 ZMK, a Zoning Map amendment (L.U. No. 168).**

By Council Members Salamanca and Riley.

**WHEREAS**, Plaza Realty, 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. 22d, changing from a C8-2 to a C4-5A District, which in conjunction with the related action would facilitate the development of a 216,423-square-foot mixed-use building containing a total of approximately 231 dwelling units, approximately 60 of which would be designated as permanently income-restricted, as well as 36,456 square feet of commercial floor area at 1880-1888 Coney Island Avenue in the Midwood neighborhood of Community District 12, Brooklyn (ULURP No. C 210090 ZMK) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on January 27, 2023 its decision dated January 18, 2023 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 210091 ZRK (L.U. No. 169), a zoning text amendment to establish an MIH area with Options 1 and 2;

**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 February 8, 2023;

**WHEREAS**, by submission dated March 14, 2023 and submitted to the Council on March 14, 2023, the Applicant withdrew the application.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 9-0-0; *Absent*: Kamillah Hanks, Farah N. Louis, Darlene Mealy; *Maternity*: Carlina Rivera; Committee on Land Use, March 14, 2023.

Coupled to be Filed pursuant to a Letter of Withdrawal.

## Report for L.U. No. 169

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application number N 210091 ZRK (1880-1888 Coney Island Avenue Rezoning) submitted by Plaza 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 Brooklyn, Community District 12, Council District 44.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 2, 2023 (Minutes, page 438) 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 Land Use for L.U. No. 168 above printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 537

**Resolution approving a motion to file pursuant to withdrawal of the application regarding the decision of the City Planning Commission on Application No. N 210091 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 169).**

By Council Members Salamanca and Riley.

**WHEREAS**, Plaza Realty, LLC, filed an application 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, which in conjunction with the related action would facilitate the development of a 216,423-square-foot mixed-use building containing a total of approximately 231 dwelling units, approximately 60 of which would be designated permanently income-restricted, as well as 36,456 square feet of ground floor commercial space at 1880-1888 Coney Island Avenue in the Midwood neighborhood of Brooklyn, Community District 12 (ULURP No. N 210091 ZRK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on January 27, 2023, its decision dated January 18, 2023 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application C 210090 ZMK (L.U. No. 168), a zoning map amendment to change a C8-2/OP zoning district to a C4-5A/OP 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 February 8, 2023;

**WHEREAS**, by submission dated March 14, 2023 and submitted to the Council on March 14, 2023, the Applicant withdrew the application.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 9-0-0; *Absent*: Kamillah Hanks, Farah N. Louis, Darlene Mealy; *Maternity*: Carlina Rivera; Committee on Land Use, March 14, 2023.

Coupled to be Filed pursuant to a Letter of Withdrawal.

Report for L.U. No. 172

**Report of the Committee on Land Use in favor of approving Application number C 220306 ZMX (521 East Tremont Avenue Rezoning) submitted by M521 Tremont LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3d: eliminating a Special Mix Use District (MX-14), changing from an R6A District to a C4-4D District, changing from an C4-5X District to a C4-4D District, and changing from an M1-4/R7A District to a C4-4D District. Borough of the Bronx, Community District 6, Council District 15.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 16, 2023 (Minutes, page 616) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

#### **BRONX CB-6 - TWO APPLICATIONS RELATED TO 521 EAST TREMONT AVENUE REZONING**

#### **C 220306 ZMX (Pre. L.U. No. 172)**

City Planning Commission decision approving an application submitted by M521 Tremont LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d:

1. eliminating a Special Mix Use District (MX-14) bounded by a line of 195 feet southwesterly of East 178<sup>th</sup> Street, Third Avenue, a line 200 feet southwesterly of East 178<sup>th</sup> Street, and a line midway between Bathgate Avenue and Third Avenue;
2. changing from an R6A District to a C4-4D District property bounded by a line 195 feet southwesterly of East 178<sup>th</sup> Street, a line midway between Bathgate Avenue and Third Avenue, a line 220 feet southwesterly of East 178<sup>th</sup> Street and Bathgate Avenue;
3. changing from an C4-5X District to a C4-4D District property bounded by a line 220 feet southwesterly of East 178<sup>th</sup> Street, a line midway between Bathgate Avenue and Third Avenue, a line 200 feet southwesterly of East 178<sup>th</sup> Street, Third Avenue, East Tremont Avenue, and Bathgate Avenue; and



4. changing from an M1-4/R7A District to a C4-4D District property bounded by a line of 195 feet southwesterly of East 178<sup>th</sup> Street, Third Avenue, a line 200 feet southwesterly of East 178<sup>th</sup> Street, and a line midway between Bathgate Avenue and Third Avenue;

Borough of the Bronx, Community District 6, as shown on a diagram (for illustrative purposes only) dated September 19, 2022, and subject to the conditions of CEQR Declaration E-687.

**N 220307 ZRX (Pre. L.U. No. 173)**

City Planning Commission decision approving an application submitted by M521 Tremont LLC, 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 Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve a zoning map amendment to change C4-5X, M1-4/R7A, and R6A zoning districts to a C4-4D zoning district and amend the zoning text to establish a Mandatory Inclusionary Housing area, which would facilitate the construction of a 14-story mixed use development containing 205 dwelling units, along with a cellar, ground floor commercial and residential space, community facility space, outdoor terraces, and parking, at 521 East Tremont Avenue in the East Tremont neighborhood of Bronx, Community District 6.

**PUBLIC HEARING**

**DATE:** February 8, 2023

**Witnesses in Favor:** Nine

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 14, 2023

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. Nos. 172 and 173.

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Schulman  
Carr

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** March 14, 2023

The Committee recommends that the Council approve the attached resolutions.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Riley		
Abreu		
Brooks-Powers		
Bottcher		
Krishnan		
Sanchez		
Borelli		

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

Res. No. 538

**Resolution approving the decision of the City Planning Commission on ULURP No. C 220306 ZMX, a Zoning Map amendment (Preconsidered L.U. No. 172).**

By Council Members Salamanca and Riley.

**WHEREAS**, M521 Tremont 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. 3d, by eliminating a Special Mix Use District (MX-14), changing from an R6A District to a C4-4D District, changing from an C4-5X District to a C4-4D District, and changing from an M1-4/R7A District to a C4-4D District, which in conjunction with the related zoning text amendment action (N 220307 ZRX), would facilitate the construction of a 14-story mixed use development containing 205 dwelling units, along with a cellar, ground floor commercial and residential space, community facility space, outdoor terraces, and parking, at 521 East Tremont Avenue in the East Tremont neighborhood of Bronx, Community District 6 (ULURP No. C 220306 ZMX) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on February 3, 2023 its decision dated February 1, 2023 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 220307 ZRX (Pre. L.U. No. 173), a zoning text amendment to Appendix F to change the current Inclusionary Housing Designated Area to a Mandatory Inclusionary Housing (MIH) Area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on February 8, 2023;

**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 September 16, 2022 (CEQR No. 22DCP123X), which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and noise impacts (E-687) (the “Negative Declaration”).

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220306 ZMX incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 3d:

1. eliminating a Special Mix Use District (MX-14) bounded by a line of 195 feet southwesterly of East 178<sup>th</sup> Street, Third Avenue, a line 200 feet southwesterly of East 178<sup>th</sup> Street, and a line midway between Bathgate Avenue and Third Avenue;
2. changing from an R6A District to a C4-4D District property bounded by a line 195 feet southwesterly of East 178<sup>th</sup> Street, a line midway between Bathgate Avenue and Third Avenue, a line 220 feet southwesterly of East 178<sup>th</sup> Street and Bathgate Avenue;
3. changing from an C4-5X District to a C4-4D District property bounded by a line 220 feet southwesterly of East 178<sup>th</sup> Street, a line midway between Bathgate Avenue and Third Avenue, a line 200 feet southwesterly of East 178<sup>th</sup> Street, Third Avenue, East Tremont Avenue, and Bathgate Avenue; and
4. changing from an M1-4/R7A District to a C4-4D District property bounded by a line of 195 feet southwesterly of East 178<sup>th</sup> Street, Third Avenue, a line 200 feet southwesterly of East 178<sup>th</sup> Street, and a line midway between Bathgate Avenue and Third Avenue;

Borough of the Bronx, Community District 6, as shown on a diagram (for illustrative purposes only) dated September 19, 2022, and subject to the conditions of CEQR Declaration E-687.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 9-0-0; *Absent*: Kamillah Hanks, Farah N. Louis, Darlene Mealy; *Maternity*: Carlina Rivera; Committee on Land Use, March 14, 2023.

On motion of the Speaker (Council Member Adams), 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. 173

**Report of the Committee on Land Use in favor of approving Application number N 220307 ZRX (521 East Tremont Avenue Rezoning) submitted by M521 Tremont 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 the Bronx, Community District 6, Council District 15.**

The Committee on Land Use, to which the annexed Land Use item was referred on February 16, 2023 (Minutes, page 616) 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 Land Use for L.U. No. 172 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 539

**Resolution approving the decision of the City Planning Commission on Application No. N 220307 ZRX, for an amendment of the text of the Zoning Resolution (Pre. L.U. No. 173).**

By Council Members Salamanca and Riley.

**WHEREAS**, M521 Tremont LLC, filed an application 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, which in conjunction with the related action would facilitate the construction of a 14-story mixed use development containing 205 dwelling units, along with a cellar, ground floor commercial and residential space, community facility space, outdoor terraces, and parking, at 521 East Tremont Avenue in the East Tremont neighborhood of Bronx, Community District 6 (ULURP No. N 220307 ZRX) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on February 3, 2023, its decision dated February 1, 2023 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application C 220306 ZMX (L.U. No. 172), a zoning map amendment to change C4-5X, M1-4/R7A, and R6A zoning districts to a C4-4D 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 February 8, 2023;

**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 September 16, 2022 (CEQR No. 22DCP123X), which include an (E) designation to avoid

the potential for significant adverse impacts related to hazardous materials and noise impacts (E-687) (the “Negative Declaration”).

**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 220307 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**THE BRONX**

\* \* \*

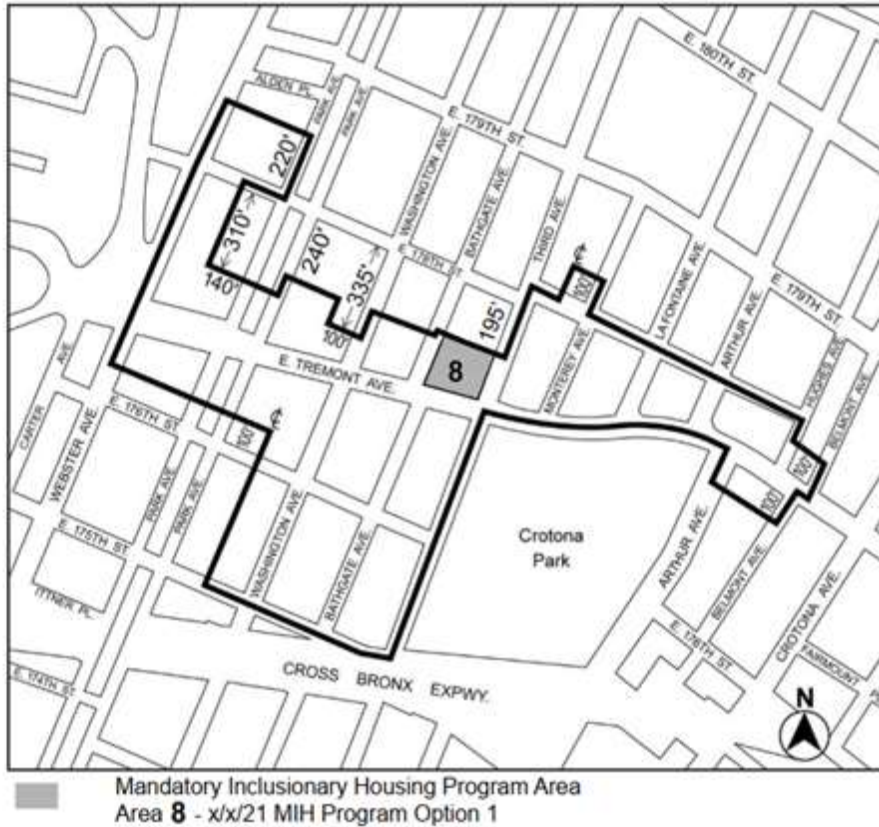
**The Bronx Community District 6**

\* \* \*

Map 3 – [date of adoption]

[PROPOSED MAP]

Map 3 - (x/x/21)



\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 9-0-0; *Absent*: Kamillah Hanks, Farah N. Louis, Darlene Mealy; *Maternity*: Carlina Rivera; Committee on Land Use, March 14, 2023.

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

## Report for L.U. No. 178

**Report of the Committee on Land Use in favor of approving Application number N 230045 ZRM (Otis Elevator Building – 260 Eleventh Avenue) submitted by the Circle 1 LLC, pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying provisions of the Special West Chelsea District, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on March 2, 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT**

**Manhattan CB-4 - Otis Elevator Building – 260 Eleventh Avenue**

**N 230045 ZRM (Pre. L.U. No. 178)**

City Planning Commission decision approving an application submitted by Circle 1 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 provisions of the Special West Chelsea District.

**INTENT**

To approve a zoning text amendment of the Zoning Resolution of the City of New York, modifying provisions of the Special West Chelsea District to facilitate the expansion of the Otis Elevator Building located at 260 Eleventh Avenue, in the West Chelsea neighborhood, of Manhattan Community District 3.

**PUBLIC HEARING**

**DATE:** February 23, 2023

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** March 14, 2023

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 178.

**In Favor:**  
Riley  
Moya  
Louis

**Against:**  
None

**Abstain:**  
None

Abreu  
Bottcher  
Schulman  
Carr

**COMMITTEE ACTION**

**DATE:** March 14, 2023

The Committee recommends that the Council approve the attached resolutions.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Riley		
Abreu		
Brooks-Powers		
Bottcher		
Krishnan		
Sanchez		
Borelli		

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

Res. No. 540

**Resolution approving the decision of the City Planning Commission on ULURP No. N 230045 ZRM, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 178).**

By Council Members Salamanca and Riley.

**WHEREAS**, the City Planning Commission filed with the Council on February 17, 2023 its decision dated February 15, 2023 (the "Decision"), on the application submitted by Circle 1 LLC, 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, to expand the Otis Elevator Building located at 260 Eleventh Avenue (Block 698, Lots 1, 6, and 10) in the West Chelsea neighborhood of Manhattan, Community District 4 (Application No. N 230045 ZRM), (the "Application");

**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 February 23, 2023;

**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 October 24<sup>th</sup>, 2022 (CEQR No. 22DCP056M), (the "Negative Declaration").



**RESOLVED:**

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230045 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission:

- Matter in underline is new, to be added;
- Matter in ~~strikeout~~ is to be deleted;
- Matter with # # is defined in Section 12-10;
- \* \* \* indicates where unchanged text appears in the Zoning Resolution.

**Article IX  
Special Purpose Districts**

**Chapter 8  
Special West Chelsea District**

\* \* \*

**98-20  
FLOOR AREA AND LOT COVERAGE REGULATIONS**

\* \* \*

**98-24  
Special Floor Area Rules for Zoning Lots Divided by District Boundaries**

\* \* \*

**98-242  
Located partially within Subarea C and partially within M1-5 Districts**

For #zoning lots# ~~existing prior to June 23, 2005, and~~ located partially within an M1-5 District and partially within a C6-3 District in Subarea C, the permitted #floor area ratio# for the C6-3 District portion of the #zoning lot# may be increased to the #floor area ratio# existing in the C6-3 District portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the #High Line# Improvement Fund, established under Section 98-25, to be used at the discretion of the Chairperson to assure that the #High Line# is restored and reused as a public accessible open space. The amount of such contribution shall be determined in the manner prescribed in Section 98-35 (High Line Transfer Corridor Bonus).

No building permit for any #development# or #enlargement# may be issued for any #building or other structure# on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made.

\* \* \*

**98-40****SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS**

\* \* \*

**98-42 Special Height and Setback Regulations**

\* \* \*

**98-423****Street wall location, minimum and maximum base heights and maximum building heights**

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (g) of this Section.

## (a) For all #buildings#

## 1. #Street wall# location provisions

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section. On #narrow street# frontages, beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section.

Where #street walls# are required to be located on the #street line#, recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. Above a height of 12 feet, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except that, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.

For #developments# that occupy the entire #block# frontage of a #street# and provide a continuous sidewalk widening along such #street line#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

The #street wall# location provisions of this Section shall not apply along that portion of any #street# frontage:

- (i) over which the #High Line# passes;
- (ii) occupied by existing #buildings# to remain, unless such #buildings# are Vertically #enlarged#; or

(iii) between the #High Line# and a #side lot line#, where such frontage measures less than 20 feet.

(2) Maximum #building# heights

(i) For C6-2A and C6-3A Districts

In C6-2A and C6-3A Districts, the maximum base height, maximum #building# height and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for the residential equivalent of an R8A and R9A District, respectively. For #buildings# meeting the criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (b) of Section 23-664 for such districts' applicable residential equivalent. Separate maximum #building# heights are set forth within such Sections for #Quality Housing buildings# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

(ii) For all other districts

All portions of #buildings or other structures# that exceed the applicable maximum base height specified in the table in this Section shall provide a setback at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of permitted recesses in the #street wall#.

No #building or other structure# shall exceed the maximum #building# height specified in the table in this Section.

\* \* \*

(c) Subareas C, F and G

In Subareas C, F and G, for #zoning lots# with #wide# and #narrow street# frontage, no #street wall# is required beyond 50 feet of a #wide street#. Furthermore, for any #development# or #enlargement# that occupies at least one corner of the Tenth Avenue #block# front and extends along the Tenth Avenue frontage of the #zoning lot# for at least 170 feet, exclusive of existing #buildings# to remain, a lowered #street wall# shall be provided for any #building# that exceeds 45 feet in height. Such lowered #street wall# shall have a maximum height of 45 feet and a minimum height of 35 feet and extend along the Tenth Avenue frontage for a width not less than 25 percent and not more than 30 percent of the #aggregate width of street walls# facing Tenth Avenue. Such lowered #street wall# portion of the Tenth Avenue frontage shall be located at the intersection of Tenth Avenue and a #narrow street#. Such lowered #street wall# shall extend along such #narrow street line# for a distance of at least 50 feet from Tenth Avenue. Beyond 50 feet of Tenth Avenue, excluding the #High Line frontage# of a #building#, such portion of the #building# shall not exceed a height of 45 feet.

The provisions of this Section, relating to the location and height of the lowered #street wall# portion of the Tenth Avenue frontage of a #building# are illustrated in Diagram 1 (Street Wall and High Line Frontage Regulations in Subareas C, F and G) in Appendix C of this Chapter.

In Subarea C, for #zoning lots# with Tenth Avenue frontage between West 24th Street and West 28th Street, the maximum #building# height shall be 125 feet.

In Subarea C, for any #enlargement# on a #zoning lot# that is subject to the provisions of Section 98-242 (Located partially within Subarea C and partially within M1-5 Districts) and located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height shall be the height of the existing #street wall# of the #building# to be #enlarged# and no #street wall# shall be required above such minimum base height.

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ, JOSEPH C. BORELLI; 9-0-0; *Absent*: Kamillah Hanks, Farah N. Louis, Darlene Mealy; *Maternity*: Carlina Rivera; Committee on Land Use, March 14, 2023.

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

**GENERAL ORDERS CALENDAR****Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
MARK GOLDBERG	784 Fox Street, Apt 3C Bronx, New York 10455	8
EMANUEL SHIMUNOV	6560 Wetherole St, Apt 2L Queens, New York 11374	29
MELANNY COELLO ARREAGA	75-18 Edsall Ave, 1st Floor Queens, New York 11385	30
NECHAMA RIBOWSKY	809 Empire Ave Queens, New York 11691	31
TIMOTHY RAHAMATULLA	90-11 107th Street Queens, New York 11418	32
LISA MICHELLE HAILEY	917 Green Ave, Apt 3C Brooklyn, New York 11221	36
ERICA SHEINART	626 2nd Street, Apt 4 Brooklyn, New York 11215	39
TONIMARIE BARRILE	1624 E 24th St Brooklyn, New York 11229	48
LAMARENEE DAVIS	245 Forest Ave, Apt 3E Staten Island, New York 10301	49

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

**ROLL CALL ON GENERAL ORDERS FOR THE DAY**  
**(Items Coupled on General Order Calendar)**

- (1) **Int 124-A -** Reporting on and training of housing specialists within the Human Resources Administration and Department of Homeless Services.
- (2) **Int 210-A -** Marine debris disposal and vessel surrendering office.
- (3) **Int 236-A -** Providing contracted ferry service at reduced cost to certain persons.
- (4) **Int 403-A -** Department of Education to distribute IDNYC applications to all high school students.
- (5) **Int 431-A -** Customer service training for shelter personnel of the Department of Homeless Services and its contractors.
- (6) **Int 642-A -** Quarterly reporting on the amount of time children and youth spend in the children's center and other temporary placement facilities of the Administration for Children's Services.
- (7) **Int 876-A -** Green building standards and repealing section 224.1 of the New York City Charter in relation thereto.
- (8) **Int 918-A -** Department of Health and Mental Hygiene to develop and implement a citywide diabetes incidence and impact reduction plan.
- (9) **Preconsidered Res 530 -** New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution).
- (10) **L.U. 168 & Res 536 -** **App. C 210090 ZMK (1880-1888 Coney Island Avenue Rezoning)** Borough of Brooklyn, Community District 12, Council District 44.  
**(Coupled to be Filed pursuant to a Letter of Withdrawal).**

- (11) L.U. 169 & Res 537 - **App. N 210091 ZRK (1880-1888 Coney Island Avenue Rezoning)**  
Borough of Brooklyn, Community District 12, Council District 44.  
**(Coupled to be Filed pursuant to a Letter of Withdrawal).**
- (12) L.U. 172 & Res 538 - **App. C 220306 ZMX (521 East Tremont Avenue Rezoning)**  
Borough of the Bronx, Community District 6, Council District 15.
- (13) L.U. 173 & Res 539 - **App. N 220307 ZRX (521 East Tremont Avenue Rezoning)**  
Borough of the Bronx, Community District 6, Council District 15.
- (14) L.U. 178 & Res 540 - **App. N 230045 ZRM (Otis Elevator Building – 260 Eleventh Avenue)** Borough of Manhattan, Community District 4, Council District 3.
- (15) **Resolution approving various persons Commissioners of Deeds.**

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

**Affirmative** – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Narcisse, Nurse, Ossé, Restler, Richardson Jordan, Riley, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **48**.

**The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above with the exception of the vote for the following legislative item:**

The following was the vote recorded for **Int. No. 876-A**:

**Affirmative** – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Narcisse, Nurse, Ossé, Restler, Richardson Jordan, Riley, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **42**.

**Negative** – Ariola, Carr, Holden, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) - **6**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 124-A, 210-A, 236-A, 403-A, 431-A, 642-A, 876-A, and 918-A.*

## RESOLUTIONS

*Presented for voice-vote*

**The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:**

Report for voice-vote item Res. No. 167-A

**Report of the Committee on Sanitation and Solid Waste Management in favor of approving, as amended, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S237, legislation to amend the environmental conservation law, in relation to returnable bottles.**

The Committee on Sanitation and Solid Waste Management, to which the annexed amended resolution was referred on May 19, 2022 (Minutes, page 1109), respectfully

### REPORTS:

#### I. INTRODUCTION

On March 16, 2023, the Committee on Sanitation and Solid Waste Management (the “Committee”), chaired by Council Member Sandy Nurse, will hold a hearing on Proposed Res. No. 167-A, in support of amending the environmental conservation law, in relation to returnable bottles. The Committee previously heard this resolution at a hearing on February 22, 2023, where it received testimony from representatives of the New York City Department of Sanitation (“DSNY”), environmental advocates and interested members of the public. More information about this legislation can be accessed online at <https://on.nyc.gov/426ODKY>.

#### II. LEGISLATION

**Proposed Res. No. 167-A** would call upon the New York State Legislature to pass, and the Governor to sign, S237, legislation to expand the state returnable bottle legislation, which requires retailers who sell covered beverages to accept returns of empty containers and refund the deposits, and requires beverage distributors to reimburse retailers for the cost of collecting and recycling empty containers via a small handling fee per container, to include containers for wine, spirits, and hard cider, which are not currently covered by the existing legislation.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Res. No. 167-A:)**

Res. No. 167-A

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S237, legislation to amend the environmental conservation law, in relation to returnable bottles.**

By Council Members Nurse, Gutiérrez, Joseph, Bottcher, Abreu, Restler, Sanchez, Richardson Jordan, Powers, Marte, Hudson, Cabán, Salamanca, Brooks-Powers, Velázquez, Feliz, Ossé, Hanif, Avilés, Gennaro, Krishnan, Riley, Rivera, De La Rosa and Brewer.



**Whereas**, Originally enacted on June 15, 1982, The New York State Returnable Container Act, also known as The Bottle Bill, requiring refundable deposits to be placed on eligible beverage containers, has proven to be an exceptionally effective tool for reducing litter and increasing recycling rates in New York State; and

**Whereas**, According to recycling industry estimates, over the course of its existence, The Bottle Bill has helped reduce New York State’s roadside container litter by 70%, with 5.5 billion containers recycled statewide in 2020, a redemption rate of approximately 64%; and

**Whereas**, The law requires retailers who sell covered beverages to accept returns of empty containers and refund the deposits, and requires beverage distributors to reimburse retailers for the cost of collecting and recycling empty containers via a small handling fee per container; and

**Whereas**, The Bottle Bill originally only covered beer, malt beverages, carbonated soft drinks, mineral water, and wine coolers, when packaged in airtight metal, glass, paper, or plastic containers, under 1 gallon in volume, and sold in New York, but was amended to also include plastic water bottles in 2009; and

**Whereas**, June 15, 2023 will mark the 41st anniversary of the enactment of this law, which has not been updated in over a decade, and would represent an opportunity to revisit and improve the legislation; and

**Whereas**, According to a study published by the World Economic Forum, worldwide use of plastic has grown 20-fold over the past 50 years, and is expected to double again in the next two decades, to the point where it is estimated that the planet’s oceans will contain more plastic by weight than fish by 2050; and

**Whereas**, In 2022, a study analyzing blood samples from 22 anonymous donors found the presence of microplastics in 80% of the individuals tested, with half the samples containing polyethylene terephthalate (PET) plastic, commonly used in beverage containers; and

**Whereas**, The health ramifications of microplastics being present in our bodies are still unclear, but recent studies have shown that microplastic particles can latch onto red blood cells, potentially limiting their ability to transport oxygen, can accumulate in the placentas of pregnant individuals, and can collect in the hearts, brains, and organs of rat fetuses; and

**Whereas**, Considering the many negative environmental impacts and potentially negative health effects of widespread plastic pollution, The Bottle Bill should be updated to ensure the greatest possible diversion, and beneficial reuse rate, of these items from New York’s waste stream; and

**Whereas**, An expansion of The Bottle Bill would not only increase recycling rates and make New York’s environment and communities cleaner, it would also assist municipal recycling programs to address the issue of broken glass containers in their recycling streams, which can contaminate other materials, rendering them unrecyclable for the municipality; and

**Whereas**, Even when recyclable materials are not contaminated by broken glass, the costs of recycling containers not covered under The Bottle Bill are prohibitively high for many municipalities, with the costs associated with collecting and processing a ton of PET plastic bottles or glass bottles higher than the revenues received per ton for scrap material; and

**Whereas**, The expansion of the Bottle Bill to include containers for wine, spirits, and hard cider would take a significant amount of the containers that municipalities are struggling with off their hands, and defray costs for municipal programs by creating a financial incentive for consumers to return these containers, as well as an obligation for retailers to accept these containers, relieving the burden on municipal recycling programs; and

**Whereas**, An expansion of The Bottle Bill to broaden the scope of containers and increase the deposit amount could also result in increased economic opportunities for New Yorkers, as many low-income New Yorkers, often within immigrant, elderly, or homeless communities, rely upon the practice of “canning” to supplement income; and

**Whereas**, States with higher deposit fees have been shown to have higher redemption rates, with Michigan’s 10 cent deposit fee leading to a redemption rate of 89% in 2019 , and Vermont’s 15 cent deposit fee on liquor bottles leading to a redemption rate of 83% for liquor containers in 2020; and

**Whereas**, Since a portion of unclaimed deposits must be remitted to the state, increasing the deposit would generate more revenues to address issues pertaining to the lack of redemption options in low-income communities, and funds to address other litter and solid waste problems in such communities, and bring deposit fees more in line with inflation, which would make a 5 cent deposit in 1982 deposit worth nearly fifteen cents in 2022; and

**Whereas**, New York State Senate Member Rachel May’s Senate Bill S237, the “Bigger Better Bottle Bill,” would expand New York’s 40-year-old container deposit law to include non-carbonated beverages, wine and

liquor and raise the deposit from 5 cents to 10 cents, further incentivizing the removal of recyclable plastic and glass bottles from New York's waste stream; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S237, legislation to amend the environmental conservation law, in relation to returnable bottles.

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Powers) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Powers) declared the Resolution to be adopted.

The following 7 Council Members formally noted their negative vote against this item:

Council Members Ariola, Carr, Holden, Kagan, Vernikov, Yeger, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 503-B

**Report of the Committee on Housing and Buildings in favor of approving, as amended, a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that allows for the conversion of commercial units to residential units and creates the Affordable Housing from Commercial Conversions (AHCC) tax benefit program.**

The Committee on Housing and Buildings, to which the annexed amended resolution was referred on February 16, 2023 (Minutes, page 558), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 876-A printed in the Report of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Res. No. 503-B:)**

Res. No. 503-B

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation that allows for the conversion of commercial units to residential units and creates the Affordable Housing from Commercial Conversions (AHCC) tax benefit program.**

By Council Members Brannan, Salamanca, Velázquez, Farías, Yeger, Riley, Brewer, Williams, Cabán, Powers, Richardson Jordan, Stevens, Marte, Krishnan, Rivera and Ung.

**Whereas**, For the past decade, New York City's housing production has not kept up with population and job growth; and

**Whereas**, According to the U.S. Census, between 2010 and 2020, New York City's population grew about 7.7 percent from nearly 8.2 million residents to over 8.8 million residents, the total housing stock grew by 7.3

percent from 3.37 million to 3.62 million units and the number of jobs grew by 10.2 percent from 3.75 million to 4.13 million; and

**Whereas**, AKRF, an environmental, planning and engineering consulting firm, released a study on January 5, 2022 that indicated that without substantial new residential development, the City's housing production deficit could worsen; and

**Whereas**, When the report was released, according to the New York City Department of City Planning, there were only 79,500 units in the housing development pipeline, however AKRF claims that the City will need an additional 485,000 housing units by 2030; and

**Whereas**, New York City only approved 25.3 units per 1,000 residents from 2010 to 2019, behind peer cities such as Houston, Seattle, and Washington, D.C.; and

**Whereas**, New York City is also experiencing an affordable housing crisis, with data from the 2022 Income and Affordability Study by the Rent Guidelines Board showing that the approximate proportion of households citywide paying 30 percent or more of their income towards gross rent is 51.7 percent and the proportion paying 50 percent or more of their income is 28.3 percent; and

**Whereas**, the New York City Council passed Local Law 43 of 2021, requiring a taskforce to examine the opportunity for housing, including affordable housing, and the use of economic incentives to provide affordable housing, from the adaptive reuse of obsolete office space, given the impacts of the Covid pandemic to the commercial office market sector; and

**Whereas**, Speaker Adrienne Adams has put forth a housing agenda to increase housing production with a focus on equity; and

**Whereas**, Given the need for more affordable housing units, New York State should pass legislation that allows the conversion of commercial units to residential units and creates a new tax incentive to encourage converted buildings to include permanently affordable residential units; and

**Whereas**, The development of affordable housing through the conversion of commercial spaces into residential units should adhere to rigorous labor standards to ensure the safety of the builders who make these conversions possible; and

**Whereas**, The passage of this bill would allow for more affordable housing units to be located in areas that are closer to jobs, public transportation and stores; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation that expands eligibility for the conversion of commercial units to residential units and creates the Affordable Housing from Commercial Conversions (AHCC) tax benefit program.

Pursuant to Rule 8.50 (c) of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Powers) called for a voice-vote. Hearing no objections, the Majority Leader and Acting President Pro Tempore (Council Member Powers) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 515

**Report of the Committee on Cultural Affairs, Libraries and International Intergroup Relations in favor of approving a Resolution recognizing the month of Ramadan annually in the City of New York and celebrating the significant role of Muslims in the multicultural fabric of New York City communities.**

The Committee on Cultural Affairs, Libraries and International Intergroup Relations, to which the annexed resolution was referred on March 2, 2023 (Minutes, page 749), respectfully

**REPORTS:**

On Thursday, March 16, 2023, the Committee on Cultural Affairs, Libraries and International Intergroup Relations, chaired by Council Member Chi Ossé, held a vote on Resolution Number (Res. No.) 515, co-sponsored by Council Members Nantasha Williams, Amanda Farías, Shekar Krishnan, and Shahana Hanif, recognizing the month of Ramadan annually in the City of New York and celebrating the significant role of Muslims in the multicultural fabric of New York City communities. The Committee originally heard this legislation on February 28, 2023. No members of the public testified about the resolution.

On March 16, 2023, the Committee on Cultural Affairs, Libraries, and International Intergroup Relations passed this legislation by a vote on eight in the affirmative, zero in the negative and zero abstentions.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 515:)**

Res. No. 515

**Resolution recognizing the month of Ramadan annually in the City of New York and celebrating the significant role of Muslims in the multicultural fabric of New York City communities.**

By Council Members Williams, Farías, Krishnan, Hanif, Dinowitz, Cabán, Louis, Richardson Jordan, Abreu, De La Rosa, Narcisse, Hudson, Marte, Restler, Won, Ung, Riley, Ossé, Avilés, Velázquez, Gennaro, Rivera, Carr, Vernikov, Kagan and the Public Advocate (Mr. Williams).

**Whereas**, Islam is one of the world’s major religions and an important part of faith traditions in the United States (U.S.); and

**Whereas**, Ramadan is the ninth month in the Islamic lunar calendar, as determined by physical sightings of the new moon and astronomical calculations, and varies in its exact dates from year to year; and

**Whereas**, Ramadan is observed by over 1.8 billion Muslims worldwide as a time for spiritual renewal, reflection, worship, devotion to God, self-control, charity, and doing good deeds; and

**Whereas**, Fasting is one of the pillars, or religious obligations, of Islam and is central to the observance of Ramadan as a way of developing sympathy for the less fortunate and of learning thankfulness and appreciation for what God has given; and

**Whereas**, Fasting is observed during daylight hours during Ramadan, with Muslims usually having a pre-fast meal (“suhoor”) before dawn and a post-fast meal (“iftar”) after sunset; and

**Whereas**, Typically the 27th night of Ramadan, known as the Night of Power (“Lailat ul-Qadr”), commemorates the night on which the first verses of the Qur’an were revealed to the Prophet Muhammad; and

**Whereas**, Muslims spend time during Ramadan reading the Qur’an and listening to its recitation at mosques around the world and throughout all five boroughs of New York City (NYC); and

**Whereas**, The month of Ramadan ends with the celebration of Eid al-Fitr, a festival at which Muslims say to each other, “Eid Mubarak” (“a blessed Eid”); and

**Whereas**, U.S. President Joseph R. Biden, Jr., issued a statement marking the observation of Ramadan on April 12, 2021, saying that “Muslim Americans have enriched our country since our founding” and that they “are as diverse and vibrant as the America they have helped build”; and

**Whereas**, President Biden subsequently issued a statement marking the observation of Ramadan on April 1, 2022, saying, “During this holy month, as Muslims everywhere honor God’s great mercy, let us also renew our shared commitment to show kindness, mercy, and understanding to one another”; and

**Whereas**, Muslims have been part of the multicultural fabric in the U.S. since first arriving 400 years ago as slaves; and

**Whereas**, According to World Population Review in 2023, Islam is the third-largest religion in the U.S., after Christianity and Judaism; and

**Whereas**, According to World Population Review in 2023, American Muslims are one of the most racially and ethnically diverse U.S. religious groups—about 25 percent Black, 24 percent white, 18 percent Asian, 18 percent Arab, 7 percent mixed race, and 5 percent Hispanic; and

**Whereas**, According to 2016 data from Muslims for American Progress, a project of the Institute for Social Policy and Understanding, more than 765,000 Muslims make up about 9 percent of NYC residents and own more than 95,000 businesses in NYC; and

**Whereas**, The NYC Department of Education has recognized both Eid al-Fitr (Festival of the Breaking of the Fast) and Eid al-Adha (Festival of the Sacrifice), two major Muslim holidays celebrated for the past 1,400 years, as official school holidays since 2015; and

**Whereas**, American Muslims and Muslim immigrants have enriched the multiethnic, multiracial, and multilingual landscape of NYC; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes the month of Ramadan annually in the City of New York and celebrates the significant role of Muslims in the multicultural fabric of New York City communities.

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Powers) called for a voice vote. Hearing no objections, the Majority Leader and Acting President Pro Tempore (Council Member Powers) declared the Resolution to be adopted.

Adopted unanimously by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 954

By Council Members Bottcher, Sanchez, Powers, Louis, Marte, Abreu, Restler, Schulman, Hudson, Menin, Ayala, Holden, Feliz, Velázquez, Brewer, Narcisse, Williams, Riley and Hanif.

### **A Local Law to amend the New York city building code, in relation to preventing interference of sidewalk sheds in parks and playgrounds**

*Be it enacted by the Council as follows:*

Section 1. Section 3307.6.4.9 of the New York city building code, as amended by local law number 126 for the year 2021, is amended and a new section 3307.6.4.9.1 is added to read as follows:

**§ 3307.6.4.9 Avoid interference.** Sidewalk sheds shall be installed and located so to not unreasonably obstruct, either visually or physically, traffic, curb cuts, vehicular access points, street lighting poles, traffic lights or signs, fire hydrants, fire department connections, water sampling stations, bus shelter, or other street furniture, trees, adjacent show windows, [or] means of ingress/ egress[.], parks or playgrounds.

**§ 3307.6.4.9.1 Sidewalk sheds located in parks or playgrounds.** Sidewalk sheds located in parks or playgrounds shall be constructed to allow for the elimination of any cross-bracing and shall be constructed such that the passageway under the shed shall have a minimum clear ceiling height of 12 feet (3658 mm), while still maintaining all sidewalk shed safety requirements. Existing sidewalk sheds located in parks or playgrounds shall be replaced with sidewalk sheds that meet the requirements of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 955

By Council Members Bottcher, Sanchez, Powers, Louis, Marte, Abreu, Yeger, Restler, Schulman, Hudson, Ayala, Riley, Holden, Feliz, Velázquez, Brewer, Narcisse, Krishnan, Williams, Avilés, Hanif and Paladino.

### **A Local Law to amend the New York city building code, in relation to the required lighting under sidewalk sheds**

*Be it enacted by the Council as follows:*

Section 1. Section 3307.6.4.8 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**3307.6.4.8 Lighting.** Sidewalk shed lighting shall be in conformance with the following:

1. The underside of sidewalk sheds shall be illuminated at all times either by daylight or electric light. The level of illumination shall be uniformly distributed along the entire length of the shed with a minimum of 1 footcandle (11 lux) measured at the level of the walking surface with a minimum luminous efficacy of [45] 90 lumens per watt or greater and be rated to operate at temperatures of 5°F (-15°C) and higher.

2. All lamps shall be enclosed in water-resistant and vandal-resistant fixtures, and all lamps, wiring, and accessory components shall conform to the requirements of the New York City Electrical Code.

3. Photosensors may be used to control electric lighting according to the amount of daylight available. All photosensors shall be equipped for fail-safe operation ensuring that if the sensor or control fails, the lamps will provide the lighting levels required by this section.

4. LED lighting shall be used to satisfy the requirements of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 956

By Council Members Bottcher, Sanchez, Powers, Louis, Marte, Abreu, Restler, Schulman, Hudson, Ayala, Holden, Feliz, Velázquez, Brewer, Krishnan, Williams, Riley, Hanif and Paladino.

**A Local Law to amend the administrative code of the city of New York, in relation to penalties for failure to apply for corresponding work permits after installing a sidewalk shed**

*Be it enacted by the Council as follows:*

Section 1. Article 112 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-112.4.1 to read as follows:

**§ 28-112.4.1 Sidewalk shed installed before work permit application.** Any property owner who does not submit an application for the corresponding work permits within 6 months after installing a sidewalk shed required pursuant to Section 3307.6.2 shall be subject to a penalty, determined by the department, in addition to the required permit fees.

§ 2. Section 28-103.11 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

**§ 28-103.11 Applications and permits.** The department shall receive and review applications, construction documents, and other related documents and shall issue permits, in accordance with the provisions of this code. The department shall inform applicants of any expected delay in the issuance of corresponding work permits following the issuance of a sidewalk shed permit. The department shall, on a weekly basis, send council members and community boards, by electronic mail, a copy of all completed applications for a new building or an alteration that will require a new certificate of occupancy for a building, received during the prior week, disaggregated by community board. In addition, the department shall post such information on its website on a weekly basis.

§ 3. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Housing and Buildings.

## Int. No. 957

By Council Members Brannan, Louis, Yeger, Schulman, Marte, Abreu, Riley, Brewer and Velázquez.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a revolving loan fund to support students with disabilities**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended to add a new chapter 31 to read as follows:

**CHAPTER 31  
REVOLVING LOAN FUND**

§ 21-1002 *Revolving loan fund.* a. For purposes of this section, the following terms have the following meanings:

*Due process complaint notice.* The term “due process complaint notice” has the same meaning as set forth in subdivision i of section 200.5 of title 8 of the New York codes, rules and regulations.

*Eligible private school.* The term “eligible private school” means a school incorporated in New York that has a current enrollment with at least 50 percent of students having an individualized education program, as defined in section 21-950.

*Impartial due process hearing.* The term “impartial due process hearing” has the same meaning as set forth in subdivision j of section 200.5 of title 8 of the New York codes, rules and regulations.

*Parent.* The term “parent” has the same meaning as set forth in subsection 23 of section 1401 of title 20 of the United States code.

*Student with a disability.* The term “student with a disability” has the same meaning as set forth in subdivision 1 of section 4401 of the education law.

*Ten-day notice.* The term “ten-day notice” means a written notice in which a parent states an intent to enroll a student with a disability in a private school pursuant to subparagraph (C) of paragraph (10) of subsection (a) of section 1412 of title 20 of the United States code.

*Written settlement agreement.* The term “written settlement agreement” means an agreement between the department and a parent of a student with a disability in which the department agrees to pay for tuition for an eligible private school, in an amount agreed to by the parties and approved by the comptroller, to resolve claims raised in a ten-day notice or due process complaint notice.

b. The department shall establish a revolving loan fund to provide loans to eligible private schools awaiting the issuance of a payment pursuant to a written settlement agreement or an order issued pursuant to an impartial due process hearing. The department shall enter into an agreement with a bank or trust company to administer loans under such fund. Subject to appropriation, such fund shall issue a loan to a qualifying private school provided that the following criteria are satisfied:

1. the school properly requests in writing such a loan;
2. the school has accepted a student with a disability with a written settlement agreement or an order issued pursuant to an impartial due process hearing;
3. the school has not received payment from the department pursuant to a written settlement agreement or order issued pursuant to an impartial due process for the school year for which payment was due;
4. the loan amount requested is not greater than the total amount of pending tuition payments owed to such school pursuant to a written settlement agreement or order issued pursuant to an impartial due process hearing; and
5. the amount of such written settlement agreement or order issued pursuant to an impartial due process hearing for one year of tuition is for a minimum of \$40,000.

c. The application for such loan shall require such information as necessary to determine the eligibility of the school and the number and amount of eligible tuition payments owed to the school and shall rely solely on attestations from such school and shall not require substantiating documentation to verify attestations made on the application, provided that the department may audit such attestations after such loan has been awarded. If, in the course of such audit, the department identifies inaccurate attestations that would result in a reduced loan



award amount, then the school shall be required to return the difference in loan amount within 45 days of an order issued by the department.

d. The term of such loan shall be for two years. No interest shall be charged for such loan, except as otherwise provided in subdivision f of this section.

e. If available funds cannot satisfy all loan requests made pursuant to this section by August 1 of each year, each eligible private school shall be assigned an amount reduced proportionally. Each such school that applied shall be notified of their eligibility and the dollar amount available to them by August 20 of such year.

f. Any eligible private school that has received a loan pursuant to this section shall submit to the department a loan repayment schedule detailing how the full amount will be repaid within the final 90 days of the loan period and complete all payments as per such schedule. If a school fails to comply with such schedule, it shall not be eligible to receive any new funding until such loan is fully repaid. An interest rate of 6 percent per annum shall be charged for each month that a loan payment is in arrears.

§ 2. This local law takes effect in 90 days.

Referred to the Committee on Education.

Int. No. 958

By Council Members Brannan and Louis (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing a change in the name of the Flatbush Avenue business improvement district, an increase in the amount to be expended annually in such district, an extension of the boundaries of such district, a change in the method of assessment upon which the district charge in such district is based, and an increase in the maximum total amount to be expended for improvements in such district, and providing for the dissolution of the Church Avenue business improvement district.**

*Be it enacted by the Council as follows:*

§ 1. Section 25-435 of the administrative code of the city of New York, as added by local law number 63 for the year 1993, subdivision a of such section as amended by local law number 235 for the year 2017, is amended to read as follows:

§ 25-435 [Flatbush] *Church Avenue/Flatbush Avenue* business improvement district.

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the [Flatbush] *Church Avenue/Flatbush Avenue* business improvement district beginning on July 1, [2017] 2023, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [three hundred eighty-six thousand dollars (\$386,000)] *five hundred eighty-nine thousand dollars (\$589,000)*.

b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the [Flatbush] *Church Avenue/Flatbush Avenue* business improvement district plan.

§ 2. Section 25-435.1 of the administrative code of the city of New York, as added by local law number 69 for the year 2021, is amended to read as follows:

§ 25-435.1 [Flatbush] *Church Avenue/Flatbush Avenue* business improvement district; amendments to the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize additional services for the [Flatbush] *Church Avenue/Flatbush Avenue* business improvement district and to authorize a change in the method of assessment upon which the district charge in the [Flatbush] *Church Avenue/Flatbush Avenue* business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there are hereby authorized in the [Flatbush] *Church Avenue/Flatbush Avenue* business improvement district such changes as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan setting forth the authorization of additional services and containing the change in the method of assessment authorized by subdivision a of this section.

§ 3. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-435.2 to read as follows:

§ 25-435.2 *Church Avenue/Flatbush Avenue business improvement district; extension of district. a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the extension of the district; that all the real property benefited is included within the limits of the district; and that the extension of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, the Church Avenue/Flatbush Avenue business improvement district in the borough of Brooklyn is hereby extended. Such district is extended in accordance with the amended district plan of 2023 required to be filed with the city clerk pursuant to subdivision b of this section.*

*b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the amended district plan of 2023 upon which the Church Avenue/Flatbush Avenue business improvement district, and the extension thereof, is based.*

*c. The amended district plan of 2023 shall not be further amended except in accordance with chapter four of this title.*

§ 4. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-435.3 to read as follows:

§ 25-435.3 *Church Avenue/Flatbush Avenue business improvement district; amendment of the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Church Avenue/Flatbush Avenue business improvement district is based, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan of 2023 required to be filed with the city clerk pursuant to subdivision b of this section.*

*b. The city council having determined, pursuant to subdivision c of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the maximum total amount to be expended for improvements in the district, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in the Church Avenue/Flatbush Avenue business improvement district such change as is set forth in the amended district plan of 2023 required to be filed with the city clerk pursuant to subdivision c of this section.*

*c. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan of 2023 containing the change in the method of assessment authorized by subdivision a of this section and the increase in the maximum total amount to be expended for improvements authorized by subdivision b of this section.*

§ 5. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-451.2 as follows:

§25-451.2 *Dissolution of Church Avenue business improvement district. The recommendations of the Church Avenue district management association concerning the proposed dissolution of the Church Avenue business improvement district having been requested and considered by the city council in accordance with subdivision (a) of section 25-415 of chapter four of this title, therefore, pursuant to the authority granted by such subdivision, the Church Avenue business improvement district is hereby dissolved as of the end of calendar day June 30, 2023, provided that as of such date there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the Church Avenue business improvement district.*

§ 6. Sections one, two and five of this local law take effect June 30, 2023; and sections three and four of this local law take effect July 1, 2023, provided that compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York has occurred on or before such date; and provided further, however, that if such compliance occurs after July 1, 2023, sections three and four of this local law shall take effect upon

compliance with such section 25-408 and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2023.

Referred to the Committee on Education.

Preconsidered Res. No. 530

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Members Brannan and Ayala.

**Whereas**, On June 13, 2022, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”); and

**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 2022 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, and boroughwide 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 2023 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, youth, and Speaker’s initiative discretionary funding, and certain organizations receiving funding pursuant to certain initiatives; now, therefore, be it

**Resolved**, That the City Council approves the new designations and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 7; and be it further

**Resolved**, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designations of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Hate Crimes Prevention Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Trauma Recovery Centers Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving aging discretionary funding 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 change 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 16; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 17.

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. 530 of 2023 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Res. No. 531

**Resolution authorizing a change in the name of the Flatbush Avenue business improvement district, an increase in the amount to be expended annually in such district, an extension of the boundaries of such district, a change in the method of assessment upon which the district charge in such district is based, and an increase in the maximum total amount to be expended for improvements in such district**

By Council Members Brannan and Louis.

**WHEREAS,** pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the “Law”), the Mayor, by authorization dated August 12, 2022, provided for the preparation of an amended district plan for the Flatbush Avenue Business Improvement District (to be renamed the Church Avenue/Flatbush Avenue Business Improvement District, or the “District”) in the Borough of Brooklyn; and

**WHEREAS,** pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

**WHEREAS,** pursuant to authority granted by the Law, the District was established by Local Law No. 63 for the year 1993; and

**WHEREAS**, pursuant to Section 25-410(b) of the Law, an amendment to the district plan that provides for additional improvements or services or any change in the method of assessment upon which the district charge is based, or an increase in the amount to be expended annually, may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such changes and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded by such changes; and

**WHEREAS**, pursuant to Section 25-410(c) of the Law, an amendment to the district plan that provides for an increase in the total maximum amount to be expended for improvements in the District may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such increase and that the tax and debt limits prescribed in Section 25-412 of the Law will not be exceeded by such increase; and

**WHEREAS**, the District wishes to increase the amount to be expended annually in the District to \$589,000, to extend the District's boundaries and to amend the district plan in order to change the method of assessment upon which the district charge is based and to increase the maximum total amount to be expended for improvements in the District; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the New York City Department of Small Business Services ("SBS") submitted an amended district plan (the "Amended Plan") for the District to the City Planning Commission (the "CPC") on December 14, 2022; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the City Council on December 16, 2022; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Council Member representing the council district in which the District is located on December 16, 2022; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to Brooklyn Community Board 9 ("CB 9") and Brooklyn Community Board 14 ("CB 14") in which the proposed extended district is located, on December 16, 2022; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the CPC submitted the Amended Plan to the Brooklyn Borough President on December 16, 2022; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, CB 9 and CB 14 notified the public of the Amended Plan in accordance with the requirements established by the CPC; and

**WHEREAS**, on January 14, 2023, CB 14 voted to approve the extension of the District; and

**WHEREAS**, on January 24, 2023, CB 9 voted to approve the extension of the District; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the CPC reviewed the Amended Plan, held a public hearing on January 18, 2023, and prepared a report certifying its unqualified approval of the Amended Plan; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, the CPC submitted its report to the Mayor, to the Brooklyn Borough President, to the City Council and to the Council Member representing the council district in which the District is located; and

**WHEREAS**, pursuant to section 25-405(c) of the Law, a copy of the CPC's report, the original district plan and the Amended Plan were transmitted for filing with the City Clerk on February 17, 2023; and

**WHEREAS**, pursuant to section 25-406(a) of the Law, a copy of the Amended Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

**WHEREAS**, pursuant to section 25-406(a) of the Law, the Amended Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

**WHEREAS**, pursuant to Section 25--406(b) of the Law, any owner of real property, deemed benefited and therefore within the proposed extended district, objecting to the Amended Plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

**WHEREAS**, pursuant to Section 25-406(b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District as proposed for extension, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District as proposed for extension, file objections to the Amended Plan with the City Clerk within the thirty-day objection period, the District will not be extended; now, therefore, be it

**RESOLVED**, that the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that:

(i) April 27, 2023 is the date and 10:00 am is the time and the City Council Committee Meeting Room, 2nd Floor, City Hall is the place for a public hearing (the “Public Hearing”) to hear all persons interested in the legislation that would authorize an increase in the amount to be expended annually in the District, an extension of the District’s boundaries, a change in the method of assessment upon which the district charge in the District is based, an increase in the maximum total amount to be expended for improvements in the District, and a change in the name of the District;

(ii) the Flatbush Avenue District Management Association shall, not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed extended district at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed extended district, and to the tenants of each building within the proposed extended district;

(iii) SBS shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten (10) nor more than thirty (30) days before the date of the Public Hearing;

(iv) in the event that the Flatbush Avenue District Management Association mails, or SBS arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406(c) of the Law; and

(v) on behalf of the City Council and pursuant to Section 25-410(b) of the Law, the Flatbush Avenue District Management Association is hereby authorized to publish in a newspaper having general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the increase in the amount to be expended annually in the District.

Referred to the Committee on Finance.

## Int. No. 959

By Council Members Brewer, Yeger, Schulman, Ung and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to the sale and use of gas-powered leaf blowers**

*Be it enacted by the Council as follows:*

Section 1. Section 24-242 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended to read as follows:

§ 24-242 Lawn Care Devices. (a) No person shall operate, [or] use, or cause to be operated or used, any lawn care device:

(1) On weekdays before [eight] 8 a.m. and after [seven] 7 p.m. or sunset, whichever occurs later; or  
 (2) On weekends and New York state and federal holidays before [nine] 9 a.m. and after [six] 6 p.m., *except that no gas-powered leaf blower shall be used before noon;* or

(3) At any time in such a way as to create an unreasonable noise. For the purposes of this section unreasonable noise shall include but shall not be limited to an aggregate sound level of 65 [dB(A)] dB(A) or more *for all non-gas-powered leaf blower lawn care devices, and an aggregate sound level exceeding 65 dB(A) for gas-powered leaf blowers*, attributable to the source or sources, as measured at any point within a receiving property. The provisions of paragraph (1) of this subdivision shall not apply to an employee of the department of parks and recreation or an agent or contractor of the department of parks and recreation who operates or uses or causes to be operated or used any lawn care device between the hours of [seven] 7 a.m. and [eight] 8 a.m. in any location more than [three hundred] 300 feet from any building that is lawfully occupied for residential use. The distance of [three hundred] 300 feet shall be measured in a straight line from the point on the exterior wall of such building nearest to any point in the location at which such lawn care device is operated or used or caused to be operated or used.

(b) No person shall operate, [or] use, or cause to be operated or used, any *gas-powered* leaf blower [not equipped with a functioning muffler] *between or on the dates of May 15 and September 15 of any calendar year.*

(c) *No person shall operate, use, or cause to be operated or used, a gas-powered leaf blower rated to produce a maximum sound level in excess of 65 dB(A) as determined in accordance with the most current version of American national standards institute (ANSI) B175.2-2000.*

§ 2. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 15 to read as follows:

**SUBCHAPTER 15  
GAS-POWERED LEAF BLOWERS**

§ 20-699.12 *Prohibited gas-powered leaf blower sales. It shall be unlawful for any person to distribute, sell or offer for sale any gas-powered leaf blower rated to produce a maximum sound level in excess of 65 dB(A) measured 50 feet from the source as determined in accordance with the most current version of American national standards institute (ANSI) B175.2-2000.*

§ 20-699.13 *Penalty. Any person who violates any provision of this subchapter shall be subject to a civil penalty of not more than \$200, except where such person has previously been found to have violated any provision of this subchapter in the previous 24 months, in which case the person shall be subject to a civil penalty of not less than \$200 nor more than \$1,000.*

§ 3. This local law takes effect 1 year after it becomes law.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

## Int. No. 960

By Council Members Brewer, Louis, Schulman, Restler and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring authorized emergency vehicles to have an emergency signal device that emits pulsating, low-frequency tones**

*Be it enacted by the Council as follows:*

Section 1. Section 24-241 of the administrative code of the city of New York is amended by adding a new subdivision (c) to read as follows:

*(c) All authorized emergency vehicles shall be equipped with an emergency signal device that emits a pulsating, low-frequency tone between 175 and 400 hertz and can be operated simultaneously with the higher-frequency emergency signal device installed on such vehicles. Within one year after the effective date of this subdivision and every two years thereafter, emergency signal devices installed on authorized emergency vehicles shall be tested and certification shall be submitted, in a form approved by the department, that such devices meet the standard set forth in this subdivision. Notwithstanding the foregoing provisions, where compliance with the provisions of this subdivision would create an undue hardship, the owner or operator of an authorized emergency vehicle may submit a plan to the commissioner for emergency signal devices to meet the standard set forth in this subdivision within two years after the effective date of this subdivision. Such plan shall be submitted within one year after the effective date of this subdivision in lieu of the required certification.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

## Int. No. 961

By Council Member Brewer.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to creating an archive of official government social media accounts**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs e and f of subdivision 2 of section 3004 of the New York city charter, as amended by local law number 11 for the year 2003, are amended and a new paragraph g is added to read as follows:

e. collect, compile and maintain data and information pertaining to the operation of the city as well as other municipalities, governmental bodies and public authorities and arrange for the exchange, sale, purchase and loan of information materials from and with legislative and research services, libraries and institutions in other municipalities, governmental bodies and public authorities; [and]

f. ensure that each report, document, study or publication that is electronically transmitted to the department of records and information services pursuant to section 1133 of the charter is made available to the public on or through the website of the department, or its successor's website, within ten business days of publication, issuance, release or transmittal to the council or mayor[.]; *and*

*g. maintain a publicly accessible and searchable online database that contains all publicly viewable content and metadata shared by an official government social media account.*

§ 2. Section 3011 of the New York city charter is amended by adding new subdivisions 10 and 11 to read as follows:

10. *“Social media platform” means a website or application that enables users to publish and share information.*

11. *“Official government social media account” means any account provided to the department of records and information services pursuant to section 23-202 of the administrative code.*



§ 3. Chapter 2 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-202 to read as follows:

§ 23-202 *Official government social media accounts. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Elected official. The term “elected official” means the mayor, comptroller, public advocate, each borough president and each member of the council.*

*Social media platform. The term “social media platform” means a website or application that enables users to publish and share information.*

*b. No later than January 31 of each year, each agency, and the office of each elected official, shall provide to the department of records and information services a list of any account on a social media platform associated with such agency or elected official and identified as an official government account.*

§ 4. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Governmental Operations.

Int. No. 962

By Council Members Brooks-Powers, Louis, Schulman, Hudson, Ayala, Abreu, Riley, Krishnan and Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to public swimming pool locations and swimming lessons offered by the department of parks and recreation**

*Be it enacted by the Council as follows:*

Section 1. The department of parks and recreation shall conduct a survey of sites, owned by the city of New York in each borough, to determine which of those sites are suitable for the construction of public swimming pools, provided that surveyed sites located in environmental justice areas, as such term is defined in section 3-1001 of the administrative code of the city of New York, are prioritized for analysis. Such survey shall be submitted to the mayor and the speaker of the council by no later than July 1, 2024 and include, but not be limited to, the following information:

1. The location of each surveyed site and a description of the city agency or office that owns such site or has jurisdiction over such site;

2. An analysis of the condition of each site and the feasibility of whether a public swimming pool can be constructed on such site;

3. For each site where it is determined that a public swimming pool can be constructed on such site, a description of the necessary steps associated with constructing such swimming pool, a determination on whether such site can accommodate more than one swimming pool or additional recreational or athletic facilities, an estimated length of time that would be needed to construct such swimming pool or facilities, and an estimate of the overall cost to do so.

§ 2. The department of parks and recreation, in consultation with the department of education, shall develop a plan to provide public access to suitable swimming pool facilities located in department of education buildings. Such plan shall be submitted to the mayor and the speaker of the council by no later than July 1, 2024.

§ 3. Title 18 of the administrative code of the city of New York is amended by adding a new section 18-159 to read as follows:

*§ 18-159 Swimming lessons at indoor pools. The department shall offer swimming lessons for children and adults, including persons with disabilities, at each indoor pool location under the jurisdiction of the commissioner. Such lessons shall be free of charge to residents of the city and shall be offered no less than three days per week.*

§ 4. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Parks and Recreation.

## Res. No. 532

**Resolution calling on Governor Hochul to declare an emergency under Section 2-B of New York State Executive Law to direct funds, administrative resources and services to aid asylum seekers forcibly transported to the city by the governors of other states.**

By Council Members Brooks-Powers, Ayala, Louis, Richardson Jordan, Hudson, Abreu and Riley.

**Whereas**, Since August 5, 2022 the governors of Arizona and Texas have put thousands of asylum-seekers recently arrived in their states from across the international border with Mexico on chartered buses sent out of state to various locations, including New York City; and

**Whereas**, reports indicate the asylum seekers were not told where Texas authorities were sending them nor allowed to leave the buses; and

**Whereas**, Texas authorities did not provide the asylum seekers any resources or information on how to secure food, housing, legal aid, education or employment upon arrival in New York City; and

**Whereas**, a recent report contended that the federal Department of Homeland Security has been encouraging migrants to travel to New York City, and providing often incorrect information about where to receive services; and

**Whereas**, Reports indicate New York City may receive up to an additional 50,000 asylum seekers in the coming months; and

**Whereas**, Asylum-seeking New Yorkers are facing hardship as changes to the asylum system strain New York courts, resulting in an almost four year backlog of legal immigration cases and necessitating more resources from local legal and social service and City agencies; and

**Whereas**, New York City social service agencies and community based and nonprofit organizations have struggled to accommodate thousands of new arrivals who do not have families or friends in New York City to support them and are in dire need of food, clothing, housing, education, medical care and other critical resources and services; and

**Whereas**, New York City welcomes these asylum seekers and is ready, willing and able to support them but does not have unlimited resources and needs the assistance of the federal government to ensure their safety and well-being; and

**Whereas**, New York City's homeless shelter system currently houses more than 50,000 people, near all-time highs not seen since the Great Depression, straining the system beyond its capacity; and

**Whereas**, Existing challenges to timely shelter placement include staffing issues and a complex application process that often results in placement delays; and

**Whereas**, a Declaration of Emergency for Asylee Services and Shelter was issued to enable the City to move quickly to procure additional service providers and create an Asylum Seeker Service Referral Center to assist asylum seekers in securing housing and other social services; and

**Whereas**, under Section 2-B of New York State's Executive law, the governor has the authority to declare an emergency to direct funds and state resources to ameliorate man-made threats to life; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on Governor Hochul to declare an emergency under Section 2-B of New York State Executive Law to direct funds, administrative resources and services to aid asylum seekers forcibly transported to the city by the governors of other states.

Referred to the Committee on Immigration.

## Res. No. 533

By Council Members Cabán and Ossé.

**Resolution supporting the Invest in Our New York campaign, which calls on the New York State Legislature to pass, and the Governor to sign, legislation that would increase taxes on the wealthiest New Yorkers.**

Withdrawn.

## Int. No. 963

By Council Members Hanif, Abreu, Rivera, Richardson Jordan, Krishnan, Cabán, Avilés, Gutiérrez, Nurse, Marte and Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to the keeping, restraint, or possession of elephants**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 22 to read as follows:

**CHAPTER 22  
ANIMALS**

*§ 17-2201 Definitions. As used in this chapter:*

*Director. The term “director” means the director of animal welfare.*

*Elephant. The term “elephant” means an animal in the family Elephantidae.*

*Office. The term “office” means the office of animal welfare.*

*§ 17-2202 Keeping, restraining, or possessing elephants. a. Prohibition. No person shall keep, restrain, or possess an elephant in the city, except as provided in subdivision b of this section.*

*b. Exception. A person shall not be liable for a violation of this section in connection with keeping, restraining, or possessing an elephant if all of the following conditions are met:*

- 1. The total usable area of the elephant’s habitat must be a minimum of 15 acres per elephant;*
- 2. The elephant must have continuous access to topographic features and stimuli necessary for emotional and physical wellbeing throughout the habitat;*
- 3. The elephant must be able to forage for food and water throughout the habitat;*
- 4. Female elephants must be housed in groups and allowed to form herds and social groupings unless a female elephant has a contagious disease that necessitates separation from other elephants;*
- 5. Male elephants must be housed either in herds, or if solitary, in close proximity to other elephants where they can engage in olfactory, visual, and vocal communication;*
- 6. The elephant must not be bred;*
- 7. The elephant must not be mounted, ridden, or forced to do labor;*
- 8. The elephant must not be used in educational or commercial exhibitions; and*
- 9. The person keeping, restraining, or possessing the elephant must hold all such licenses and permits as may be required by law, rule, or regulation in connection therewith.*

*c. Disposition of elephant; notice. 1. Any person who keeps, restrains, or possesses an elephant in violation of subdivision a or b of this section shall relocate such elephant (i) to a facility that meets all of the conditions set forth in subdivision b or (ii) to a sanctuary that will allow the elephant to exercise autonomy, will not place the elephant on public display, will not breed or attempt to breed the elephant, and will house the elephant in a setting that closely resembles the elephant’s natural habitat.*

2. Any person relocating or otherwise disposing of an elephant because of inability to comply with subdivision b of this section shall submit an affidavit of disposition to the commissioner and the director of animal welfare within 10 days of such disposition. Such affidavit shall be notarized under oath and shall set forth with particularity the following information about the disposition of the elephant: (i) the date and manner of disposition, (ii) the name and business address of the transferee, if ownership of the elephant was transferred, (iii) the business address of the sanctuary or other facility to which the elephant was relocated, (iv) whether or not, upon the information and belief of the affiant, such sanctuary or other facility meets the criteria specified in paragraph 1 of this subdivision, and (v) the name of an individual in responsible charge who is employed by such sanctuary or other facility.

d. Denial of permit. The commissioner shall not approve any application for a permit to exhibit, use, or display an elephant, or a renewal thereof, unless the applicant demonstrates to the satisfaction of the commissioner that the conditions of subdivision b are satisfied.

e. Civil penalty. A person who violates a provision of subdivision a, b, or c of this section is liable to pay a civil penalty of \$1,000 per day that such violation continues. The commissioner may recover such penalty by issuing a notice of violation and instituting a proceeding before the office of administrative trials and hearings.

f. Injunction. 1. Subject to all applicable provisions of the civil practice law and rules, any person may bring an action in a court of competent jurisdiction, on such person's own behalf, to enjoin any person who is alleged to be in violation of a provision of this section.

2. A court shall award a prevailing petitioner the reasonable attorney's fees and costs incurred in prosecuting such an action.

3. The rights of a person bringing an action under this section shall abate while any proceeding brought under subdivision e of this section is pending.

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Health.

Int. No. 964

By Council Members Joseph, Louis, Schulman, Marte, Restler and Abreu.

**A Local Law to amend the New York city charter, in relation to the winterization of farmers' markets**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of Section 20-i of Chapter 1 of the New York city charter, as amended by local law 40 for the year 2020, is amended to read as follows:

c. Powers and duties. The director shall have the power and duty to:

1. Provide recommendations to the mayor and agencies regarding food policy;
2. Coordinate multi-agency initiatives relating to food policy;
3. Perform outreach to food policy advocates, community based organizations, academic institutions, and other entities to advance the city's food policy; [and]
4. Support initiatives that are designed to promote access to healthy food, including but not limited to initiatives designed to promote healthy food access for communities that have historically had inequitable access to healthy foods due to economic, racial, or environmental factors; and
5. Develop and implement a plan to prepare farmers' markets in the city for use in winter weather.

§ 2. This local law takes effect 120 days after it becomes law, except that the mayor's office or any agency designated by the mayor shall take such measures as are necessary for the implementation of this local law before such date.

Referred to the Committee on Economic Development.

Int. No. 965

By Council Members Joseph, Restler, Hudson, Marte, Cabán and Ossé.

**A Local Law to amend the administrative code of the city of New York, in relation to the installation of protected bicycle lanes**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-187.1 to read as follows:

*§ 19-187.1 Protected bicycle lanes. a. Definitions. For purposes of this section, the term “protected bicycle lane” means a path intended for the use of bicycles that is separated from motorized traffic by a vertical delineation or physical barrier.*

*b. The department shall install, on an annual basis, at least 100 miles of protected bicycle lanes.*

§ 2. This local law takes effect on January 1, 2023 and remains in effect until January 1, 2029, when it is deemed repealed.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 534

**Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, A.8244A/S.7491 and A.8245/S.7492, which would extend the hours of use for student MetroCards in New York City and would prohibit the Metropolitan Transportation Authority from promulgating rules or regulations that penalize a student for using a student MetroCard when school is not in session.**

By Council Members Joseph, Louis, Schulman, Hudson, Ung and Ayala.

**Whereas**, The Metropolitan Transportation Authority (MTA), largely in collaboration with the New York City Department of Education (DOE), distributes student MetroCards to eligible students at the beginning of each semester, and as needed during the school year; and

**Whereas**, Student MetroCards provide three free rides via MTA subways and/or buses each school day, between 5:30 a.m. and 8:30 p.m., and include a free transfer between buses, or between the subway and local, limited or Select bus service; and

**Whereas**, A student MetroCard is only to be used by the student to whom it was assigned, is only permitted to be used during the specified times, and even then is only permitted to be used when the student’s school is open for classes; and

**Whereas**, Students that are eligible for student MetroCards include those that are in grades K through 12, who live more than .5 miles from their school, and who do not have yellow school bus service available; and

**Whereas**, In addition, some students at private and parochial schools have access to student MetroCards; and

**Whereas**, About one million students of New York City’s public, private and parochial schools utilize student MetroCards; and

**Whereas**, Student MetroCards provide an important service to New York City students, allowing them to move from home to school, and then to school-related activities, for free; and

**Whereas,** Although helpful, students and families have expressed concerns that the student MetroCard program does not currently serve them in the most effective way possible, expressing that the current time restraints placed on student MetroCards limits opportunities for students to engage in afterschool activities; and

**Whereas,** According to a May 2020 “Student MetroCard Policy Report” by Assemblymember Harvey Epstein’s 74<sup>th</sup> District Youth Council and in partnership with the Coalition for Student Transit Justice, in a survey of 881 New York City students, 73.2% of those surveyed responded that they take part in afterschool activities that require public transit after 8:30 p.m., the current cut-off time after which a student MetroCard cannot be utilized; and

**Whereas,** In addition, students who utilize their student MetroCard on a day when school is not in session may be fined \$100, have their MetroCard revoked, or face additional penalties under current New York City Transit Authority rules and regulations; and

**Whereas,** A.8244A, introduced by New York State Assemblymember Harvey Epstein, and S.7491, introduced by New York State Senator John C. Liu, would establish a student fare program that would provide three free fares each weekday between 5:00 a.m. and 10:00 p.m., effectively expanding the time window during which students would be allowed to utilize their student MetroCard; and

**Whereas,** A.8245, introduced by New York State Assemblymember Epstein, and S.7492, introduced by New York State Senator Liu, would prohibit the MTA from promulgating any rules or regulations that penalize a student for using their student MetroCard on a non-school day; and

**Whereas,** As New York City students deserve to be able to have cost-free transportation to and from home, school and school-related activities at times that they truly need it, while also not being penalized harshly by utilizing their student MetroCard during times when they still need to get to and from home and school activities despite school otherwise being closed for the day, A.8244A/S.7491 and A. 8245/S.7492 should be adopted; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass, and the New York State Governor to sign, A.8244A/S.7491 and A.8245/S.7492, which would extend the hours of use for student MetroCards in New York City and would prohibit the Metropolitan Transportation Authority from promulgating rules or regulations that penalize a student for using a student MetroCard when school is not in session.

Referred to the Committee on Education.

Int. No. 966

By Council Members Marte, Powers, Restler, Holden, Feliz, Velázquez, Brewer, Narcisse, Krishnan, Williams, Riley and Hanif.

**A Local Law to amend the New York city building code, in relation to sidewalk shed inspections**

*Be it enacted by the Council as follows:*

Section 1. Section 3307.6.5.8 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**3307.6.5.8. Periodic inspection.** Six months following the initial installation inspection, and every six months thereafter, the sidewalk shed shall be inspected by [a qualified person designated by the designer, the permit holder for the shed, or a third party acceptable to both the designer and the permit holder] *the department* to verify that the sidewalk shed is in a safe condition and is in compliance with drawings and the requirements of this chapter. [Following the inspection, the qualified person who inspected the sidewalk shed shall prepare, sign, and date an inspection report.] *The department shall charge the owner of a building, to which such sidewalk shed is attached, a fee for each inspection performed by the department, provided that the fees are determined by the department and based on the size of the sidewalk shed that is being inspected.*

§ 2. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 967

By Council Members Narcisse, Hudson and Ung.

**A Local Law in relation to a pilot program requiring the department of small business services to implement and report on small business incubators located within public housing facilities**

*Be it enacted by the Council as follows:*

Section 1. Public housing small business incubator pilot program. a. Definitions. As used in this section, the following terms have the following meanings:

Adult. The term “adult” means any person who is 18 years of age or older;

Commissioner. The term “commissioner” means the commissioner of small business services;

Department. The term “department” means the department of small business services;

Housing authority. The term “housing authority” means the New York city housing authority;

Pilot program. The term “pilot program” means the public housing small business incubator pilot program established by this local law;

Relevant agency. The term “relevant agency” means the New York city economic development corporation, the department of youth and community development, any successor of an agency specified in this definition, and any other office or agency that the commissioner deems relevant;

Small business incubator. The term “small business incubator” means any comprehensive set of programs, training, or assistance meant to promote and support formal entrepreneurship.

b. Public housing small business incubator pilot program. 1. No later than December 31, 2023 the department, in coordination with any other relevant agency, shall develop and implement a three-year pilot program which establishes at least one small business incubator located within a public housing facility in each borough.

2. The department, in partnership with the relevant agencies, shall conduct studies and engage directly with residents of public housing to determine the types of trainings and services offered at each incubator with a special focus on the following factors:

(a) the types of informal businesses already established by residents of such public housing facility or, at a minimum, the types of informal businesses commonly established by residents of public housing, in general;

(b) whether there are existing small business incubators available to support the needs of residents who own informal businesses, where availability is determined by an incubator’s:

(i) distance from the relevant public housing facility;

(ii) whether the existing programs, trainings, and service offerings align with resident interest and demand;

(iii) programmatic capacity and average length of time spent on waitlists, if any; and

(iv) diverse scheduling options, including evening and weekend offerings; and

(c) public housing resident interest in areas of business not commonly served by existing small business incubators, including, but not limited to, creative industries such as graphic design, fashion, music, and media.

3. At least half of the trainings and services provided through the pilot program must:

(a) occur during evening hours and/or over the weekend; and

(b) be offered in English,

(c) be offered in languages other than English.

4. At a minimum, each participating incubator must:

(a) engage in outreach efforts targeting a diverse range of public housing residents, through efforts including, but not limited to, hosting information sessions, advertising in common areas like a building lobby or laundry area, visiting tenants' association meetings, as well as through social media, email communications, and radio advertising;

(b) inform program participants of the federal Family Self Sufficiency Program and assist eligible participants with enrollment;

(c) seek to establish and grow a mentorship network of residents who have, at any point, engaged with a small business incubator, with a special focus on building connections between participants of programs offered by incubators located within a public housing facility.

(d) seek to establish and grow connections between program participants and local nonprofit small businesses assistance organizations;

(e) explore opportunities for participants to expand their business beyond their homes, including by encouraging increased participation in fairs and markets, as well as identifying and securing commercial space made available for participant use; and

(f) identify, advocate for, and/or create opportunities to expand participants' access to capital through credit funds, microloans, or other means intended to support low-income small business entrepreneurs.

c. Annual Report. No later than one year after the commencement of the pilot program, and annually thereafter, the department shall submit to the speaker of the council and the mayor a report regarding the status of the public housing small business incubator pilot program. Such report shall include, but is not limited to, the matters listed below, disaggregated by public housing facility:

1. demographic information, where applicable, for program participants, including, but not limited to age, gender, country of origin, primary or preferred language, English proficiency, highest level of education completed, and employment history, disaggregated by public housing facility;

2. demographic information, where applicable, for public housing residents who participated in programming offered by city-run small business incubators that are not part of the pilot program, including, but not limited to age, gender, country of origin, primary or preferred language, English proficiency, highest level of education completed, and employment history, disaggregated by the participant's public housing facility;

2. information regarding the type of business each program participant sought to establish or grow and an analysis of whether small business incubators established outside of the pilot program offered the necessary programs, trainings, and services to support such business initiatives;

3. information regarding the challenges that residents of public housing face when starting a small business;

4. information regarding the challenges that residents of public housing face when attempting to seek services from small business incubators which exist outside of the pilot program, including, but not limited to challenges associated with the incubator's location, program and training schedules, and relevance of programmatic offerings;

5. information regarding the pilot programming's capacity to meet public housing residents' demand for the pilot program's services in a timely manner, including information about the average amount of time spent on waitlists, if any, and recommendations on how to reduce or eliminate such wait times, disaggregated by training program or service;

6. information regarding the types of small businesses that program participants intended to create or grow, disaggregated by the training program or service, including, but not limited to:

(a) how many participants were starting new businesses and how many sought to grow existing businesses;

(b) whether participants had previously received training or services relating to the creation or expansion of small businesses and whether such services were offered by city agencies, nonprofit organizations, or private entities, and a description of such services; and

(c) whether participants who wished to establish or grow a small business were able to do so after participating in the incubator pilot program, as well as whether such participants remain engaged with the incubator and its offerings after meeting initial goals;

7. information regarding whether incubators were able to offer program participants with direct financial assistance and, if not, whether they were able to connect program participants with entities that did ultimately provide financial assistance;



8. information regarding the pilot program incubator's partnerships with existing businesses, minority and women owned businesses, and city agencies, and whether such partnerships were beneficial in terms of providing training, mentorship, employment, and/or contracting or partnership opportunities for program participants;

9. information regarding which trainings and services were most popular among program participants and why;

10. recommendations about additional or alternate training opportunities and services that could strengthen or expand the pilot program's offerings and further support residents of public housing seeking to start or grow a small business; and

11. an analysis of the pilot program's overall strengths and limitations, including recommendations about how to increase program participation and completion rates, increase partnerships with both public and private entities, and how best to expand the pilot program's offerings to public housing facilities citywide.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

#### Int. No. 968

By Council Members Narcisse, Louis, Velázquez, Richardson Jordan, Yeger, Schulman, Hudson, Ung, Abreu and Riley (by request of the Manhattan Borough President).

### **A Local Law to amend the administrative code of the city of New York, in relation to a professional education program and public outreach campaign regarding sickle cell disease**

*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 17-200.1 to read as follows:

§ 17-200.1 *Sickle cell disease programs. a. Professional education program. The department shall, in consultation with the New York city health and hospitals corporation, develop a voluntary professional education program that focuses on detection, management, and treatment of sickle cell disease. The department shall make such program available to all medical professionals employed in the city at least twice per year.*

*b. Education and outreach. The department shall establish and implement an education and outreach program for the general public to increase awareness of resources related to sickle cell disease. Such program must at minimum include the following information:*

*1. The prevalence of sickle cell disease in certain communities;*

*2. The common signs and symptoms of sickle cell disease;*

*3. How to get tested for sickle cell disease; and*

*4. Resources available to manage and treat sickle cell disease.*

*c. Online publication of materials. The commissioner shall make any educational materials produced pursuant to subdivision b of this section available on the department's website in English and the designated citywide languages as defined in section 23-1101.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Health.

## Int. No. 969

By Council Members Narcisse, Lee, Louis, Hudson, Ayala and Riley.

**A Local Law to amend the charter and administrative code of the city of New York, in relation to requiring the department of small business services to create a web portal for local community development financial institutions and conduct an education campaign to inform small businesses and minority and women owned business enterprises about the services provided by community development financial institutions**

*Be it enacted by the Council as follows:*

Section 1. Subdivision e of section 1304 of the New York city charter, as amended by local law number 1 for the year 2013, is amended to read as follows:

e. The commissioner shall have the following powers and duties to implement the purposes of this section:

1. to direct and assist agencies in their efforts to increase participation by minority and women owned business enterprises and emerging business enterprises as contractors and subcontractors in city procurement;
2. to develop standardized forms and reporting documents;
3. to conduct, coordinate and facilitate technical assistance and educational programs;
4. to periodically review the compliance of city agencies with the provisions of local law for the identification, recruitment, certification and participation in city procurement of minority and women owned business enterprises and emerging business enterprises;
5. to annually report to the mayor and the council, as required by such local law, on the activities of the division and efforts by agencies to comply with the provisions of such local law;

6. a. to establish and operate, on behalf of the city, a centralized program for the certification of minority owned business enterprises, women owned business enterprises and emerging business enterprises for the purposes of establishing the eligibility of such businesses for participation in the programs and processes established pursuant to local law to ensure their meaningful participation in city procurement.

b. For the purposes of such certification, "minority owned business enterprise" and "women owned business enterprise" shall mean business enterprises authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or lawful permanent residents who are either minority group members or women; (ii) the ownership interest of such individuals is real, substantial and continuing; and (iii) such individuals have and exercise the authority to control independently the day to day business decisions of the enterprise;

c. For the purposes of such certification, "emerging business enterprise" shall mean a business enterprise authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which (i) at least fifty-one percent of the ownership interest is held by United States citizens or lawful permanent resident; (ii) the ownership interest of such individuals is real, substantial and continuing; (iii) such individuals have and exercise the authority to control independently the day to day business decisions of the enterprise; and (iv) such individuals have demonstrated, in accordance with regulations promulgated by the commissioner, that they are socially and economically disadvantaged. An individual who is "socially and economically disadvantaged" shall mean an individual who has experienced social disadvantage in American society as a result of causes not common to individuals who are not socially disadvantaged, and whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged. An individual's race, national origin, or gender by itself, shall not qualify the individual as "socially disadvantaged." In drafting such regulations, the commissioner shall consider criteria developed for federal programs established to promote opportunities for businesses owned by individuals who are socially and economically disadvantaged, including criteria for determining initial and continued eligibility in relation to the net worth of individuals claiming to be economically disadvantaged, provided that the net worth of an individual claiming disadvantage pursuant to this section must be less than one million dollars. In determining such net worth, the department shall exclude the ownership interest in the business enterprise and the equity in the primary personal residence.

d. To be eligible for certification, a business enterprise shall have a real and substantial business presence in the market for the city of New York, as defined by the commissioner pursuant to local law.

e. The commissioner of small business services may provide by rule criteria and procedures for firms certified as minority owned businesses and women owned businesses by other governmental entities to be recognized as certified business enterprises by the city of New York.

7. to conduct site visits at business enterprises seeking certification, the basis for which shall be provided by rule, to verify that such business enterprises are eligible for certification;

8. to audit such certified business enterprises and periodically review and in appropriate cases recertify their eligibility for participation in programs established pursuant to local law;

9. to direct and assist city agencies in their efforts to increase participation by minority owned business enterprises, women owned business enterprises and emerging business enterprises in any city-operated financial, technical, and management assistance program;

10. to assist all business enterprises certified pursuant to this section in becoming prequalified for all categories of procurement for which they may be eligible and for which contracting agencies utilize prequalification in the procurement process;

11. to prepare, periodically update, and post on the website of the division a directory of such city certified business enterprises for use by city agencies and contractors, which shall include information for each such business enterprise, as applicable, including but not limited to: (i) identification of the market sector in which the business enterprise operates; (ii) the bonding capacity of the business enterprise; (iii) the contract price and specific tasks performed by the business enterprise for its last three contracts; (iv) the union affiliation, if any, of the certified business enterprise; and (v) the renewal date for certification;

12. to develop a clearinghouse of information on programs and services available to such business enterprises; [and]

13. to provide such assistance to business enterprises interested in being certified as is needed to ensure that such businesses benefit from city technical, managerial, and financial assistance, and other business development programs; *and*[.]

*14. to provide educational outreach to all such city certified business enterprises on the services provided by community development financial institutions in the city and the potential benefits of working with such institutions.*

§ 2. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1007 to read as follows:

*L§ 22-1007. Community development financial institutional web portal. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Local CDFI. The term "local CDFI" means an institution certified as a community development financial institution by the federal department of the treasury, authorized to do business in this state, and which provides services to persons or businesses in New York city.*

*MWBE. The term "MWBE" means a business certified by the department under section 1304 of the charter as a minority owned business enterprise or as a women owned business enterprise.*

*b. CDFI web portal. The department shall establish and operate, on behalf of the city, a web portal that permits local CDFIs to publish information about their institution including, but not limited to, their mission statement, a description of the services they provide, the community interests they serve, the neighborhood or area they operate in, and any loan opportunities offered by the local CDFI. The web portal shall include a searchable directory of all local CDFIs that have published information on the web portal.*

*c. The department shall conduct outreach to small businesses and to MWBEs to increase awareness of the services provided by local CDFIs and the availability of information about local CDFIs on the web portal.*

§ 3. This local law takes effect 120 days after it becomes law, except that the department of small business services shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Small Business.

## Int. No. 970

By Council Members Powers, Bottcher, Sanchez, Abreu, Louis, Marte, Restler, Schulman, Hudson, Menin, Ayala, Holden, Feliz, Brewer, Narcisse, Krishnan, Williams, Riley, Hanif and Paladino (in conjunction with the Manhattan Borough President).

**A Local Law to amend the New York city building code, in relation to sidewalk shed design requirements**

*Be it enacted by the Council as follows:*

Section 1. Section 3307.6.2 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**3307.6.2 Where required.** A sidewalk shed shall be installed and maintained to protect all sidewalks, walkways, and pathways within the property line of a site, and all public sidewalks that abut the property, as follows:

1. When such sidewalk, walkway, or pathway is to be located immediately below a scaffold, mast climber, or chute. The sidewalk shed shall be installed prior to the installation of such equipment and shall not be removed until such equipment has been dismantled and/or removed from the area being protected;
2. When a structure higher than 40 feet (12 192 mm) or greater is to be constructed, and the sidewalk, walkway, or pathway is within a perpendicular distance from the new structure that is equal to or less than half the height of the new structure. The sidewalk shed shall be installed when the structure reaches the planned height of the shed. Such shed shall not be removed until the structure is enclosed, all exterior work has been completed and the sash is glazed above the second story, the façade has been cleaned down, and all exterior chutes, scaffolds, mast climbers, and hoisting equipment have been dismantled and removed from the site;
3. When a portion of a façade over 40 feet (12 192 mm) above curb level is to be constructed, altered, maintained, or repaired, or a vertical or horizontal enlargement is to occur at a height over 40 feet (12 192 mm) above curb level, and the sidewalk, walkway, or pathway is within a perpendicular distance from the structure that is equal to or less than half the height of such façade work or vertical or horizontal enlargement. The sidewalk shed shall be installed prior to the commencement of work at a height greater than 40 feet (12 192 mm) above curb level. Such shed shall not be removed until the building is enclosed, all exterior work has been completed and the sash is glazed above the second story, the façade has been cleaned down, and all exterior chutes, scaffolds, mast climbers, and hoisting equipment have been dismantled and removed from the site; or
4. When a structure higher than 25 feet (7620 mm) is to undergo a full demolition, or when exterior partial demolition, other than that performed in conjunction with the construction, alteration, maintenance, or repair of a façade, is to occur at a height greater than 25 feet (7620 mm) above curb level, and the sidewalk, walkway, or pathway is within a perpendicular distance from the structure that is equal to or less than half the height of the demolition work. The sidewalk shed shall be installed prior to the commencement of demolition work. Such shed shall remain in place until the building has been razed to the height of the shed, or where the building is not being fully demolished, until all demolition work has been completed and all exterior chutes, scaffolds, mast climbers, and hoisting equipment have been dismantled and removed from the site.

**Exceptions:** Except where specifically required by the commissioner to protect the public from unique hazards at the site, sidewalk sheds are not required for:

1. Sidewalks, walkways, and pathways, or portions thereof, that are closed to the public.
2. Temporary walkways in accordance with Section 3307.2.3 that are provided with lighting and overhead protection equivalent to that afforded by a sidewalk shed.
3. Inspections, including a façade inspection, provided no work occurs during the inspection.
4. Sign hanging occurring by or under the direct and continuing supervision of a licensed sign

- hanger.
5. Window washing.
  6. Work confined to the roof of an existing building, provided that:
    - 6.1. The edge of the roof is enclosed to a height of 42 inches (1067 mm) with a solid parapet;
    - 6.2. Such parapet is of sufficient strength to resist accidental impact during construction;
    - 6.3. The work does not exceed the height of the parapet or is set back from the edge of the roof at a distance that is equal to or greater than half the height of the work; and
    - 6.4. No work occurs on the parapet itself, and no material is placed or stored on the parapet during the course of the work.
  7. Subject to the approval of the commissioner, work of limited scope and duration provided that:
    - 7.1. During the course of the work the area immediately under the work zone is temporarily closed to the public by means of barriers, cones, or caution tape, and flagpersons are provided to direct pedestrian traffic;
    - 7.2. At the end of the day the façade of the building is left in a safe condition and fully enclosed; and
    - 7.3. There is compliance with Section 3307.2.1.
  8. Locations where a cantilevered platform has been installed, provided that:
    - 8.1. The cantilevered platform is approved by the commissioner.
    - 8.2. The cantilevered platform provides overhead protection equivalent to a sidewalk shed deck.
    - 8.3. The cantilevered platform is installed below the level of work to be performed, excluding work performed at the first story. However, the cantilevered platform must still provide the minimum clearances specified by Section 3307.6.4.7.
    - 8.4. The area under the cantilevered platform is provided with lighting in accordance with Section 3307.6.4.8 if the street lighting does not provide adequate lighting to fulfill this requirement.
    - 8.5. The cantilevered platform meets all other requirements established in rules promulgated by the commissioner.
  9. [Areas along an exposure that are located more than 5 feet (1524 mm) beyond those required for compliance with Item 1 of Section 3307.6.2, provided that:] Locations where a supported scaffold, or an equivalent alternative system acceptable to the commissioner, has been installed to cover the entire exposure where work is occurring, provided that:
    - 9.1. [The work is limited to the alteration, maintenance, or repair of a façade, and does not constitute a façade recladding as defined in rules promulgated by the commissioner; and] The supported scaffold, or alternate system, is provided with netting and guardrails in accordance with Section 3314.8, or an equivalent means of enclosing the scaffold or alternate system.
    - 9.2. [The entire exposure where façade work is to occur is covered by either:] A catchall that projects at least 5 feet (1524 mm) in the horizontal is provided. The catchall shall connect to the scaffold or alternate system at a height of 10 feet (3048 mm) to 12 feet (3658 mm) above the level of the ground. The catchall shall be horizontal or may angle up at no more than 45 degrees. The catchall shall provide a level of protection equivalent to a sidewalk shed deck.
      - [9.2.1. A supported scaffold with netting and guardrails in accordance with Section 3314.8; or
      - 9.2.2. A site specific engineered enclosure system in accordance with Section 3309.17.]
    - 9.3. The area immediately under the scaffold or alternative system, not including the catchall, is closed to the public unless the scaffold or alternative system rests on a sidewalk shed, a cantilevered system that meets the provisions of Exception 8 of this Section, or the level immediately above the area open to the public is decked such that it provides a level of protection equivalent to that of a sidewalk shed deck.
    - 9.4. The scaffold or alternate system is installed such that it does not obstruct or diminish required light, air, or egress.

- 9.5. The supported scaffold, or alternative system, meets all other requirements established in rules promulgated by the commissioner.
10. A sidewalk shed is not allowed for the construction of a major new building. Protection in accordance with Exceptions 8 or 9 of this Section must instead be provided.
11. A sidewalk shed is not required to protect against unsafe facade conditions where a mesh enclosure system has been installed in accordance with the following:
- 11.1. The mesh system is installed in vertical panels and is anchored at the top and the base of the building.
- 11.2. The top connection is anchored to a separate structural system (i.e. an outrigger system), or if the building parapet is in good condition, to the building parapet.
- 11.3. The bottom of the mesh is anchored to the ground or to a building at a level below the unsafe facade condition. If the mesh is anchored at ground level, a barrier at least 32 inches (813 mm) shall be provided to keep pedestrians away from the mesh. If the mesh is anchored to the building, the mesh and its anchorage must be strong enough to hold the falling object until it can be safely removed.
- 11.4. Adequate intermediate support for the mesh shall be provided. The mesh can be laterally tied to existing building facade stabilization anchors or to sound portions of the facade for additional lateral support, provided that the engineer has verified that the support is adequate for the expected load. If the netting is used solely to contain debris from falling away from the building, only vertical netting will be required.
- 11.5. The mesh can be laterally tied to existing building facade stabilization anchors or to sound portions of the facade for additional lateral support, provided that the engineer has verified that the support is adequate for the expected load.
- 11.6. If the netting is used solely to contain debris from falling away from the building, only vertical netting will be required. If the netting is also to provide a horizontal surface to catch falling debris, the net will also need to meet requirements for horizontal netting.
- 11.7. The mesh enclosure system shall be installed such that it does not obstruct or diminish required light, air, or egress.
- 11.8. During the repair of an unsafe facade condition where a mesh enclosure system has been installed, a sidewalk shed need not be installed where the area under the work complies with the requirements of Exception 7 of this Section. The mesh enclosure system may be temporarily removed in the location of the work to facilitate work, provided it is reinstalled at the end of the shift.
- 11.9. The mesh enclosure system meets all other requirements established in rules promulgated by the commissioner.

§ 2. Section 3307.6.4.2 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**3307.6.4.2 Design loads.** All sidewalk sheds shall be designed [as a heavy duty sidewalk shed to carry a live load of at least 300 pounds per square foot (1464.6 kg/m). However, where the shed is installed to protect from work performed at a height of less than 100 feet (30 480 mm) above the ground, the sidewalk shed may be designed as a light duty sidewalk shed to carry a live load of at least 150 pounds per square foot (732.3 kg/m<sup>2</sup>), provided that no item is stored or placed upon the shed.] for a uniform live load of 100 psf (488.2 kg/m<sup>2</sup>), and a concentrated live load of 2,500 lbs (1133.9 kg) acting on a 12-inch by 12-inch (305 mm by 305 mm) area for all shed horizontal framing elements. These loads shall be placed at the shed location that causes the worst effect. All sidewalk sheds shall also be designed for any additional superimposed and live loads required during construction or demolition, including scaffold leg reactions and storage weights. Storage loads and areas shall be identified in the sidewalk shed drawings. The minimum uniform live load can be reduced to 20 psf (97.6 kg/m<sup>2</sup>) when applied concurrently with scaffold or storage loads, to avoid double counting of loads.

§ 3. Section 3307.6.4.2.1 of the New York city building code, as amended by local law number 126 for the

year 2021, is amended to read as follows:

**3307.6.4.2.1 Wind and other loads.** The effect of wind and other loads on the sidewalk shed, and any item placed or attached on or to the shed, shall be considered in the design in accordance with Chapter 16. This shall include, but need not be limited to lateral and vertical load effects of wind and earthquake loads per Section 1609 and 1613 as modified by Section 1619 as applicable. Adequate anchorage, dunnage, or dead loads shall be provided to prevent uplift.

§ 4. Section 3307.6.4.2.2 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**3307.6.4.2.2 Storage.** [Storage on sidewalk sheds shall be as follows:

1. No item shall be stored or placed upon a sidewalk shed designed as a light duty sidewalk shed under Section 3307.6.4.2.
2. No material shall be stored or placed upon a sidewalk shed designed as a heavy duty sidewalk shed under Section 3307.6.4.2, unless the shed is designed for such storage, with such areas of storage or placement clearly designated on the drawings.

Where an item is to be stored or placed upon a heavy duty sidewalk shed, and such storage or placement is not in excess of 150 pounds per square foot (732.3 kg/m<sup>2</sup>) on any square foot area of the sidewalk shed, the design live load of 300 pounds per square foot (1464.6 kg/m<sup>2</sup>) need not be increased.

Where an item is to be stored or placed upon a heavy duty sidewalk shed, and such storage or placement is in excess of 150 pounds per square foot (732.3 kg/m<sup>2</sup>) on any square foot area of the sidewalk shed, such shed shall be designed to carry:

- 2.1. The live load of 300 pounds per square foot (1464.6 kg/m<sup>2</sup>) required of a heavy duty sidewalk shed; and
- 2.2. The load of the item to be placed or stored upon the shed, minus 150 pounds per square foot (732.3kg/m<sup>2</sup>).
- 2.3. Where an item is to be stored or placed upon a heavy duty sidewalk shed, and such storage or placement is in excess of 150 pounds per square foot (732.4 kg/m<sup>2</sup>) on any square foot area of the sidewalk shed, such shed shall be designed to carry:
  - 2.3.1. The live load of 300 pounds per square foot (1464.7 kg/m<sup>2</sup>) required of a heavy duty sidewalk shed; and
  - 2.3.2. The load of the item to be placed or stored upon the shed, minus 150 pounds per square foot (732.4 kg/m<sup>2</sup>).
- 2.4. The decking of the sidewalk shed does not consist of the light-transmitting plastic material.]

No material shall be stored or placed upon a sidewalk shed unless the shed is designed for such storage or placement, with such areas of storage or placement clearly designated on the drawings and the designer has verified the adequacy of the decking material.

§ 5. Chapter 33 of the New York city building code is amended by adding new section 3307.6.4.2.3 to read as follows:

**3307.6.4.2.3 Vehicular impact.** Sidewalk sheds shall be designed or protected from vehicular impact in accordance with one of the following:

1. The sidewalk shed shall be designed such that an alternative load path is provided for each vertical member so that the loss of a vertical member will not result in the failure, global or

localized, of the shed.

**Exceptions:** This requirement is not required where:

1. Vertical members are adequately protected by bollards, guardwalls, vehicle arrest systems, or similar permanent elements installed in accordance with the requirements of the Department of Transportation.
2. Vertical members are protected from vehicular traffic by a Class I bike lane or similar.
3. Vertical members that are located within 36 inches (914 mm) from a roadway or parking lane are securely affixed within a planter capable of sustaining a vehicular impact. The planter shall not exceed 4 feet (1219 mm) in width, 6 feet (1829 mm) in length, and 4 feet (1219 mm) in height. The planter shall be capable of resisting a load of 6,000 pounds (26.70 kN), acting simultaneously with other design loads, and applied horizontally in an any direction at 1 foot 6 inches (457 mm) above its base.

§ 6. Section 3307.6.4.7 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**3307.6.4.7 Height.** The passageway under the shed shall have a minimum clear ceiling height of [8 feet (2438 mm)] 12 feet (3658 mm), or less as necessary to avoid interference with required light, air, or egress, but no less than 10 feet (3048 mm).

**Exception:** Lights that extend no more than 8 inches (203 mm) below the level of the deck shall be excluded from the clear ceiling height measurement.

§ 7. Section 3307.6.4.8 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**3307.6.4.8 Lighting.** Sidewalk shed lighting shall be in conformance with the following:

1. The underside of sidewalk sheds shall be illuminated at all times either by daylight or electric light. The level of illumination shall be uniformly distributed along the entire length of the shed with a minimum of [1] 1.5 foot-candle ([11] 17 lux) measured at the level of the walking surface, or 5 foot-candle (55 lux) measured at the level of the walking surface when the walking surface is within 10 feet (3048 mm) of a subway entrance, bus shelter, or similar transit facility, with a minimum luminous efficacy of 45 lumens per watt or greater and be rated to operate at temperatures of 5°F (-15°C) and higher.
2. All lamps shall be enclosed in water-resistant and vandal-resistant fixtures, and all lamps, wiring, and accessory components shall conform to the requirements of the *New York City Electrical Code*.
3. Photosensors may be used to control electric lighting according to the amount of daylight available. All photosensors shall be equipped for fail-safe operation ensuring that if the sensor or control fails, the lamps will provide the lighting levels required by this section.

§ 8. Section 3307.6.4.11 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**3307.6.4.11 Color.** Sidewalk sheds [erected on or after July 1, 2013,] shall meet the following color requirements:

1. [Solid parapet panels shall be hunter green] Parapet panels, whether solid or mesh, shall be hunter green, neutral white, black, neutral beige, metallic gray, blue, or the color of the building.
2. [Mesh parapet panels shall be hunter green or metallic gray] Portions of parapet panel framing members visible to the public shall be one of the colors listed in item 1 of this Section. This includes side and back portions of such parapet panel framing members that may be visible



through mesh panels.

3. [Portions of parapet panel framing members visible to the public shall be hunter green. This includes side and back portions of such parapet panel framing members that may be visible through mesh panels] Vertical members, cross bracing, and other framing components shall be hunter green, neutral white, black, neutral beige, metallic gray, blue, or the color of the building.

- [4. Vertical members, cross bracing, and other metallic components shall be hunter green or metallic gray.

**Exception:** Sidewalk sheds that are of a model whose prototype won a design competition recognized by the city may be white in color.]

§ 9. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 971

By Council Members Powers, Bottcher, Sanchez, Abreu, Louis, Marte, Restler, Schulman, Hudson, Menin, Ayala, Feliz, Velázquez, Brewer, Narcisse, Krishnan, Williams, Riley, Avilés and Hanif (in conjunction with the Manhattan Borough President).

**A Local Law to amend the New York city building code, in relation to requiring permit holders responsible for sidewalk sheds or scaffolding to repair or replace certain damaged city-owned trees**

*Be it enacted by the Council as follows:*

Section 1. Section 3309.11 of the New York city building code, as amended by local law 126 for the year 2021, is amended to read as follows:

**§ 3309.11 Protection and replacement of trees.** No trees outside the property line within the public right-of-way shall be disturbed or removed without the permission of the commissioner of the department of parks and recreation. Protection meeting the requirements of the department of parks and recreation shall be provided for all such trees, and written notification shall also be made to the department of parks and recreation at least 48 hours prior to commencement of such work. *Any tree outside the property line within the public right-of-way that is damaged as a result of a sidewalk shed or scaffolding shall be repaired or replaced within six months by the permit holder responsible for the sidewalk shed or scaffolding.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 972

By Council Members Powers, Bottcher, Sanchez, Abreu, Louis, Marte, Yeger, Restler, Hudson, Menin, Ayala, Holden, Feliz, Velázquez, Brewer, Narcisse, Cabán, Krishnan, Williams, Riley, Avilés, Hanif and Paladino (in conjunction with the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to removing construction-related equipment**

*Be it enacted by the Council as follows:*

Section 1. Section 28-201.2.2 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013 and local law number 126 for the year 2021, is amended to add a new item 8 to read as follows:

8. *A violation of section 3307.4.3 of the New York city building code, where such violation occurs on a road with four or more traffic lanes.*

§ 2. Section 28-201.2.3 of the administrative code of the city of New York, as added by local law number 47 for the year 2012, is amended to add a new item 2 to read as follows:

2. *A violation of section 3307.4.3 of the New York city building code, where such violation occurs on a road with three or less traffic lanes.*

§ 3. Section 28-302.5 of the administrative code of the city of New York, as amended by local law number 141 for the year 2013 and local law number 126 for the year 2021, is amended to read as follows:

**§28-302.5 Repair of exterior walls, unsafe condition.** Upon the notification to the department of an unsafe condition, the owner, the owner's agent or the person in charge shall immediately commence such repairs, reinforcements or other measures as may be required to secure public safety and to make the building's exterior walls or appurtenances thereof conform to the provisions of this code.

1. All unsafe conditions shall be corrected within 90 days [of] *after* filing the critical examination report.
2. The owner shall engage a registered design professional to reinspect the premises and file an amended report within two weeks after the repairs have been completed certifying that the unsafe conditions of the building have been corrected.
3. The commissioner may grant an extension of time of up to 90 days to complete the repairs required to correct an unsafe condition upon receipt and review of an initial extension application submitted by the registered design professional together with such additional documentation as may be prescribed by rule.
4. [The commissioner may grant further extensions of time to complete the repairs required to remove an unsafe condition upon receipt and review of an application for a further extension submitted by the registered design professional together with such further documentation as may be prescribed by rule.] *If an unsafe condition has not been corrected within the time period set forth in item 1, including any extension granted under item 3, the commissioner may direct the commissioner of housing preservation and development or the department of citywide administrative services or another authorized agency to perform or arrange for the performance of such correction in the manner provided for emergency work under section 28-215.1. Such work shall be deemed emergency work for the purposes of section 28-215.1.1.*

§ 4. Section 3202.3 of the New York city building code, as amended by local law number 141 for the year 2013 and local law number 126 for the year 2021, is amended to read as follows:

**3202.3 Temporary encroachments.** Encroachments of temporary nature shall comply with Sections 3202.3.1 through [3202.2.3] 3202.3.4.

§ 5. Section BC 3202 of the New York city building code, as amended by local law number 141 for the year 2013 and local law number 126 for the year 2021, is amended by adding a new section 3202.3.4 to read as follows:

**3202.3.4 Contractor sheds and offices.** Contractor sheds or offices shall not be placed on a street.

**Exception:** Where the commissioner determines it would be impracticable to place such contractor shed or office in a location other than on the street, provided that such placement complies with applicable rules of the Department of Transportation.

§ 6. Section 3307.2.2 of the New York city building code, as amended by local law 141 for the year 2013 and local law number 126 for the year 2021, is amended to read as follows:

**3307.2.2 Temporary public walkway in the street.** Where authorized by the Department of Transportation, a temporary walkway open to the public may be provided in the street in front of the site. Such temporary walkway shall be protected in accordance with the requirements of the Department of Transportation. Department of Transportation authorization is required where a temporary walkway and a temporary or permanent bicycle lane will share the same space. Such walkway shall be removed and pedestrian access to the sidewalk shall be restored if there has been no work at such site for a period of 60 or more consecutive days. There shall be a rebuttable presumption that no work has occurred for a period of 60 or more consecutive days at such site if the department visits such site at least twice within a 60-day period and (i) each such visit occurs between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., excluding public holidays as such term is defined in section 24 of the general construction law and any other day excluded by department rule, and (ii) at each such visit, the department observes no work occurring.

**Exceptions:**

1. Where work has temporarily ceased due to weather.
2. Where work has temporarily ceased because of expiration of applicable permits from the department and the permit holder has applied for a renewal of such permits.
3. Where removal would pose a risk of physical harm to pedestrians.

§ 7. Section 3307.4.3 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3307.4.3 Vehicular traffic.** Whenever any work is being performed over, on, or in close proximity to a highway, street, or similar public way, control and protection of traffic shall be provided by barriers, signals, signs, flagpersons, or other devices, equipment, and personnel in accordance with the requirements of the Department of Transportation. Barriers that are placed in the roadway to prohibit vehicular traffic shall be removed if there has been no work for a period of one or more hours. There shall be a rebuttable presumption that no work has occurred for a period of one or more hours if (i) in response to a complaint, the department visits the site and observes no work occurring or (ii) the department visits the site at least twice in one day, at times which are separated by at least one hour, and observes no work occurring.

§ 8. Section 3307.6.5.2 of the New York city building code, as amended by local law 141 for the year 2013, is amended to read as follows:

**3307.6.5.2 Supervision of installation, adjustment, repair, and removal.** The installation, adjustment, repair, or removal of a sidewalk shed shall be performed under the supervision of a competent person designated by the permit holder for the sidewalk shed. The permit holder shall cause the removal of a sidewalk shed if there has been no work performed on the site for 60 or more consecutive days. There shall be a rebuttable presumption that no work has occurred for a period of 60 or more consecutive days at such site if the department visits such site at least twice within a 60-day period and (i) each such visit occurs between Monday and Friday, during the hours of 8:00 a.m. to 3:00 p.m., excluding public holidays as such term is defined in section 24 of the general construction law and any other day excluded by department rule, and (ii) at each such visit, the department observes no work occurring.

**Exceptions:**

1. Where work has temporarily ceased due to weather.
2. Where work has temporarily ceased because of expiration of permits from the department and where the permit holder has applied for a renewal of such permits.
3. Where removal of sidewalk sheds would pose a risk of physical harm to pedestrians.
4. Where work has temporarily ceased due to a stop work order issued by the department.

§ 9. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 973

By Council Members Powers, Bottcher, Abreu, Louis, Marte, Restler, Hudson, Menin, Ayala, Holden, Feliz, Velázquez, Brewer, Narcisse, Krishnan, Williams, Riley, Hanif and Paladino (in conjunction with the Manhattan Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to altering the timeline of initial façade examinations for new construction and coordinating all façade examinations on each city block**

*Be it enacted by the Council as follows:*

Section 1. Section 28-302.2 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

**§ 28-302.2 Inspection requirements.** A critical examination of a building's exterior walls and appurtenances thereof shall be conducted at periodic intervals as set forth by rule of the commissioner, but such examination shall be conducted at least once during each five-year report filing cycle, as defined by rule of the department. The initial examination for a new building shall be conducted in the [fifth] *eighth* year following the erection or installation of any exterior wall [and/] or appurtenances as evidenced by the issuance date of a temporary or final certificate of occupancy or as otherwise prescribed by rule.

1. [Such] *The* examination shall be conducted on behalf of the building owner by or under the direct supervision of a registered design professional with appropriate qualifications as prescribed by the department.
2. [Such] *The* examination shall include a complete review of the most recently prepared report and an inspection.
3. [Such] *The* examination shall be conducted in accordance with rules promulgated by the commissioner.
4. *To the extent practicable, the commissioner shall coordinate the submission of critical examination reports to ensure that all buildings that share a block submit the critical examination reports simultaneously.*

§ 2. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 974

By Council Members Salamanca Jr., Powers, Louis, Richardson Jordan, Restler, Schulman, Hudson, Ayala, Abreu and Riley.

**A Local Law to amend the administrative code of the city of New York, in relation to offering fentanyl test strips at syringe exchange programs**

*Be it enacted by the Council as follows:*

Section 1. Section 17-180.1 of the administrative code of the city of New York, as added by local law number 128 for the year 2018, is amended by adding a new definition of “fentanyl test strip” in alphabetical order to read as follows:

*Fentanyl test strip. The term “fentanyl test strip” means a drug testing technology that can detect the presence of fentanyl in drug samples prior to use.*

§ 2. Subdivision b of section 17-180.1 of the administrative code of the city of New York, as added by local law number 128 for the year 2018, is amended to read as follows:

b. For as long as the department determines there is an urgent public health need, the department shall offer overdose prevention, *fentanyl test strips*, and reversal training to the general public. Such training shall include:

1. How to recognize an opioid overdose; [and]
2. How to properly administer common opioid antagonists to reverse an opioid overdose[.]; *and*
3. *How to properly use fentanyl test strips.*

§ 3. Subdivision d of section 17-180.1 of the administrative code of the city of New York, as added by local law number 128 for the year 2018, is amended to read as follows:

d. For as long as the department determines there is an urgent public health need, the department shall provide opioid antagonists *and fentanyl test strips* to all syringe exchange programs operating within the city *and shall provide fentanyl test strips to attendees of fentanyl test strip trainings.*

§ 4. Subdivision e of section 17-180.1 of the administrative code of the city of New York, as added by local law number 128 for the year 2018, is amended to read as follows:

e. The department shall require that the staff at all syringe exchange programs operating in the city receive overdose prevention and reversal training. Such training shall teach staff:

1. How to recognize an opioid overdose; [and]
2. How to properly administer common opioid antagonists to reverse an opioid overdose[.]; *and*
3. *How to properly use a fentanyl test strip.*

§ 5. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 975

By Council Members Schulman, Louis, Velázquez, Yeger, Menin, Ung, Ayala, Abreu and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to information on free cardiopulmonary resuscitation courses available to the public**

*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 17.188.1 to read as follows:

*§ 17.188.1 Information on cardiopulmonary resuscitation courses available to the public. The department shall make available information on free cardiopulmonary resuscitation courses available to the public. Such information shall include, where practicable, the address of where each such course is provided, and the dates and times that each such course is offered. Such information shall be updated at least once annually, and shall be posted conspicuously on the department's website in English and in each of the designated citywide languages as defined in section 23-1101.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 976

By Council Members Stevens, Louis, Richardson Jordan, Restler, Schulman, Hudson, Ung, Ayala and Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services and the department of youth and community development to report data on the LGBTQ homeless population**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-329 to read as follows:

*§ 21-329 Reporting on homeless LGBTQ population. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Adult. The term "adult" means a person over 24 years of age and under 65 years of age.*

*Drop-in center. The term "drop-in center" means a facility that provides hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals, and/or housing placement services, but not overnight housing administered by the department or a provider under contract or similar agreement with the department.*

*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.*

*LGBTQ. The term "LGBTQ" means lesbian, gay, bisexual, transgender, queer, or intersex identities.*

*Runaway and homeless youth services. The term "runaway and homeless youth services" means street outreach and referral services, drop-in centers, runaway and homeless youth crisis services programs, and transitional independent living support programs funded by the department of youth and community development.*

*Runaway and homeless youth crisis services programs. The term "runaway and homeless youth crisis services program" has the same meaning as provided in section 532-a of the executive law.*

*Safe haven. The term "safe haven" means city-administered facilities that provide low-threshold, harm-reduction housing to street homeless individuals, who are referred to such facilities through a department outreach program, without the obligation of entering into other supportive and rehabilitative services in order to reduce barriers to temporary housing.*

*Senior. The term "senior" means a person 65 years of age or older.*

*Shelter. The term "shelter" means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.*

*b. Beginning October 1, 2023, and quarterly thereafter, the department shall submit to the speaker of the council and post on its website a report regarding LGBTQ homeless persons. The department shall collaborate with the department of youth and community development to produce such report.*

c. The report required by subdivision b of this section shall include, but not be limited to, the following information, as may be obtained voluntarily:

1. The number of LGBTQ homeless persons who contact the department or the department of youth and community development to inquire about or seek services, disaggregated by:

(a) borough; and

(b) age, classified as homeless youth, homeless young adult, adult, and senior; and

(c) The number and percentage of shelter beds reserved for LGBTQ homeless persons; the number and percentage of such beds that are available; the rate of refusal of such beds; and the reason for each refused bed, if given.

2. The department, in collaboration with the department of youth and community development, shall make best efforts to obtain information to prepare the report required in this section, but shall not require any person to provide information for such purposes. Such efforts shall include the provision of voluntary questionnaires at shelters, safe havens, drop-in centers, and runaway and homeless youth crisis services programs.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare (*Editor's Note: Int. Nos. 976 and 977 were re-assigned to the Committee on Youth Services on March 16, 2023 shortly following the adjournment of this meeting*).

#### Int. No. 977

By Council Members Stevens, Louis, Restler, Schulman, Hudson, Ung, Abreu, Riley and Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring drop-in centers to participate in the streamlined intake process for runaway and homeless youth to transition into adult shelters.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 21-405 of the administrative code of the city of New York, as added by local law number 81 for the year 2018, is amended to read as follows:

b. The department of homeless services and the department shall create and maintain an intake and assessment process for runaway youth and homeless youth who have reached the age [and/]or time limitations applicable to department-funded shelter services or, as designated by the department, other runaway or homeless youth receiving shelter services, and who seek to transition from runaway and homeless youth shelter services to a department of homeless services shelter. Such process shall permit eligible runaway youth or homeless youth to bypass entry into an intake center or assessment shelter operated by the department of homeless services when the department, or an organization that receives funding from the department to provide shelter services, provides demographic and social services information for any such youth, as agreed upon between the department and the department of homeless services, in advance of such youth's presentation to the department of homeless services shelter system. Such process shall originate at a transitional independent living support program [or], a runaway and homeless youth crisis services program, or a drop-in center funded by the department. The intake and assessment bypass permitted pursuant to this section and any necessary information sharing between the department of homeless services and the department-funded program or the department shall only occur with the consent of such youth.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare (*Editor's Note: Int. Nos. 976 and 977 were re-assigned to the Committee on Youth Services on March 16, 2023 shortly following the adjournment of this meeting*).

Int. No. 978

By Council Members Stevens, Louis, Schulman, Hudson, Marte, Abreu and Riley.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring large chain stores to donate nonsalable personal care products**

*Be it enacted by the Council as follows:*

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-I to read as follows:

**CHAPTER 4-I  
PERSONAL CARE PRODUCT DONATION**

§ 16-499 *Personal care product donation. a. Definitions. For the purposes of this chapter, the following terms have the following meanings:*

*Covered store. The term “covered store” means any establishment in the city where personal care products are offered for sale to the consumer that (i) has a floor area of at least 15,000 square feet, or (ii) is part of a chain of three or more covered stores that have a combined floor area of at least 15,000 feet and that operate under common ownership and control.*

*Nonsalable personal care product. The term “nonsalable personal care product” means personal care products in a covered store that (i) meet all quality and labeling standards imposed by federal, state, and local laws and regulations, (ii) is not required to meet the needs of the covered store, (iii) will not be sold by the covered store due to damage to its packaging, outdated packaging or promotional graphics, or for any other reason, (iv) is not the subject of any product recall, and (v) would be discarded or disposed of if not for the prohibition in this section.*

*Personal care product. The term “personal care product” means products used for the purposes of personal sanitation or the maintenance of personal health and hygiene, including but not limited to soap, face wash, shampoo, conditioner, deodorant, toothbrushes, toothpaste, floss, razors, shaving cream, sunscreen, feminine hygiene products, diapers and any other such products that the commissioner shall determine by rule.*

*Product recall. The term “product recall” means a public request by a product manufacturer to return or dispose of a personal care product due to a defect with the personal care product.*

*Qualified non-profit organization. The term “qualified non-profit organization” means an organization that qualifies as an exempt organization under section 501(c) of the United States internal revenue code.*

*b. Within eighteen months after the effective date of the local law that added this section, the department or another agency or office designated by the mayor, shall, in conjunction with the department of information technology and telecommunications, create or modify and maintain a web portal that will allow prospective personal care product donors, including but not limited to department stores, convenience stores, and pharmacies, to post notices concerning the availability of donated personal care products, including nonsalable personal care products, and to arrange for the transportation or retrieval of such personal care products. Such portal shall, at a minimum, (i) allow a prospective personal care product donor to describe the type and amount of personal care products available, including any information necessary to facilitate its donation, (ii) allow qualified non-profit organizations to register as prospective personal care product recipients and specify the type and amount of personal care product donations it will accept, the areas of the city from which it will accept donations, and to receive prompt notification concerning the availability of personal care products satisfying such specifications, and (iii) permit prospective personal care product donors and personal care product recipients to communicate directly through a messaging system within such portal.*

*c. Covered stores shall donate all nonsalable personal care products to a qualified non-profit organization, or make the nonsalable personal care products available to qualified non-profit organizations on the web portal required by this section.*

*d. A covered store may not discard or dispose of personal care products unless the personal care product is the subject of a product recall, or the covered store made the personal care product available for donation on the department’s web portal created by this section for six or more months.*



§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of sanitation or another agency or office designated by the mayor shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 979

By Council Members Velázquez, Louis, Schulman, Hudson and Ung.

**A Local Law to amend the administrative code of the city of New York, in relation to an educational campaign to assist contract workers with finding permanent positions at city agencies**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-119.9 to read as follows:

§ 3-119.9. *Contract worker educational campaign. a. Definitions. For the purposes of this section, the following terms have the following meanings: Agency. The term "agency" has the same meaning as such term is defined in section 1150 of the charter.*

*Contract worker. The term "contract worker" means an independent contractor or other person contracted to work for a business on a temporary basis with a predetermined end to the employment contract. The term includes persons who previously performed work as a contract worker but are not currently employed or contracted for work.*

*Department. The term "department" means the department of citywide administrative services or such other agency or entity as the mayor may designate.*

*b. Contract worker educational campaign. 1. No later than December 1, 2023, and annually thereafter, the department shall conduct a citywide educational campaign to inform contract workers about the benefits of a full-time position working for the city's agencies.*

*2. Such educational campaign shall include a media campaign targeted at contract workers. The informational materials and media required by this section shall be made available in English and each of the designated citywide languages as defined in section 23-1101.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil Service and Labor.

Res. No. 535

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign S. 4746/A. 4333 the "Fashion Sustainability and Social Accountability Act".**

By Council Members Velázquez and Louis.

**Whereas**, According to the United Nations Environment Programme, the fashion industry is responsible for approximately 2 to 8% of global carbon emissions, more than emitted by international airplane travel and the shipping industry combined, with industry emissions expected to increase more than 50% by 2030; and

**Whereas**, The fashion industry is responsible for approximately 20% of the estimated 300 million tons of plastic produced annually across the globe, with modern clothing increasingly relying on synthetic fabrics derived from fossil fuels, rather than those made from biodegradable natural fibers; and

**Whereas,** It is estimated that producing a single pair of denim jeans may require thousands of liters of water (up to 10,000 liters approximately), while producing a single cotton shirt may require up to 2,500 liters of water; and

**Whereas,** According to a study published in the journal *Scientific Reports* in 2019, the laundering of clothing made from synthetic fibers has been implicated as a major source of microplastic pollution, with some studies estimating that 35% of the global release of primary microplastics into world oceans can be attributed to washing fabrics containing synthetic fibers; and

**Whereas,** According to a study published in the journal *Environmental Health* in 2018, fashion industry supply chains routinely site their manufacturing facilities in places with insufficient environmental and worker protections, regulations, and oversight, enabling egregious pollution practices and significant human rights violations to occur throughout the industry; and

**Whereas,** Many internationally recognized clothing brands have been found to source goods from supply chains that utilize sweatshops, child labor, forced labor, and outright slavery; and

**Whereas,** According to a study from the Helena Kennedy Centre for International Justice published in 2021, over 100 well known international brands source textiles from intermediary companies that obtain cotton from supply chains known to include slave labor; and

**Whereas,** According to the World Economic Forum, global trends point toward consumers using individual items of clothing for shorter periods of time than they have historically, it is estimated that the number of garments produced every year has doubled since 2000; and

**Whereas,** Estimates from the circular economy advocacy group The Ellen MacArthur Foundation suggest that, across the globe, a truckload worth of textiles is dumped or burned every second, with approximately 87% of the total fiber utilized by the fashion industry ultimately being incinerated or sent to landfill; and

**Whereas,** According to the Environmental Protection Agency (EPA) Americans discarded approximately 11.3 million tons of textile waste in 2018, with the average consumer in the United States utilizing clothing for a quarter of the length of time of their global peers, according to the United Nations Environment Programme; and

**Whereas,** In November of 2021, photos showing vast mounds of discarded clothing littering the Atacama Desert in Chile made international headlines, where it is estimated that up to 59,000 tons of clothes that aren't sold in the U.S. or Europe end up at the Iquique Port in the Alto Hospicio free zone in northern Chile each year; and

**Whereas,** While discussions of sustainability often focus on the fast fashion sector of the industry, luxury designer houses such as Burberry and Louis Vuitton have garnered significant negative press for the practice of burning unsold inventory to maintain the perception of scarcity; and

**Whereas,** While many companies in the fashion industry have launched publicity campaigns lauding their commitment to sustainability, these promises often fail to withstand scrutiny; and

**Whereas,** In 2020, the retailer H&M was accused of greenwashing by the Norwegian Consumer Authority, after an investigation into marketing related to its Conscious line, which was promoted as more sustainable despite containing more synthetic fabrics than the company's standard collection, with other items marketed as using less water to manufacture than average, despite actually using more; and

**Whereas,** The New York State Senate bill S. 4746 and New York State Assembly bill A. 4333, introduced in the 2023-24 session, also known as the "Fashion Sustainability and Social Accountability Act" seek to address the environmental impact of the fashion industry by requiring fashion retail sellers and manufacturers doing business in New York, with annual worldwide gross receipts exceeding 100 million dollars to meet certain requirements, or risk civil penalties; and

**Whereas,** The Act would require covered businesses to disclose their environmental and social due diligence policies, conduct supply chain mapping of a minimum of 50% by volume of suppliers across all tiers of production, and post disclosure information relevant to due diligence policies and mitigation efforts on their websites; and

**Whereas,** The New York State Attorney General would be authorized to bring civil proceedings against companies who do not comply, and private citizens would be enabled to commence civil action against companies or individuals alleged to have violated the Act; and

**Whereas,** While New York has limited authority over international fashion industry supply chains, requiring entities that do business in the State to adhere to baseline ethical behavior regarding labor and environmental

practices may potentially mitigate some of the impacts of an industry widely considered to be one of the most polluting in the world; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign S. 4746/A. 4333, the "Fashion Sustainability and Social Accountability Act".

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

*Editor's Note: There were no Land Use application items introduced at this Stated Meeting.*

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**New York City Council Budget and Oversight Hearings on  
The Preliminary Budget for Fiscal Year 2024  
The Preliminary Capital Plan for Fiscal Years 2024-2027, Fiscal 2024-2033  
Preliminary Ten-Year Capital Strategy, and  
The Fiscal 2023 Preliminary Mayor's Management Report**

**Monday March 20, 2023**

**Council Chambers, City Hall**

**10:00 am Public Safety**  
10:00 a.m. Police Department  
1:00 p.m. Civilian Complaint Review Board  
2:00 p.m. District Attorneys/Special Narcotics Prosecutor  
4:00 p.m. Public

**Committee Room, City Hall**

**10:30 a.m. Cultural Affairs, Libraries & International Intergroup Relations Committee**  
10:30 a.m. Libraries  
12:30 p.m. Department of Cultural Affairs  
2:00 p.m. Public

**Tuesday March 21, 2023**

**Council Chambers, City Hall**

**10:00 a.m. Health Committee**  
10:00 a.m. Department of Health and Mental Hygiene jointly with the Committee on Mental Health, Disabilities, & Addiction  
12:00 p.m. Medical Examiner  
1:30 p.m. Public

**Committee Room, City Hall**

**10:30 a.m. Contracts Committee**  
10:30 a.m. Mayor's Office of Contracts  
11:30 a.m. Public

**Council Chambers, City Hall**

**2:30 p.m. Hospitals Committee**  
2:30 p.m. Health + Hospitals  
4:30 p.m. Public

**Wednesday March 22, 2023**

**Council Chambers, City Hall**

**10:00 a.m. Parks & Recreation Committee**  
10:00 a.m. Department of Parks & Recreation  
12:00 p.m. Public

**Committee Room, City Hall**

**10:00 a.m. Youth Services Committee**  
10:00 a.m. Department of Youth and Community Development  
11:30 p.m. Public

**Committee Room, City Hall**

**12:30 p.m. Governmental Operations Committee**  
12:30 p.m. Department of Citywide Administrative Services  
1:30 p.m. Law Department  
2:30 p.m. Board of Elections  
3:30 p.m. Office of Administrative Trials and Hearings  
4:30 p.m. Public

**Council Chambers, City Hall**

**2:00 p.m. Consumer Affairs and Worker Protection Committee**  
2:00 p.m. Department of Consumer and Worker Protection  
3:30 p.m. Public

**Thursday, March 23, 2023**

**Council Chambers, City Hall**

**10:00 a.m. Criminal Justice Committee**  
10:00 a.m. Department of Probation  
10:30 a.m. Department of Correction  
1:00 p.m. Board of Correction  
2:00 p.m. Public

**Committee Room, City Hall**

**10:30 a.m. Economic Development Committee**  
10:30 a.m. Economic Development Corporation  
12:30 p.m. Public

[Subcommittee on Zoning & Franchises](#)

Kevin C. Riley, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 14th Floor .....10:00 a.m.

**Friday March 24, 2023**

**Council Chambers, City Hall**

**10:00 a.m. Finance Committee**  
10:00 a.m. Agenda to be announced

**Monday, March 27, 2023**

[Committee on General Welfare](#) jointly with the  
[Committee on Housing and Buildings](#)

Diana I. Ayala, Chairperson  
Pierina Ana Sanchez, Chairperson

**Oversight** - Universal Access to Legal Services Law and Tenant Protection.

**Res 345** - By Council Members Sanchez, Stevens, Restler, Joseph, Williams and Abreu - **Resolution** calling upon the New York State Legislature to pass and the Governor to sign A.7570C/S.6678C, in relation to establishing a New York state office of civil representation to provide access to legal services in eviction proceedings.

Committee Room – City Hall.....10:00 a.m.

[Committee on Public Safety](#)

Kamillah Hanks, Chairperson

**Int 386** - By Council Members Cabán, Hanif, Hudson, Louis, Joseph, Nurse, Krishnan, Avilés, Ossé, Won, Williams, Brooks-Powers, Restler, Ung, Richardson Jordan, Riley, Sanchez, De La Rosa, Farías, Gutiérrez, Narcisse, Menin, Bottcher, Abreu, Powers, Marte and Barron (in conjunction with the Brooklyn Borough President) (by request of the Queens Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the police department to submit reports on complaints of police misconduct.

**Int 443** - By Council Members Cabán, Louis, Joseph, Hanif, Avilés, Ossé, Won, Williams, Brooks-Powers, Restler, Ung, Riley, Hudson, Sanchez, Nurse, Gutiérrez and Richardson Jordan (by request of the Queens Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the police department to provide records of complaints and investigations of bias-based profiling to the city commission on human rights.

**Int 538** - By Council Members Hudson, Hanif, Won, Avilés, Louis, Williams, Gutiérrez, Restler, Riley, Brooks-Powers, Sanchez, De La Rosa, Farías, Nurse, Narcisse, Ossé, Joseph, Richardson Jordan, Cabán, Menin, Bottcher, Krishnan, Abreu, Powers, Schulman, Feliz and Marte (by request of the Brooklyn Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the New York police department to report on instances in which an individual denied an officer consent to a search

**Int 585** - By the Public Advocate (Mr. Williams) and Council Members Cabán, Louis, Hanif, Joseph, Avilés, Nurse, Gutiérrez, Hudson and Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to granting access to the police department’s body-worn camera footage to the office of the inspector general and the department of records and information services.

**Int 586** - By the Public Advocate (Mr. Williams) and Council Members Avilés, Cabán, Louis, Hanif, Joseph, Nurse, Gutiérrez, Hudson, Sanchez, De La Rosa, Farías, Restler, Won, Narcisse, Brooks-Powers, Ossé, Richardson Jordan, Menin, Bottcher, Krishnan, Abreu, Brewer, Barron, Riley, Rivera, Feliz and Marte (in conjunction with the Brooklyn Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the police department to report on police-civilian investigative encounters.

**Preconsidered Int 938** - By The Speaker (Council Member Adams), the Public Advocate (Mr. Williams), and Council Members Rivera, Louis, Cabán, Richardson Jordan, Abreu, Hanif, Farías, De La Rosa, Brewer, Restler and Hudson - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the New York city police department to provide the civilian complaint review board with direct access to officer body-worn camera footage and to establish related procedures.

**Preconsidered Int 944** - By Council Members Hanks, Louis, Richardson Jordan and Abreu - **A Local Law** to amend the administrative code of the city of New York, in relation to the evaluation of civil actions alleging improper conduct by the police department.

**Int 948** - By Council Members Louis, Williams, Barron, Richardson Jordan, De La Rosa, Restler and Hudson  
**A Local Law** to amend the administrative code of the city of New York, relation to requiring the New York City Police Department to report information and data regarding the department operations.

**Preconsidered Res \_\_\_** - By The Speaker (Council Member Adams) - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign legislation that would provide the Civilian Complaint Review Board with access to sealed records in furtherance of its duties and functions.

Council Chambers – City Hall.....1:00 p.m.

**Wednesday, March 29, 2023**

Committee on Consumer and Worker Protection

Marjorie Velázquez, Chairperson

**Int 813** - By Council Members Holden, Velázquez, Salamanca, Feliz, Riley, Dinowitz, Narcisse, Paladino, Hanks, Carr, Louis, Abreu, Williams, Farías, Brannan, Stevens, Menin, Sanchez, Schulman, Joseph, Yeger, Brooks-Powers, Kagan, Borelli, Ariola and Vernikov - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing exemptions for third-party food delivery services from the limits on fees charged by such services on food service establishments.

**Int 891** - By Council Members Salamanca and Velázquez - A Local Law to amend the administrative code of the city of New York, in relation to allowing charitable organizations to conduct games of chance at professional sporting venues.

Council Chambers – City Hall.....10:00 a.m.

Committee on Health

Lynn C. Schulman, Chairperson

**Oversight** - Improving Access to In-Community and At-Home Health Care.

**Int 96** - By Council Members Brannan, Hanif, Ung, Riley, Yeger, Stevens, Won, Restler, Bottcher and Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to providing vision testing and eyeglasses to low-income individuals.

**Int 325** - By Council Members Brannan, Brewer, Louis, Holden, Yeger, Avilés, Restler, Abreu, Narcisse, Sanchez and Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to the provision of information about pediatric emergency rooms.

**Int 814** - By Council Members Krishnan, Schulman, Restler, Lee, Louis, Hanif, Joseph and Abreu - **A Local Law** to amend the administrative code of the city of New York in relation to requiring an annual report indicating the quantities and locations of automated external defibrillators placed in public places.

**Int 975** - By Council Member Schulman - **A Local Law** to amend the administrative code of the city of New York, in relation to information on free cardiopulmonary resuscitation courses available to the public.

**Preconsidered Int \_\_\_\_** - By Council Member Narcisse - A Local Law to amend the administrative code of the city of New York, in relation to requiring the placement of automated, self-administered blood pressure testing machines at certain public places.

Committee Room – City Hall.....10:00 a.m.

**Friday, March 31, 2023**

Committee on Civil Service and Labor

Carmen De La Rosa, Chairperson

**Oversight** - Permanent Teleworking Option for City Employees.

**Int 467** - By Council Members De La Rosa, Hanif, Joseph, Abreu, Won and Krishnan (by request of the Queens Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to New York City agencies policies regarding work-related communications during non-work hours.

**Res 481** - By Council Members Hudson, De La Rosa, the Public Advocate (Mr. Williams) and Council Members Abreu, Gutiérrez, Hanif, Cabán, Krishnan, Brewer and Richardson Jordan - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, A.1435, also known as the "New York City Teleworking Expansion Act".

Council Chambers – City Hall.....1:00 p.m.

**Tuesday, April 4, 2023**

Committee on Veterans

Robert F. Holden, Chairperson

**Oversight** - The State of Veterans of Foreign Wars and American Legion Halls, as well as Other Veterans-Services Organizations with Physical Locations.

Council Chambers – City Hall.....1:00 p.m.

**Monday, April 10, 2023**

**Stated Council Meeting**

***Council Chambers – City Hall.....Agenda – 1:30 p.m.***





**NEW YORK CITY COUNCIL**

**New York City Council Budget and Oversight Hearings on  
The Preliminary Budget for Fiscal Year 2024  
The Preliminary Capital Plan for Fiscal Years 2024-2027, Fiscal 2024-2033  
Preliminary Ten-Year Capital Strategy, and  
The Fiscal 2023 Preliminary Mayor's Management Report**

**Monday, March 6, 2023**

**Council Chambers, City Hall**

**10:00 a.m. Finance Committee**  
10:00 a.m. Office of Management and Budget  
1:00 p.m. Comptroller  
2:00 p.m. Independent Budget  
3:00 p.m. Department of Finance  
4:00 p.m. Department of Design and Construction  
5:00 p.m. Public

**Tuesday, March 7, 2023**

**Council Chambers, City Hall**

**10:00 a.m. Small Business Committee**  
10:00 a.m. Department of Small Business Services

11:00 a.m. Public  
**1:00 p.m. Immigration Committee**  
 1:00 p.m. Office of Immigrant Affairs  
 4:00 p.m. Public

**Committee Room, City Hall**

**10:30 a.m. Environmental Protection Committee**  
 10:30 a.m. Department of Environmental Protection  
 12:00 p.m. Public

**3:30 p.m. Oversight and Investigations Committee**  
 3:30 p.m. Department of Investigation  
 4:30 p.m. Public

**Thursday March 9, 2023**

**Council Chambers, City Hall**

**10:00 a.m. Transportation and Infrastructure Committee**  
 10:00 a.m. MTA/NYC Transit  
 11:30 a.m. Department of Transportation  
 1:30 p.m. Taxi and Limousine Commission  
 2:30 p.m. Public

**Committee Room, City Hall**

**10:30 a.m. Land Use Committee**  
 10:30 a.m. Landmarks Preservation Commission  
 11:30 a.m. Department of City Planning  
  
**12:30 p.m. Technology Committee jointly with the Land Use Committee**  
 12:30 p.m. Department of Information, Technology & Telecommunications  
 1:30 p.m. Public

**Monday March 13, 2023****Council Chambers, City Hall**

- 10:00 a.m. General Welfare Committee**  
 10:00 a.m. Administration for Children's Services  
 11:30 a.m. Human Resources Administration / Department of Social Services  
 Department of Homeless Service  
 2:30 p.m. Public

**Committee Room, City Hall**

- 10:30 a.m. Fire and Emergency Management Committee**  
 10:30 a.m. Fire/Emergency Medical Service  
 12:30 p.m. Office of Emergency Management  
 1:30 p.m. Public
- 2:30 p.m. Public Housing Committee**  
 2:30 p.m. New York City Housing Authority  
 4:00 p.m. Public

**Tuesday March 14, 2023****Council Chambers, City Hall**

- 10:00 a.m. Aging Committee**  
 10:00 a.m. Department for the Aging  
 12:00 p.m. Public

**Committee Room, City Hall**

- 10:30 a.m. Higher Education Committee**  
 10:30 a.m. City University of New York  
 12:00 p.m. Public

**Wednesday March 15, 2023****Council Chambers, City Hall**

- 9:00 a.m. Education Committee**  
 9:00 a.m. Department of Education (Expense)  
 1:00 p.m. School Construction Authority (Capital)  
 2:00 p.m. Public

**Committee Room, City Hall**

- 10:30 a.m. Sanitation and Solid Waste Management Committee**  
 10:30 a.m. Department of Sanitation  
 12:30 p.m. Public
- 2:00 p.m. Housing and Buildings Committee**  
 2:00 p.m. Department of Buildings  
 3:30 p.m. Department of Housing Preservation and Development  
 5:30 p.m. Public

**Monday March 20, 2023****Council Chambers, City Hall**

- 10:00 am Public Safety**  
 10:00 a.m. Police Department  
 1:00 p.m. Civilian Complaint Review Board  
 2:00 p.m. District Attorneys/Special Narcotics Prosecutor  
 4:00 p.m. Public

**Committee Room, City Hall**

- 10:30 a.m. Cultural Affairs, Libraries & International Intergroup Relations Committee**  
 10:30 a.m. Libraries  
 12:30 p.m. Department of Cultural Affairs  
 2:00 p.m. Public

**Tuesday March 21, 2023****Council Chambers, City Hall**

- 10:00 a.m. Health Committee**  
 10:00 a.m. Department of Health and Mental Hygiene jointly with the Committee on Mental Health, Disabilities, & Addiction  
 12:00 p.m. Medical Examiner  
 1:30 p.m. Public

**Committee Room, City Hall**

- 10:30 a.m. Contracts Committee**  
 10:30 a.m. Mayor's Office of Contracts  
 11:30 a.m. Public

**Council Chambers, City Hall**

- 2:30 p.m. Hospitals Committee**  
 2:30 p.m. Health + Hospitals  
 4:30 p.m. Public

**Wednesday March 22, 2023****Council Chambers, City Hall**

- 10:00 a.m. Parks & Recreation Committee**  
 10:00 a.m. Department of Parks & Recreation  
 12:00 p.m. Public

**Committee Room, City Hall**

- 10:00 a.m. Youth Services Committee**  
 10:00 a.m. Department of Youth and Community Development  
 11:30 a.m. Public

- 12:30 p.m. Governmental Operations Committee**  
 12:30 p.m. Department of Citywide Administrative Services  
 1:30 p.m. Law Department  
 2:30 p.m. Board of Elections  
 3:30 p.m. Office of Administrative Trials and Hearings  
 4:30 p.m. Public

**Council Chambers, City Hall**

- 2:00 p.m. Consumer Affairs and Worker Protection Committee**  
 2:00 p.m. Department of Consumer and Worker Protection  
 3:30 p.m. Public

**Thursday March 23, 2023**

**Council Chambers, City Hall**

- 10:00 a.m. Criminal Justice Committee**  
 10:00 a.m. Department of Probation  
 10:30 a.m. Department of Correction  
 1:00 p.m. Board of Correction  
 2:00 p.m. Public

**Committee Room, City Hall**

- 10:30 a.m. Economic Development Committee**  
 10:30 a.m. Economic Development Corporation  
 12:30 p.m. Public

**Friday March 24, 2023**

**Council Chambers, City Hall**

- 10:00 a.m. Finance Committee**  
 10:00 a.m. Agenda to be announced

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) acknowledged that it had been three years since the first known COVID-19 related death in New York City. She noted that the city had lost nearly 45,000 individuals – individuals who were family members, friends, and neighbors. She reiterated that the city would continue to honor their memory and to support the critical work needed to protect the health and well-being of all New Yorkers. The Speaker (Council Member Adams) acknowledged that her father was one of the victims of COVID-19 and she saluted his memory.

The Speaker (Council Member Adams) acknowledged that National Equal Pay Day was celebrated on March 14, 2023 by the Women’s Caucus with PowHer New York, CWA Local 1180, and other advocates. She reiterated that the Council had previously released a Pay Equity Report and had passed a subsequent legislative package designed to address systematic pay disparities and occupational segregation within the municipal workforce. She noted that National Equal Pay Day served as an opportunity to take stock of the progress made on this issue and to gauge the work still needed to further advance pay equity in the city and across the nation.

The Speaker (Council Member Adams) acknowledged that the Council would kick off Participatory Budgeting Vote Week on March 25, 2023. She reminded everyone that New Yorkers over the age of eleven would be able to vote for their favorite proposals to be funded through April 2nd. She noted that a majority of Council districts would be active in Participatory Budgeting balloting this year. She thanked all the Council staff who had worked on this project and she thanked every New Yorker who were engaged to participate.

The Speaker (Council Member Adams) acknowledged that *Holi*, the Hindu Festival of Colors, was recently celebrated in the Council Chambers with an event that highlighted the rich culture and contributions of the city’s Hindu community. She thanked Council Members Ariola and Schulman for co-hosting this celebration.

The Speaker (Council Member Adams) acknowledged that the Council had recently held an event celebrating Irish Culture and Heritage in the Chambers. She thanked the Irish Caucus including the Majority Leader (Council Member Powers) and Council Members Bottcher, Brannan, and Holden for co-hosting this celebration. She also acknowledged that she would be marching the next day in the St. Patrick’s Day Parade.

The Speaker (Council Member Adams) acknowledged that the Council would be hosting a Bangladeshi Independence Celebration on March 21<sup>st</sup> and a Women’s HERstory celebration on March 29<sup>th</sup>. She also recognized the following notable days: Harriet Tubman Day on March 10<sup>th</sup>; Pakistan Day on March 23<sup>rd</sup>; Greek Independence Day on March 25<sup>th</sup>; and the start of *Ramadan* on March 22<sup>nd</sup> – on behalf of the Council, the Speaker (Council Member Adams) extended her best wishes to the city’s Muslim communities as they observe their Blessed Month.

The Speaker (Council Member Adams) acknowledged and welcomed the School Construction Authority WMBE Advance Mentorship students who were sitting in the balcony of the Council Chambers. Those assembled in the Chambers responded with applause and cheers in appreciation.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Stated Meeting on Monday, April 10, 2023.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Note:* The scheduled Stated Meeting of Monday, April 10, 2023 was subsequently deferred. The next Stated Meeting was re-scheduled and held on Tuesday, April 11, 2023.

*Editor's Local Law Note:* *Int. Nos. 148-A and 470-A, both adopted by the Council at the February 16, 2023 Stated Meeting, were signed into law by the Mayor on March 6, 2023 as, respectively, Local Law Nos. 31 and 32 of 2023.*

*Int. Nos. 436-A, 439-A, 522-A, 524-A, and 756-A, all adopted by the Council at the March 2, 2023 Stated Meeting, were signed into law by the Mayor on March 14, 2023 as, respectively, Local Law Nos. 33 to 37 of 2023.*