

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Thursday, May 23, 2024, 2:31 p.m.

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

Council Members

Adrienne E. Adams, *The Speaker*

Shaun Abreu	Shahana K. Hanif	Keith Powers
Joann Ariola	Kamillah M. Hanks	Lincoln Restler
Alexa Avilés	Robert F. Holden	Kevin C. Riley
Chris Banks	Crystal Hudson	Yusef Salaam
Joseph C. Borelli	Rita C. Joseph	Rafael Salamanca, Jr
Erik D. Bottcher	Shekar Krishnan	Pierina A. Sanchez
Justin Brannan	Linda Lee	Lynn C. Schulman
Gale A. Brewer	Farah N. Louis	Althea V. Stevens
Selvena N. Brooks-Powers	Kristy Marmorato	Sandra Ung
Tiffany L. Cabán	Christopher Marte	Inna Vernikov
David M. Carr	Darlene Mealy	Nantasha M. Williams
Carmen N. De La Rosa	Julie Menin	Julie Won
Eric Dinowitz	Francisco P. Moya	Kalman Yeger
Amanda C. Farías	Mercedes Narcisse	Susan Zhuang
Oswald J. Feliz	Sandy Nurse	
James F. Gennaro	Chi A. Ossé	
Jennifer Gutiérrez	Vickie Paladino	

Absent: Council Member Ayala;
Parental: Council Member Rivera.

The Majority Leader (Council Member Farías) 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 Fariás).

There were 49 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Gennaro, Maya, and Sanchez who all participated remotely).

INVOCATION

The Invocation was delivered by Rev. K. Karpen, Senior Pastor, St. Paul & St. Andrew United Methodist Church located at 263 West 86 Street, New York, N.Y. 10024.

Thank you, Majority Leader.

And a special personal thank you to Council Member Brewer,
who's always supported our efforts to be an open space for all people.
In my tradition we often pray by singing, so let's pray.

(Singing)

*The Lord is my light and salvation
The Lord is my light and my salvation
The Lord is my light and my salvation
Whom shall I fear?*

Holy One,
on this somewhat stormy and dreary day,
we pray for those in our city
who are most vulnerable;
who are living out on the streets;
families driven out of shelter;
city workers whose workplace is outdoors;
we ask your protection on them
and on people from all over
who are making our city their home.
God, I'm grateful for those gathered here
who have answered the call to serve the City.
I'm aware that the deliberations
and decisions made today
may impact thousands, maybe millions,
of our fellow New Yorkers.
May those deliberations and decisions be made
always keeping in mind those who need
the support of us all the most –
so that food insecurity may be a thing of the past;
so that housing may be found or built or provided;
that safety may be a reality
in all our boroughs, byways, and subways;
and that each precious child
find an adequate and inspiring education.
In times like these,
when we just try to stay ahead of hate,
when division and disparities, misgivings, misunderstandings,

and misinformation threaten the fabric of our common life,
God, give us courage to seek the *shalom*, the *salaam*,
the peace and prosperity of the city we love.
And, finally as we approach the Memorial Day weekend,
we ask that you hold in your compassionate embrace
those beloved ones of ours
who have been lost in war and violence.
And we pray to somehow,
someday find a peaceful way
to be together as your global family.
We pray in your awesome and holy name.
Amen.

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

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-50

Communication from the Office of Management & Budget - Appropriation of new City revenues in Fiscal Year 2024, pursuant to Section 107(e) of the New York City Charter (MN-6).

May 15, 2024

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I seek your approval to appropriate new City revenues in fiscal year 2024 in the amount of \$619 million.

This modification (MN-6) implements revenue budget changes reflected in the City's Executive Financial Plan. The \$619 million of new revenues will be used pay for Program to Eliminate the Gap partial restorations in the Department of Cultural Affairs, Rental Assistance, foster care services, pupil transportation, CUNY STEM program and other various initiatives.

Your approval of modification MN-6 is respectfully requested.

Sincerely,

Jacques Jiha, Ph.D.
Budget Director

(For text of the MN-6, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-50 of 2024 file](#))

Referred to the Committee on Finance.

LAND USE CALL-UPS

M-51

By Council Member Aviles:

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d (b) (3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Application Nos. C 240035 MMK and C 240036 PQK (Red Hook Coastal Resiliency) shall be subject to Council review.

Coupled on Call-up vote.

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

Affirmative – Abreu, Ariola, Avilés, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Williams, Won, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **49**.

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

During the Roll Call on the Land Use Call-up, the Majority Leader and Acting President Pro Tempore (Council Member Farías) ruled that signs displayed on the floor by Council Members Vernikov, Yeger, and Holden were out of order and that the continued posting of these signs was a violation of Rule 9.120. The Acting President Pro Tempore and Majority Leader (Council Member Farías) noted that if they wished to display a sign that is not germane to a question before the Council, then the aforementioned Council Members would need to wait until the General Discussion period later in the meeting.

Later during the General Discussion period, Council Member Yeger noted that the prohibition against the display of signs was a policy and not a rule of the Council which was voted on by the members. During his comments, and the Majority Leader and Acting President Pro Tempore (Council Member Farías) ruled that Council Member Yeger was out of order and reiterated that he did not have the right to talk about or address the previous ruling of the Chair. Council Member Yeger repeatedly noted that he was not disputing the ruling of the Chair. He explained that he was only talking about the matter during the time allotted for General Discussion when any subject could be brought up. At the end of the General Discussion period and shortly before adjournment, the Speaker (Council Member Adams) responded that these rules had been read and had been accepted by this body as they were read. She further noted that the final authority does come down to the Speaker, whether it is the present Speaker, or whether it was with former Speakers of this body in the past.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Economic Development

Report for Int. No. 134-A

Report of the Committee on Economic Development in favor of approving and adopting, as amended, a Local Law in relation to requiring regular reports on the redevelopment plans at John F. Kennedy International Airport.

The Committee on Economic Development, to which the annexed proposed amended local law was referred on February 28, 2024 (Minutes, page 421), respectfully

REPORTS:

INTRODUCTION

On May 23, 2024, the Committee on Economic Development, chaired by Majority Leader Amanda Farías held a vote on Introduction Number 134-A (Int. 134-A), sponsored by Majority Whip Brooks-Powers, a Local Law in relation to requiring regular reports on the redevelopment plans at John F. Kennedy International Airport. Int. No. 134-A passed the committee vote with five votes in the affirmative, zero nays and zero abstentions.

This legislation was previously heard by the committee on April 3, 2024 and the committee received testimony from the New York City Economic Development Corporation (EDC), transportation advocates, and other interested stakeholders.

BACKGROUND

History of JFK Airport

In 1943, construction for what is now known as JFK began on the grounds of the former Idlewild Beach Golf Course in Queens.¹ The airport opened in 1948, known as both the New York International Airport and Idlewild Airport, and was subsequently renamed John F. Kennedy International Airport in December 1963.² The airport's main purpose was to relieve congestion from nearby LGA, while also encouraging more travel and economic activity within the greater area.³ JFK was built based on a master plan in which each major airline that would be serviced at JFK could develop its own terminal designs, making construction more efficient and more navigable.⁴ This design would allow each airline to compete with each other for a better arrangement.⁵

When the now-JFK opened in 1948, it had six runways and five terminals, and quickly became one of the busiest airports in the New York area and eventually in the United States.⁶ Two years after opening, the airport averaged over 70 departures a day and, by 1957, the airport was handling over 1,200 departures a week.⁷ JFK is owned by the City of New York and has been managed by the PANYNJ under a long-term operating lease since

¹ Aaron D. Backes, Classic New York History, *History of New York's John F. Kennedy International Airport*, Available at <https://classicnewyorkhistory.com/history-of-new-yorks-john-f-kennedy-international-airport/>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ CUNY Baruch College Zicklin School of Business, NYCdata, Infrastructure: New York City (NYC) John F. Kennedy International Airport (JFK), Available at https://www.baruch.cuny.edu/nycdata/infrastructure/airport_jfk.html.

⁶ Aaron D. Backes, Classic New York History, *History of New York's John F. Kennedy International Airport*, Available at <https://classicnewyorkhistory.com/history-of-new-yorks-john-f-kennedy-international-airport/>.

⁷ *Id.*

1947. PANYNJ annulled its contract with foreign airlines to use LGA in an effort to shift these airlines to JFK. This has led to the massive expansion and use of JFK.

JFK rapidly expanded over the years, and is now considered one of the nation's principal international gateways. Currently, JFK has six operating airline terminals, containing 128 gates and has been continually integrated into the City's transit system.⁸ In December 2003, after several years of construction that began in 1998, the Airtrain JFK rapid transit system launched, connecting all of the airport's terminals to NYC's public transportation network at Jamaica and Howard Beach Stations, including the Long Island Rail Road (LIRR), NYC subways and public buses.⁹

The Airport Advisory Panel's Vision Plan

In January 2017, then-New York State Governor Andrew M. Cuomo presented a plan to transform JFK into a more modern 21st century airport.¹⁰ The "Vision Plan" was written by the Airport Advisory Panel ("Panel"), a panel tasked with examining JFK and providing a framework for PANYNJ and its partners to redevelop, modify and expand JFK's facilities and infrastructure.¹¹ The master plan and the project is called "The JFK Redevelopment Program" ("Program").¹²

Citing a 2016 study by Skytrax, an independent firm that conducts international surveys of the world's airports, which ranked JFK 59th out of the world's top 100 airports, the Panel concluded that JFK fell short of "today's global standards" for airports.¹³ The Panel found that the airport was "in its current condition due to the lack of an overall plan to guide the Airport's development, resulting in an inconsistent passenger experience, facilities that are quickly reaching their capacity, on-airport roadways that are confusing to navigate, and an airport that is increasingly difficult to access."¹⁴ The Panel also indicated that other global airports, such as those in London, Singapore, Istanbul and Los Angeles, were investing to expand and improve passenger experiences, and in order for JFK and the State of New York to remain competitive in the global economy, JFK would have to be improved and modernized.¹⁵ The Panel noted that failure to improve and modernize could result in economic loss for the State and greater metropolitan area, if travelers utilized the airport less frequently.¹⁶ Based on projections that JFK will exceed capacity by up to three million passengers annually by the mid-2020s, for each million passengers not accommodated, the New York/New Jersey region would "lose approximately \$140 million in annual wages, \$400 million in annual sales, and 2,500 jobs."¹⁷

JFK's Current Challenges

The Vision Plan outlined five broad areas of unique challenges facing JFK:

- Inefficiently laid out terminals and their configurations, resulting in an unbalanced, fragmented airport;¹⁸
- The airport's roadway network, which is often congested and difficult to navigate, prohibiting future passenger growth;¹⁹
- Airport operations and delays, including taxiway constraints and operating limitations imposed federally that prevent airport operations from making more flights;²⁰

⁸ CUNY Baruch College Zicklin School of Business, NYCdata, Infrastructure: New York City (NYC) John F. Kennedy International Airport (JFK), Available at https://www.baruch.cuny.edu/nycdata/infrastructure/airport_jfk.html.

⁹ *Id.*

¹⁰ NYS Governor Andrew Cuomo, Airport Advisory Panel, *A Vision Plan for John F. Kennedy International Airport*, Available for download at <https://www.anewjfk.com/>.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 2.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 5

¹⁹ *Id.*

²⁰ *Id.*

- Cargo operations, with JFK being one of the leading international air cargo centers in the world, yet unable to achieve its full potential due to its inefficient cargo facilities that do not meet current industry standards and due to the facilities being separately spread across the airport, resulting in increased transfer times, costs to businesses, and inefficiency;²¹ and
- Increasingly crowded, congested, and unreliable transportation access to the airport, with traffic and travel times being very unpredictable and a lack of mass transit options.²²

By 2030, it is predicted that the number of passengers at the airport will increase by nearly one-third, to over 75 million.²³ With this increase, access to the airport and its functions could prove to be even more difficult, thus, the Program seeks to remedy many of these challenges.²⁴

Vision Plan Recommendations

Through the Vision Plan, the Panel recommended a number of ways in which to address the challenges that JFK currently faces. Among other things, the Panel recommended:

- All future terminal expansion and redevelopment projects be planned with a focus on interconnection with other terminals;²⁵
- Older terminals be redeveloped in partnership with their private lessees;²⁶
- On-airport roadway network be redesigned to evolve over time into a ring-road configuration and provide expanded parking capabilities within JFK's central terminal area;²⁷
- Operational limitations be reduced or removed through working with the Federal Aviation Administration;²⁸
- PANYNJ to continue to evaluate options for additional airside capacity;²⁹
- PANYNJ to implement enhanced security;³⁰
- New, consolidated, and expanded cargo facilities be added in the northern area of JFK;³¹
- The Van Wyck Expressway be expanded from three lanes to four lanes in each direction;³²
- Invest in short-term roadway improvements;³³
- The station complex at Jamaica be completely overhauled to improve the connection between the AirTrain, the LIRR, and the MTA Subway;³⁴ and
- The JFK AirTrain be expanded from two cars up to four cars per train with more frequent service.³⁵

The JFK Redevelopment Program

JFK Airport handles nearly 62 million passengers annually, supports 280,000 jobs, and generates more than \$51 billion in sales and \$17.1 billion in wages.³⁶ The Program represents a \$19 billion investment into the JFK Airport, including a capital investment from the PANYNJ of \$3.9 billion and a more than five to one leveraged

²¹ *Id.* at 5 and 6

²² *Id.* at 6

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* 8

²⁶ *Id.*

²⁷ *Id.* at 9

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.* at 10

³² *Id.* at 11

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ The Port Authority of New York and New Jersey, A Whole New JFK, Available at <https://www.anewjfk.com/>.

private investment of more than \$15 billion.³⁷ The Program will add more than 15,000 jobs to the area, with 9,600 direct jobs coming from the redevelopment, with a goal of 30% Minority- and Women-Owned Business Enterprise Program (M/WBE) utilization across all redevelopment projects.³⁸ This goal would provide minorities and women increased access to jobs and contracting opportunities.³⁹ The Program ultimately looks to modernize JFK and accommodate growing passenger levels “by creating a more efficient airport roadway system, expanding parking and increasing capacity on AirTrain JFK.”⁴⁰

The New York State Department of Transportation has identified a number of short- and long-term projects to improve JFK through the Program. For one, as noted above, the Program will emphasize M/WBE goals in construction and redevelopment, as well as a preference for local business enterprises (LBE) in specific zip codes of the City.⁴¹ These businesses have the opportunity to access billions of dollars in contracting opportunities, and can become eligible in the PANYNJ’s supplier diversity program, which provides contracting opportunities, capacity-building incentives, and support services, networking events, and business development sessions.⁴² The Program will also prioritize the creation of a PANYNJ-sponsored JFK Redevelopment Project Readiness Boot Camp for Local M/WBEs to ensure that businesses are prepared to bid on upcoming projects at JFK.⁴³ In addition to the M/WBE goals, the Program offers numerous job opportunities, including positions with the New Terminal One (NTO) Team, which is building the new Terminal 1;⁴⁴ Delta Airlines, which is building Terminal 4;⁴⁵ JFK Millennium Partners (JMP), which is the development partner for Terminal 6;⁴⁶ American Airlines and Holt Construction, which are redeveloping Terminal 8;⁴⁷ and Shanska and Halmar International, which will be offering procurement opportunities to providers related to JFK’s roadways, utilities and Ground Transportation Center.⁴⁸

The Program has an emphasis on providing M/WBEs and LBEs specific opportunities for a total of 30 percent of all contracts awarded. To this end, since July 2022, the PANYNJ has reported on key metrics related to contracts awarded for the Program to M/WBEs and LBEs.⁴⁹ Based on December 2023 reporting, the following charts provide a breakdown of type of firm, award amount, payment amount, and total number of firms for the PANYNJ, NTO, Delta Air Lines, JMP and American Airlines:⁵⁰

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ The Port Authority of New York and New Jersey, A Whole New JFK, Work With US, Available at <https://www.anewjfk.com/work-with-us/>.

⁴¹ The Port Authority of New York and New Jersey, A Whole New JFK, Work With US, Business Opportunities, Available at <https://www.anewjfk.com/work-with-us/work-with-panynj/>.

⁴² The Port Authority of New York and New Jersey, A Whole New JFK, Work With Us, Available at <https://www.anewjfk.com/work-with-us/#section-2>.

⁴³ The Port Authority of New York and New Jersey, A Whole New JFK, Work With US, Business Opportunities, Available at <https://www.anewjfk.com/work-with-us/work-with-panynj/>.

⁴⁴ The Port Authority of New York and New Jersey, A Whole New JFK, Work With US, The New Terminal One Overview of Near-Term Opportunities, Available at <https://www.anewjfk.com/work-with-us/work-with-the-new-terminal-one/>.

⁴⁵ The Port Authority of New York and New Jersey, A Whole New JFK, Work With US, Delta-JFKIAT, Available at <https://www.anewjfk.com/work-with-us/work-with-delta-jfkmat/>.

⁴⁶ The Port Authority of New York and New Jersey, A Whole New JFK, Work With US, JFK Millennium Partners, Available at <https://www.anewjfk.com/work-with-us/work-with-jmp/>.

⁴⁷ The Port Authority of New York and New Jersey, A Whole New JFK, Work With US, American Airlines, Available at <https://www.anewjfk.com/work-with-us/work-with-american-airlines/>.

⁴⁸ The Port Authority of New York and New Jersey, A Whole New JFK, Work With Us, SHJV-Roadways and GTC, Available at <https://www.anewjfk.com/work-with-us/work-with-shjv-roadways-and-gtc/>.

⁴⁹ The Port Authority of New York and New Jersey, A Whole New JFK, Work With Us, Available at <https://www.anewjfk.com/work-with-us/#section-2>.

⁵⁰ Charts have been re-formatted to fit this report. Original reports are available to download at: The Port Authority of New York and New Jersey, A Whole New JFK, Work With Us, Available at <https://www.anewjfk.com/work-with-us/#section-2>.

PANYNJ

Type of Firm	Awards (thru 12/31/2023) \$731M	Payments (thru 12/31/2023) \$550M	No. of Firms
MBE (All Ethnicities)	\$155M 21%	\$116M 23%	164
<i>MBE: Asian Pacific/Indian</i>	<i>\$67M 9%</i>	<i>\$57M 11%</i>	69
<i>MBE: Black/African American</i>	<i>\$46M 6%</i>	<i>\$36M 7%</i>	42
<i>MBE: Hispanic/Latino</i>	<i>\$42M 6%</i>	<i>\$23M 5%</i>	53
WBE (Caucasian Women)	\$62M 9%	\$42M 8%	97
LBE Tier 1	\$53M 7%	\$36M 7%	38
LBE Tier 2	\$68M 9%	\$45M 9%	34

The New Terminal One/T1

Type of Firm	Awards (thru 12/31/2023) \$2.5B	Payments (thru 12/31/2023) \$1.4B	No. of Firms
MBE (All Ethnicities)	\$536M 22%	\$216M 16%	176
<i>MBE: Asian Pacific/Indian</i>	<i>\$97M 4%</i>	<i>\$50M 4%</i>	59
<i>MBE: Black/African American</i>	<i>\$180M 7%</i>	<i>\$62M 5%</i>	69
<i>MBE: Hispanic/Latino</i>	<i>\$259M 10%</i>	<i>\$104M 8%</i>	46
<i>MBE: Native American</i>	<i>\$1M 0.03%</i>	<i>\$0 0%</i>	2
WBE (Caucasian Women)	\$247M 10%	\$95M 7%	97
LBE Tier 1	\$115M 5%	\$36M 3%	42
LBE Tier 2	\$162M 7%	\$25M 2%	32

Delta Air Lines/JFKIAT/T4

Type of Firm	Awards (thru 12/31/2023) \$1.1B	Payments (thru 12/31/2023) \$912M	No. of Firms
MBE (All Ethnicities)	\$227M 21%	\$200M 22%	125
<i>MBE: Asian Pacific/Indian</i>	<i>\$75M 7%</i>	<i>\$62M 7%</i>	36
<i>MBE: Black/African American</i>	<i>\$58M 5%</i>	<i>\$51M 6%</i>	46

<i>MBE: Hispanic/Latino</i>	\$94M 9%	\$86M 9%	41
<i>MBE: Native American</i>	\$214K 0.02%	\$196K 0.02%	2
WBE (Caucasian Women)	\$162M 15%	\$92M 10%	88
LBE Tier 1	\$32M 3%	\$25M 3%	30
LBE Tier 2	\$86M 8%	\$74M 8%	47

JFK Millennium Partners/T6

Type of Firm	Awards (thru 12/31/2023) \$1.8B	Payments (thru 12/31/2023) \$725M	No. of Firms
MBE (All Ethnicities)	\$227M 13%	\$53M 7%	103
<i>MBE: Asian Pacific/Indian</i>	\$65M 4%	\$27M 4%	29
<i>MBE: Black/African American</i>	\$67M 4%	\$6M 1%	37
<i>MBE: Hispanic/Latino</i>	\$92M 5%	\$20M 3%	34
<i>MBE: Native American</i>	\$2M 0.1%	\$2.5K 0%	3
WBE (Caucasian Women)	\$169M 9%	\$19M 3%	74
LBE Tier 1	\$31M 2%	\$3M 0.5%	20
LBE Tier 2	\$142M 8%	\$11M 2%	19

American Airlines/T8

Type of Firm	Awards (thru 12/31/2023) \$375M	Payments (thru 12/31/2023) \$375M	No. of Firms
MBE (All Ethnicities)	\$96M 26%	\$93M 25%	71
<i>MBE: Asian Pacific/Indian</i>	\$42M 11%	\$40M 11%	24
<i>MBE: Black/African American</i>	\$13M 4%	\$13M 4%	23
<i>MBE: Hispanic/Latino</i>	\$42M 11%	\$40M 11%	23
<i>MBE: Native American</i>	\$143K 0.04%	\$143K 0.04%	1
WBE (Caucasian Women)	\$73M 20%	\$65M 17%	41
LBE Tier 1	\$20M 5%	\$17M 5%	20
LBE Tier 2	\$17M 5%	\$16M 4%	17

The JFK Redevelopment Program's Projects

Overall, there are several major components to the Program and JFK's transformation, with the NTO comprising the largest share of the investments. In December 2021, Governor Kathy Hochul announced that the PANYNJ had reached a revised agreement with the NTO Team to build a 2.4 million square foot international terminal in JFK Airport.⁵¹ The \$9.5 billion state-of-the-art project, funded by private partners, will be built in phases on the sites of JFK's Terminal 1, Terminal 2, and Former Terminal 3.⁵² The NTO project will create more than 10,000 total jobs, including more than 6,000 union construction jobs, while ensuring that they meet the 30% M/WBE and LBE goal of the overall Program.⁵³ The main purpose of this project is to create a more unified, sustainable, modern airport that has world-class passenger amenities, state-of-the-art security, and streamlined roadway access.⁵⁴ Notably, on September 8, 2022, Governor Hochul announced the start of phase one for the NTO, which will ultimately have 23 new gates and will be slated to open in 2026.⁵⁵

In addition to the larger NTO project, the Program included/includes projects redeveloping:

- JFK Terminal 4, which was completed in summer of 2023, with Delta Air Lines and JFK International Air Terminal, LLC increasing capacity of the airport through the implementation of 10 new aircraft parking positions; 150,000 square feet of new gate areas, seating and space; updated halls and gates; and additional curb drop-off space;⁵⁶
- JFK Terminal 6, a \$4.2 billion investment with collaboration from JMP and JetBlue to create a 1.2 million square foot terminal to replace Terminal 6 and 7, with a new ground transportation center, 10 wide-body aircraft gates, and improved and redeveloped roadways;⁵⁷
- JFK Terminal 8, a \$525 million investment with collaboration from American Airlines, Holt Construction and AECOM, to create or update 130,000 square feet with new amenities, enhanced baggage systems, five additional wide-body gates to allow for more transatlantic flights, and four nearby on-airfield plan parking/unloading areas for additional flights.⁵⁸ Notably, on November 29, 2022, Governor Hochul, the PANYNJ, American Airlines and British Airways announced the completion of Terminal 8, which is the first completion of the first phase of the JFK Vision Plan.⁵⁹ In July 2023, American Airlines announced an expansion to the project to improve upon Terminal 8's concessions, retail and new great hall, which makes up \$125 million of the total \$525 million investment;⁶⁰ and
- The Roadways, Utilities and Ground Transportation Center Project, which is a \$1.24 billion project expected to be completed in December 2027, consisting of the design and construction of the on-airport roadway transportation network, including roadway configuration, maintaining and protection of traffic, intuitive wayfinding and enhanced traffic technologies, along with at-grade pavement, retaining walls and bridges, and utility relocations and upgrades.⁶¹

⁵¹ New York State, Governor Kathy Hochul, News, Governor Hochul Announces Plan to Build World-Class \$9.5 Billion International Terminal at JFK Airport, Available at <https://www.governor.ny.gov/news/governor-hochul-announces-plan-build-world-class-95-billion-international-terminal-jfk-airport>.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ New York State, Governor Kathy Hochul, News, Governor Hochul Announces Groundbreaking of \$9.5 Billion New Terminal One in a Major Step Forward for Port Authority's JFK Transformation, Available at <https://www.governor.ny.gov/news/governor-hochul-announces-groundbreaking-95-billion-new-terminal-one-major-step-forward-port>.

⁵⁶ The Port Authority of New York and New Jersey, A Whole New JFK, Terminal Projects, Terminal 4-Delta JFKIAT, Available at <https://www.anewjfk.com/projects/terminal-4-delta-jfkia/>.

⁵⁷ The Port Authority of New York and New Jersey, A Whole New JFK, Terminal Projects, JMP Terminal 6, Available at <https://www.anewjfk.com/jmp-terminal6/>.

⁵⁸ The Port Authority of New York and New Jersey, A Whole New JFK, Terminal Projects, American Airlines Terminal 8, Available at <https://www.anewjfk.com/projects/american-airlines-terminal-8/>.

⁵⁹ New York State, Governor Kathy Hochul, News, Governor Hochul, the Port Authority of New York & New Jersey, American Airlines and British Airways Announce Completion of JFK's First Redevelopment Project at Terminal 8, Available at <https://www.governor.ny.gov/news/governor-hochul-port-authority-new-york-new-jersey-american-airlines-and-british-airways>.

⁶⁰ The Port Authority of New York and New Jersey, A Whole New JFK, Terminal Projects, American Airlines Terminal 8, Available at <https://www.anewjfk.com/projects/american-airlines-terminal-8/>.

⁶¹ The Port Authority of New York and New Jersey, A Whole New JFK, Terminal Projects, SHJV-Roadways and

JFK Redevelopment Advisory Council

In an effort to ensure that the Program is engaging with local communities surrounding JFK Airport, in October 2018, the PANYNJ announced the JFK Redevelopment Community Advisory Council (Advisory Council).⁶² The Advisory Council is made up of local elected officials, community boards, clergy, and civic and business leaders in an effort to improve outreach to the local community and gauge their concerns and comments.⁶³

LEGISLATIVE ANALYSIS

Int. No. 134-A - A Local Law in relation to requiring regular reports on the redevelopment plans at John F. Kennedy International Airport

Int. 134-A would require the New York City Economic Development Corporation (EDC) to submit an annual report to certain elected officials on the progress of the JFK redevelopment plan and related community benefits package. The report would include information on the progress and any changes to the scope, timeline, or budget of the redevelopment plan; actions taken by the Port Authority related to the plan and community benefits package, such as property acquisitions, contracts awarded to minority- and women-owned business enterprises (M/WBEs) and local business enterprises (LBEs), permit applications, the establishment of advisory boards; and any other relevant information.

Section one of Int. 134-A defines several key terms in the bill, including "community benefits package," "commissioner," "covered contract," and provides a more detailed definition of "redevelopment plan."

Section two of Int. 134-A would require EDC to submit annual reports to the Speaker of the Council, the Queens Borough President, and the Council Member for the district that includes John F. Kennedy International Airport on the progress of the JFK redevelopment program and any related community benefits package. Such reports would be due no later than February 1 of each year. This differs from Int. 134 by updating the reporting frequency from biannual to annual and specifying additional recipients.

Paragraph one of subdivision two would require the reports to include the progress made to date on the JFK redevelopment plan and any changes made to the scope, timeline, or budget of the plan, if any. This differs from Int. 134 by adding the language "if any" to the requirement for reporting changes.

Paragraph two of subdivision two would require the reports to include actions taken by the Port Authority pursuant to its agreement with the City, for which EDC is the lease administrator, related to the JFK redevelopment plan and any community benefits package known to EDC, including: (a) any property acquisitions or transfers; (b) any contracts awarded to M/WBEs and LBEs; (c) any applications or awards for permits or variances; (d) the establishment of any advisory boards or committees; and (e) any other relevant policies enacted, financing arrangements made, or other procedural actions taken related to the JFK redevelopment plan. This expands upon Int. 134 by adding a requirement to report specifically on contracts awarded to M/WBEs and LBEs, and removes the requirements to report on changes made to airport operations or flight paths.

Paragraph three of subdivision two would require the reports to include any other information EDC determines may be relevant regarding the redevelopment plan, community benefits package, or associated actions of the Port Authority. This removes the requirement from Int. 134 for an analysis of the impact of the redevelopment plan and community benefit agreements on surrounding communities.

Section two also adds provisions stating that the report may include information by providing a reference to a publicly available source, where applicable, and that EDC shall make reasonable efforts to obtain information not known to them and describe such efforts in the report. These provisions are new in Int. 134-A and were not present in Int. 134.

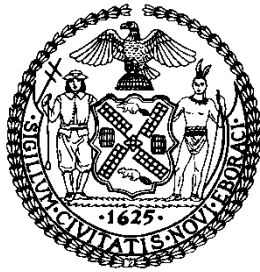
GTC, Available at <https://www.anewjfk.com/projects/shjv-roadways-and-gtc/>.

⁶² The Port Authority of New York and New Jersey, A Whole New JFK, Public Outreach, JFK Redevelopment Community Advisory Council Membership, Available at <https://www.anewjfk.com/community-advisory-council-membership/>.

⁶³ *Id.*

Section three of Int. 134-A states that the local law would take effect immediately and would be deemed repealed upon the submission of the next report required by section two after the completion of the redevelopment plan. It also adds requirements for notifying the Corporation Counsel, who shall notify the New York State Legislative Bill Drafting Commission and relevant publishers upon the repeal of the law. This enactment section expands on Int. 134 and adds more specific conditions for the repeal of the law and requirements for notifying relevant parties upon repeal.

(The following is the text of the Fiscal Impact Statement for Int. No. 134-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: 134-A

COMMITTEE: Economic Development

TITLE: A Local Law in relation to requiring regular reports on the redevelopment plans at John F. Kennedy International Airport.

SPONSOR(S): Council Members Brooks-Powers, Hudson, Williams, Louis, Fariás, Ariola and the Speaker (Council Member Adams) (in conjunction with the Queens Borough President).

SUMMARY OF LEGISLATION: This bill would require the New York City Economic Development Corporation (EDC) to submit an annual report to certain elected officials on the progress of the JFK redevelopment plan and related community benefits package. Such report would include information on the progress and any changes to the scope, timeline, or budget of the redevelopment plan; actions taken by the Port Authority related to the plan and community benefits package, such as property acquisitions, contracts awarded M/WBEs, permit applications, the establishment of advisory boards; and any other relevant information as determined by EDC.

EFFECTIVE DATE: This local law takes effect immediately and is deemed repealed upon completion of the John F. Kennedy international airport redevelopment plan.

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

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as the agency responsible for its implementation 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: Glenn Martelloni, Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Michael Twomey, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council on February 28, 2024, as Proposed Intro. No. 134, and was referred to the Committee on Economic Development (the Committee). A joint hearing was held by the Committee and the Committee on Transportation and Infrastructure on April 3, 2024, and the legislation was heard and laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 134-A, will be considered by the Committee at a hearing on May 23, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 134-A will be submitted to the full Council for a vote on May 23, 2024.

DATE PREPARED: May 22, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 134-A:)

Int. No. 134-A

By Council Members Brooks-Powers, Hudson, Williams, Louis, Farías, Rivera, Gennaro, Ariola and the Speaker (Council Member Adams) (in conjunction with the Queens Borough President).

A Local Law in relation to requiring regular reports on the redevelopment plans at John F. Kennedy International Airport

Be it enacted by the Council as follows:

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

“Community benefits package” means the community benefits package tied to the redevelopment plan and announced by the mayor’s office in February 2021 that includes requirements for workforce development, community hiring, business development, education programs and environmental sustainability.

“Commissioner” has the same meaning as such term is defined in section 22-821 of the administrative code of the city of New York.

“Contracted entity” has the same meaning as such term is defined in section 22-821 of the administrative code of the city of New York.

“Covered contract” has the same meaning as such term is defined in section 22-821 of the administrative code of the city of New York.

“Port Authority” means the Port Authority of New York and New Jersey.

“Redevelopment plan” means the John F. Kennedy International Airport redevelopment program that implements the “A Vision Plan for John F. Kennedy International Airport” report submitted to the governor of New York by the airport advisory panel on January 4, 2017, and described at <https://www.anewjfk.com/>.

§ 2. In each covered contract executed on or after the effective date of this section, the commissioner shall require that, no later than February 1 of each year, the contracted entity submit to the speaker of the city council, the queens borough president, and the council member for the district that includes John F. Kennedy International Airport a report on the progress of the redevelopment plan and any related community benefits package. The report shall include, but need not be limited to, the information described below to the extent it is known to the contracted entity. Such report may include such information by providing a reference to a publicly available source, where applicable. Where such information is not known to the contracted entity, such entity shall make reasonable efforts to obtain such information, and describe such efforts in the report.

1. The progress made to date on the redevelopment plan and any changes made to the scope, timeline or budget of the redevelopment plan, if any.

2. Actions taken by the Port Authority pursuant to its agreement with the city, for which the contracted entity is the lease administrator, related to the redevelopment plan and any community benefits package known to the contracted entity, including:

- (a) any property acquisitions or transfers;
- (b) any contracts awarded to minority- and women- owned business enterprises and local business enterprises;
- (c) any applications or awards for permits or variances;
- (d) the establishment of any advisory boards or committees; and
- (e) any other relevant policies enacted, financing arrangements made, or other procedural actions taken related to the redevelopment plan.

3. Any other information the contracted entity determines may be relevant regarding the redevelopment plan, community benefits package, or associated actions of the Port Authority.

§ 3. This local law takes effect immediately and is deemed repealed upon the submission of the next report required by section two of this local law after the completion of the redevelopment plan, upon which submission the contracted entity shall notify the corporation counsel, who shall notify the New York state legislative bill drafting commission, in order that the commission may maintain an accurate and timely effective database of the laws of the city of New York in furtherance of effectuating the provisions of section 70-b of the public officers law, and the corporation counsel shall notify relevant publishers in furtherance of effectuating the provisions of section 7-111 of the administrative code, provided that failure to provide the notifications described in this section shall not affect the effective date of any section of this local law.

AMANDA C. FARÍAS, *Chairperson*; ALEXA AVILÉS, ERIK D. BOTTCHER, JENNIFER GUTIÉRREZ, KEVIN C. RILEY; 5-0-0; *Absent*: Rafael Salamanca, Jr. and Inna Vernikov; Committee on Economic Development, May 23, 2024.

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

Report for Res. No. 412

Report of the Committee on Finance in favor of approving a Resolution concerning the establishment of the Cypress Hills Fulton Business Improvement District in the Borough of Brooklyn and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.

The Committee on Finance, to which the annexed resolution was referred on May 16, 2024 (Minutes, page 2059), respectfully

REPORTS:

SUMMARY

On May 23, 2024, the New York City Council Committee on Finance, chaired by Council Member Justin Brannan, will hold a hearing to vote on Resolution No. 412, sponsored by Council Member Sandy Nurse; Resolution No. 421, sponsored by Council Member Julie Won; and a Preconsidered resolution sponsored by Council Member Brannan. Resolutions 412 and 421 sets the date, time, and place for a public hearing to consider local laws that would (a) establish the Cypress Hills Fulton Business Improvement District, and (b) authorize a change in the name of the Queens Plaza/Court Square 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, respectively. The resolutions set June 20, 2024 at 10:00 am in the City Council Committee Room, 2nd floor, City Hall, Manhattan as the date, time, and place for the hearing. The Preconsidered resolution is in relation to establishing the discount percentage for early payment of real estate taxes for Fiscal Year 2025.

BACKGROUND

Resolutions 412 and 421

Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (hereinafter the “Law”), the Mayor and the Council are authorized to establish Business Improvement Districts (hereinafter “BIDs”) in New York City. BIDs, which are specifically established areas, use the City’s property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The Steering Committee of a BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

Pursuant to §§ 25-406 and 25-407 of the Administrative Code, a BID may be formed or extend its district borders upon the Council adopting a local law approving the establishment or the extension of the district. Prior to adopting the local law, the Council must fix via adopted resolution the time, date, and place for a public hearing on the local law. Pursuant to §§ 25-410(b)-(c) and 25-416 of the Administrative Code, a BID may alter its assessment method and obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BID for improvements, services, maintenance, and operation) by means of the adoption of a local law amending the BID’s district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in § 25-412 of the Administrative Code will not be exceeded.

Notice of the public hearing to consider such a local law must be published in at least one newspaper having general circulation in the district specifying the time when, and the place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually. Accordingly, the resolutions also direct the respective BID district management associations to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the public hearing, a notice stating the time and place of the public hearing.

Cypress Hills Fulton BID

The proposed Cypress Hills Fulton BID is located in the Cypress Hills neighborhood of eastern Brooklyn, covering about 26 blocks on Fulton Street between Van Siclen Avenue and Eldert Lane. The proposed BID contains 325 businesses and is generally characterized by multi-story buildings with ground-floor commercial and apartments above. The Cypress Hills Fulton BID is being formed by the Cypress Hills LDC community group; services to be provided include sanitation, public safety, marketing and promotion, and streetscape repairs. The estimated first year budget would be \$400,000. The median yearly contribution for a commercial or mixed-use tax lot would be approximately \$669, with assessments based on a building's size and street frontage. Tax lots with only residential uses would be assessed at an annual flat fee of \$1. Government and not-for-profit owned property devoted to solely public or not-for-profit uses would be exempt from an assessment.

Long Island City BID

The Queens Plaza/Court Square BID is located in the Long Island City neighborhood of Queens, anchored on the Queens Plaza and Court Square subway stops. The proposal would rename the BID the "Long Island City BID" and expand its boundaries to include properties generally along Northern Boulevard and Vernon Boulevard, as well as expand to the south and east side of Sunnyside Yards. The existing BID includes approximately 308 businesses, and the expansion would cover an additional 441 businesses. Services to be provided include sanitation, maintenance, marketing and promotion, holiday lighting, and administration and advocacy. The estimated first year budget for the expanded BID would be \$2,058,978. Assessments will be determined by a subject building's use and size in the North and South sub-districts, and solely on size in the East sub-district. The median yearly assessment for a commercial or mixed-use tax lot would be \$701. Tax lots with only residential uses would be assessed at an annual flat fee of \$1 per lot. Government and not-for-profit-owned property devoted solely to public or not-for-profit use would be exempt from an assessment. Assessments collected will be used within the sub-district where the assessed property is located, in respect of each sub-district having different needs.

Preconsidered Resolution 437

Under current law, the City provides a discount for property owners who pay their property tax bills early. To receive a discount on the entire tax bill, both semi-annual and quarterly taxpayers have to pay the entire tax bill prior to the date the July 1st installment could be paid without interest. For quarterly taxpayers, if the taxpayer does not pay the entire tax bill upfront, but instead pays the last three quarters in full on or before October 15th, the discount is calculated at a rate of two-thirds of the discount percentage. If the last two quarters (due in January and April) are paid in full on or before January 15th, the taxpayer receives a discount equal to one-third of the discount percentage. A tax installment paid after the January 15th due date is not eligible for a discount.

The New York City Council is charged with the responsibility of setting the discount percentages for the early payment of real estate taxes prior to the dates on which such taxes become due and payable. Specifically, §1519-a(7)(b) of the New York City Charter provides that not later than the 13th day of May in each year, the New York City Banking Commission (the "Banking Commission") shall send a written recommendation to the Council of a proposed discount percentage for the ensuing fiscal year.

Further, §1519-a(7)(c) of the New York City Charter provides that the New York City Council may adopt a discount percentage by resolution no earlier than the 14th day of May.

If the Council does not set a discount rate, the default discount rate, which is set by §1519-a(7)(d) of the New York City Charter will apply. The default discount rate is a formula equaling the annualized interest rate

on six-month United States treasury bills, as reported by the Board of Governors for the Federal Reserve System plus seventy-five basis points, the sum of which is divided by four for the last business day of April preceding the ensuing fiscal year. This year, the Banking Commission has estimated that this default rate would be 1.45% if the Council does not set a discount rate.

The Banking Commission forwarded to the Council, by letter dated May 10, 2024, its recommendation that the discount percentage for early payment of real estate taxes for Fiscal Year 2025 be set at one-half of one percent (0.5%) per annum.

As required by Local Law 30 of 2015, the Banking Commission included with its recommendations a report detailing the factors considered when determining the recommendation. For the Fiscal Year 2025 recommendation, the Banking Commission considered the City's cash balances, the estimated savings from fewer issuances of property tax statements, current interest rates, and discount rates offered by other municipalities and found no economic reason to change the Fiscal 2024 discount rate from the current Fiscal 2023 discount rate of 0.5%

Pursuant to Charter §1519-a(7)(c), the Council adopts the Banking Commission's recommendation and establishes that the discount percentage for early payment of real estate taxes shall be set at one-half of one percent (0.5%) per annum for Fiscal Year 2025.

(For text of Res. No. 421 and Preconsidered Res. No. 437, please see the Reports of the Committee on Finance for Res. No. 421 and Preconsidered Res. No. 437, respectively, printed in these Minutes; for text of Res. No. 412, please see below)

Accordingly, this Committee recommends the adoption of Res. Nos. 412, 421, and 437.

(The following is the text of Res. No. 412:)

Res. No. 412

Resolution concerning the establishment of the Cypress Hills Fulton Business Improvement District in the Borough of Brooklyn and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.

By Council Members Nurse and Gutiérrez.

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 December 12, 2023, provided for the preparation of a district plan ("the Plan") for the Cypress Hills Fulton Business Improvement District ("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 establishing Business Improvement Districts; and

WHEREAS, pursuant to section 25-405(c) of the Law, the New York City Department of Small Business Services ("SBS") submitted the Plan to the City Planning Commission ("the CPC") on February 2, 2024; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the City Council on February 2, 2024; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the Council Member representing the council district in which the proposed District is located on February 2, 2024; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the community board for the community district in which the proposed District is located (Brooklyn Community Board 5, hereinafter "the Community Board") on February 2, 2024; and

WHEREAS, the CPC submitted the Plan to the Brooklyn Borough President on February 2, 2024; and

WHEREAS, pursuant to section 25-405(c) of the Law, the Community Board notified the public of the Plan in accordance with the requirements established by the CPC; and

WHEREAS, on February 28, 2024, the Community Board voted to approve the establishment of the District; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC reviewed the Plan, held a public hearing and prepared a report certifying its unqualified approval of the 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 proposed District is located; and

WHEREAS, pursuant to section 25-405(c) of the Law, a copy of the CPC's report, together with the original Plan, was transmitted for filing with the City Clerk on April 3, 2024; and

WHEREAS, pursuant to section 25-406(a) of the Law, a copy of the 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 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 District, objecting to the 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 proposed for establishment, 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 proposed for establishment, file objections to the Plan with the City Clerk within the thirty-day objection period, the District will not be established; 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) June 20, 2024 is the date and 10:00 AM is the time and the City Council Committee Room, City Hall, 2nd Floor, is the place for a public hearing ("the Public Hearing") to hear all persons interested in the establishment of the District;

(ii) the Cypress Hills Fulton Business Improvement District Steering Committee shall, not less than ten nor more than thirty 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 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 District, and to the tenants of each building within the proposed 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; and

(iv) in the event that the Cypress Hills Fulton Business Improvement District Steering Committee 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.

JUSTIN L. BRANNAN, *Chairperson*; FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, NANTASHA M. WILLIAMS, YUSEF SALAAM, DAVID M. CARR; *Absent*: Diana I. Ayala and Althea V. Stevens; *Parental*: Julie Won; 14-0-0; Committee on Finance, May 23, 2024.

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 Res. No. 421

Report of the Committee on Finance in favor of approving a Resolution authorizing a change in the name of the Queens Plaza/Court Square 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.

The Committee on Finance, to which the annexed resolution was referred on May 16, 2024 (Minutes, page 2078), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for Res. No. 412 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 421:)

Res. No. 421

Resolution authorizing a change in the name of the Queens Plaza/Court Square 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 Member Won.

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 December 12, 2023, provided for the preparation of a district plan (“the Plan”) for the Queens Plaza/Court Square Business Improvement District (to be renamed the Long Island City Business Improvement District, or the “District”) in the Borough of Queens; and

WHEREAS, pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation establishing Business Improvement Districts; and

WHEREAS, pursuant to authority granted by the Law, the District was established by Local Law No. 62 for the year 2004; 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 \$2,058,978, to extend the District's boundaries, to amend the district plan 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 the Plan to the City Planning Commission ("the CPC") on February 2, 2024; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the City Council on February 14, 2024; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the Council Members representing the council districts in which the proposed District is located on February 14, 2024; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted the Plan to the community boards for the community districts in which the proposed District is located (Queens Community Boards Number 1 and Number 2) on February 14, 2024; and

WHEREAS, the CPC submitted the Plan to the Queens Borough President on February 14, 2024; and

WHEREAS, pursuant to section 25-405(c) of the Law, Queens Community Board Number 1 and Queens Community Board Number 2 notified the public of the Plan in accordance with the requirements established by the CPC; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC reviewed the Plan, held a public hearing and prepared a report certifying its unqualified approval of the Plan; and

WHEREAS, pursuant to section 25-405(c) of the Law, the CPC submitted its report to the Mayor, to the Queens Borough President, to the City Council, and to the Council Members representing the council districts in which the District is located; and

WHEREAS, pursuant to section 25-405(c) of the Law, a copy of the CPC's report, together with the amended Plan, was transmitted for filing with the City Clerk on April 3, 2024; and

WHEREAS, pursuant to section 25-406(a) of the Law, a copy of the 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 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 District, objecting to the 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 proposed for establishment, 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 proposed for establishment, file objections to the Plan with the City Clerk within the thirty-day objection period, the District will not be established; 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) June 20, 2024 is the date and 10:00AM is the time and the City Council Committee Room, City Hall, 2nd Floor, is the place for a public hearing (“the Public Hearing”) to hear all persons interested in the extension of the District;

(ii) the Long Island City 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 Long Island City 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 Long Island City 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.

JUSTIN L. BRANNAN, *Chairperson*; FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, NANTASHA M. WILLIAMS, YUSEF SALAAM, DAVID M. CARR; *Absent*: Diana I. Ayala and Althea V. Stevens; *Parental*: Julie Won; 14-0-0; Committee on Finance, May 23, 2024.

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).

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

Report for Res. No. 436

Report of the Committee on Finance in favor of approving 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 May 23, 2024, 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”). On June 30, 2023, the Council adopted the expense budget for fiscal year 2024 with various programs and initiatives (the “Fiscal 2024 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 2024, Fiscal 2023, and Fiscal 2022 Expense Budgets (“Charts”).

This Resolution, dated May 23, 2024, approves the new designations and the changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, boroughwide, and Speaker’s initiative to address citywide needs discretionary funding and funding for certain initiatives in accordance with the Fiscal 2024 Expense Budget; approves the changes in designation of certain organizations receiving local and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2023 Expense Budget; approves the changes in the designation of certain organizations receiving youth discretionary funding and funding for a certain initiative in accordance with the Fiscal 2022 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving local, youth, aging, and Speaker’s initiative to address citywide needs discretionary funding in accordance with the Fiscal 2024 and Fiscal 2022 Expense Budgets. 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 2024, 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 Preconsidered Res. No. 436:)

Preconsidered Res. No. 436

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

By Council Member Brannan.

Whereas, On June 30, 2023, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”); and

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 2024 and Fiscal 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, boroughwide, and Speaker’s initiative 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 2024 and Fiscal 2022 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth, aging, and Speaker’s initiative discretionary funding; now, therefore, be it

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2024 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 2024 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 2024 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2024 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 2024 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2024 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 Parks Equity Initiative in accordance with the Fiscal 2024 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 Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 9; 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 Food Pantries Initiative in accordance with the Fiscal 2024 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 Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2024 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 Crisis Management System Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 13; 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 2024 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 funding pursuant to the Trans Equity Programs Initiative in accordance with the Fiscal 2024 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 LGBTQIA+ Inclusive Curriculum Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Pride At Work Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the LGBTQIA+ Community Services Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the MCCAP Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 21; 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 22; 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 2023 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the changes in the designation 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 24; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Trans Equity Programs Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the MCCAP Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 28; 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 29; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 33.

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 436 of 2024 file](https://council.nyc.gov) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

JUSTIN L. BRANNAN, *Chairperson*; FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, NANTASHA M. WILLIAMS, YUSEF SALAAM, DAVID M. CARR; *Absent*: Diana I. Ayala and Althea V. Stevens; *Parental*: Julie Won; 14-0-0; Committee on Finance, May 23, 2024.

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).

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

Report for Res. No. 437

Report of the Committee on Finance in favor of approving a Resolution to establish that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2025.

The Committee on Finance, to which the annexed preconsidered resolution was referred on May 23, 2024, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for Res. No. 412 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 437:)

Preconsidered Res. No. 437

Resolution to establish that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2025.

By Council Member Brannan.

Whereas, Pursuant to section 1519-a(7)(b) of the New York City charter, the Banking Commission is required to recommend to the City Council, not later than the 13th day of May, the proposed discount percentage allowed for early payment of real estate taxes; and

Whereas, Section 1519-a(7)(c) of the New York City charter provides that the Council may adopt a discount percentage for early payment of real estate taxes no earlier than the 14th day of May; and

Whereas, The Banking Commission forwarded its recommendation to the Council, by letter dated May 10, 2024, that the discount percentage for early payment of real estate taxes for Fiscal Year 2025 be set at one-half of one percent per annum; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2025.

JUSTIN L. BRANNAN, *Chairperson*; FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, NANTASHA M. WILLIAMS, YUSEF SALAAM, DAVID M. CARR; *Absent*: Diana I. Ayala and Althea V. Stevens; *Parental*: Julie Won; 14-0-0; Committee on Finance, May 23, 2024.

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).

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 L.U. No. 83

Report of the Committee on Finance in favor of approving Ft Greene.HUDMF.FY24: Block 1959, Lot 27; Block 2096, Lot 6; Block 2097, Lots 7 and 15, Brooklyn, Community District No. 2, Council District No. 35.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 23, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(The following is the text of a Memo to the Finance Committee from the Finance Division of the New York City Council:)

THE COUNCIL OF THE CITY OF NEW YORK

May 23, 2024

TO: Hon. Justin Brannan Chair, Finance Committee
Members of the Finance Committee

FROM: Michael Twomey, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of May 23, 2024 – Resolution approving a tax exemption for one Land Use item (Council Districts 35)

Ft Greene.HUDMF.FY24

Ft Greene.HUDMF.FY24 (the “Project”) consists of a merger of two existing projects: Greene Clermont & Tri-Block. The Project consists of four buildings on four lots in the Fort Greene neighborhood, Brooklyn, containing 193 units: 132 one-bedrooms, 45 two-bedrooms (2 of which are reserved for the superintendents), and 16 three-bedrooms. There are two HUD Project-based Section 8 Mark-Up-to-Market HAP contracts on this Project: one is for the Greene Clermont, and the other is for the Tri-Block. The HAP contract’s effective date for the Greene Clermont is 3/1/2013, for the Tri-Block is 2/16/2014, and both are in effect for 20 years from their effective dates.

To maintain the Project as affordable housing, the Project is seeking a partial Article XI tax exemption. Beginning on the date of closing, the sponsor proposes to preserve the Project for 40 years under Article XI with a 6% base gross rent tax, increasing by 25% of future HUD contract rent increases up to a cap of the lower of 17% of HUD contract rents and full property taxes. The proposed exemption would help preserve affordable housing in the Fort Greene neighborhood for tenants with incomes at 50% AMI or less. As part of the merger, an existing Article V exemption for Tri-Block will be terminated.

This transaction will also provide 58 units of additional housing for homeless tenants under a 30% set aside requiring every other vacant unit reserved for homeless tenants until 30% (58 units) of the Project is rented to formerly homeless households. As part of this transaction, the Project will complete capital work as identified in an Integrated Physical Needs Assessment (“IPNA”) along with improvements under HPD’s Aging-in-Place (“AIP”) initiative. The scope of work includes new kitchen cabinets, tub replacements, façade work, subfloor repairs, and the installation of AIP kitchen packages and bathroom packages for those tenants who requested such packages.

Summary:

- Borough – Brooklyn
- Block 1959, Lot 27; Block 2096, Lot 6; Block 2097, Lots 7 and 15
- Council District – 35
- Council Member – Hudson
- Council Member approval –Yes
- Number of buildings – 4
- Number of units – 193 residential
- Type of exemption – Article XI, partial, 40-year
- Population – Rental
- Sponsors – Tredway Group LLC
- Purpose – preservation
- Cost to the city – \$17.73 million (net present value)
- Housing Code Violations
 - Class A – 2
 - Class B – 4
 - Class C – 3

Anticipated AMI Targets: 50% for all units

Accordingly, this Committee recommends the adoption of L.U. No. 83.

In connection herewith, Council Member Brannan offered the following resolution:

Preconsidered Res. No. 443

Resolution approving a new exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (PHFL), the termination of a prior exemption pursuant to PHFL Section 125, and consent to the voluntary dissolution of the prior owner pursuant to PHFL Section 123(4) for property located at (Block 1959, Lot 27; Block 2096, Lot 6; Block 2097, Lots 7 and 15), Brooklyn (Preconsidered L.U. No. 83).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 15, 2024 that the Council take the following action regarding a housing project located at (Block 1959, Lot 27; Block 2096, Lot 6; Block 2097, Lots 7 and 15), Brooklyn (“Exemption Area”):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption”);

Approve the termination of a prior tax exemption for the Exemption Area pursuant to PHFL Section 125 (the “Termination”);

Consent to the voluntary dissolution of the current owner pursuant to PHFL Section 123(4) (the “Dissolution”);

WHEREAS, The project description that HPD provided to the Council states that the purchaser of the Project (the “Owner”) is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption; Termination and Dissolution;

RESOLVED:

1. The Council hereby grants an exemption from real property taxes as follows: Approve the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:
 - a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) “Company” shall mean Tri-Block FTG LLC and Clermont FTG LLC or any other entities that acquire all or a portion of the beneficial interests in the Exemption Area with the prior written consent of HPD.
 - (2) “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.

- (3) “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
- (4) “Contract Rent Differential Tax” shall mean the sum of (i) \$635,863, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the New Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
- (5) “Current Redevelopment Company Owner” shall mean Tri-Block Associates, L.P.
- (6) “Current Partnership Owner” shall mean Greene Avenue Associates, L.P.
- (7) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
- (8) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1959, Lot 27, Block 2096, Lot 6 and Block 2097, Lots 7 and 15 on the Tax Map of the City of New York.
- (9) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (10) “HDFC” shall mean Ft Greene TB Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
- (11) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (12) “New Exemption” shall mean the exemption from real property taxation provided hereunder.
- (13) “New Owner” shall mean, collectively, the HDFC and the Company.
- (14) “Prior Exemption” shall mean the exemption from real property taxation for a portion of the Exemption Area pursuant to Section 125 of the PHFL approved by the New York City Council on June 21, 2017 (Resolution No. 1567)
- (15) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.

- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 - c. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax.
 - d. Notwithstanding any provision hereof to the contrary:
 - (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - (3) Nothing herein shall entitle the HDFC, the New Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - e. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.
2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Redevelopment Company Owner and the Current Partnership Owner to the New Owner.
 3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Redevelopment Company Owner.
 4. If the conveyance of the Exemption Area from the Current Redevelopment Company Owner and the Current Partnership Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Redevelopment Company Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Redevelopment Company Owner shall be rescinded, and both

the obligations of the Current Redevelopment Company Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

JUSTIN L. BRANNAN, *Chairperson*; FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, NANTASHA M. WILLIAMS, YUSEF SALAAM, DAVID M. CARR; *Absent*: Diana I. Ayala and Althea V. Stevens; *Parental*: Julie Won; 14-0-0; Committee on Finance, May 23, 2024.

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).

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 M-50

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget in regard to an Appropriation of new City revenues in Fiscal Year 2024, pursuant to Section 107(e) of the New York City Charter (MN-6).

The Committee on Finance, to which the annexed preconsidered communication was referred on May 23, 2024 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At the meeting of the Committee on Finance of the City Council on May 23, 2024, the Council considered a communication from the Office of Management and Budget of the Mayor, dated May 15, 2024, of a proposed request to modify, pursuant to Section 107(e) of the Charter of the City of New York, the Fiscal 2024 Expense Budget Plan, and the revenue estimate related thereto prepared by the Mayor as of May 15, 2024.

Analysis. The Council annually adopts the City's budget covering expenditures pursuant to Section 254 of the Charter. On June 30, 2023, the Council adopted the expense budget for fiscal year 2024 (the "Fiscal 2024 Expense Budget"). On December 7, 2023, the administration submitted MN-1, modifying the Fiscal 2024 Expense Budget. On February 1, 2024, the Mayor submitted to the Council MN-3, modifying the Fiscal 2024 Expense Budget. On February 1, 2024, the Mayor submitted to the Council a revenue estimate MN-4, related to the Fiscal 2024 Expense Budget. On May 15, 2024, the Mayor submitted to the Council MN-5, modifying the Fiscal 2024 Expense Budget. On May 15, 2024, the Mayor submitted to the Council a revenue estimate MN-6, related to the Fiscal 2024 Expense Budget.

Circumstances have changed since the Council last adopted the Fiscal 2024 Expense Budget.

Section 107(e) provides one mechanism for the Mayor and the Council to amend the Expense Budget and related revenue estimate to reflect changes in circumstances that occur after adoption of a budget. Section 107(e) permits the modification of the budget in order to create new units of appropriation, to appropriate new revenues from any source other than categorical federal, state and private funding, or to use previously unappropriated funds received from any source.

Discussion of Above-captioned Resolution. The above-captioned resolution would authorize the modifications to the Fiscal 2024 Expense Budget and related revenue estimate requested in the communication.

The Revenue Modification (MN-6) recognizes \$619.0 million in new revenues, including \$618.7 million in tax revenue, and \$356 thousand in miscellaneous revenue. This represents an increase in City funds of approximately 0.78 percent.

The tax revenue increase of \$618.7 million includes \$187 million in general corporation, \$95 million in real property, \$94 million in real property transfer, \$66 million in mortgage recording and \$100 million in audits.

The miscellaneous revenues increase of \$356 thousand includes \$53.8 million in fines and forfeitures, \$31.2 million in other miscellaneous, \$24.9 million in rental income, and \$16.6 million in licenses and franchises. This is partially offset by a revenue reduction of \$88.0 million in charges for services, principally driven by a \$128.3 million reduction from tuition adjustments at CUNY community colleges, and a \$38.2 million reduction in water and sewage charges.

MN-6 appropriates the new revenues into twenty-nine units of appropriation within nine agencies.

The resolution would also direct the City Clerk to forward a certified copy thereof to the Mayor and the Comptroller so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2024 Expense Budget as amended thereby as the budget for the remainder of the fiscal year. The above-captioned resolution would take effect as of the date adopted.

(The following is the text of a Memo to the Finance Committee from the Finance Division of the New York City Council:)

TO: Honorable Adrienne E. Adams
Speaker
Honorable Justin Brannan
Chair, Finance Committee

FROM: Tanisha S. Edwards, Esq.,
Chief Financial Officer and Deputy Chief of Staff to the Speaker
Richard Lee, Director, Finance Division
Jonathan Rosenberg, Managing Director, Finance Division
Emre Edev, Deputy Director, Finance Division
Dilara Dimnaku, Chief Economist, Finance Division
Paul Sturm, Supervising Economist, Finance Division
Michael Twomey, Assistant Counsel

DATE: May 23, 2024

SUBJECT: A Budget Modification (MN-6) for Fiscal 2024 that will appropriate \$619 million in new revenues.

INITIATION: By letter dated May 15, 2024, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(e) of the New York City Charter, a request to appropriate \$619 million in new revenues.

BACKGROUND: This modification (MN-6) seeks to recognize \$619 million in new revenues, implementing the changes reflected in the April 2024 Financial Plan. These funds will

add \$619 million to pay for Program to Eliminate the Gap partial restorations in the Department of Cultural Affairs, Rental Assistance, foster care services, pupil transportation, CUNY STEM program and other various initiatives.

FISCAL IMPACT: This modification represents a net increase in the Fiscal 2024 budget of \$619 million.

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Brannan offered the following resolution:

Preconsidered Res. No. 444

RESOLUTION APPROVING A MODIFICATION (MN-6) PURSUANT TO SECTION 107(e) OF THE CHARTER OF THE CITY OF NEW YORK.

By Council Member Brannan.

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on May 23, 2024, the Committee on Finance considered a communication, dated May 15, 2024, from the Office of Management and Budget of the Mayor of the City of New York (the “Mayor”), of a proposed request to recognize a net increase in revenue pursuant to Section 107(e) of the Charter of the City of New York (the “Charter”), attached hereto as Exhibit A (the “Request to Appropriate”); and

Whereas, Section 107(e) of the Charter requires the City Council and the Mayor to follow the procedures and required approvals pursuant to Sections 254, 255, and 256 of the Charter, without regard to the dates specified therein, in the case of the proposed appropriation of any new revenues and the creation of new units of appropriation; and

Whereas, Section 107(e) of the Charter requires that any request by the Mayor respecting an amendment of the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts, attached hereto as Exhibit B (together with the Request to Appropriate, the “Revenue Modification”);

NOW, THEREFORE, The Council of the City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves the Revenue Modification pursuant to Section 107(e) of the Charter.

2. Further Actions. The City Council directs the City Clerk to forward a certified copy of this resolution to the Mayor and the Comptroller as soon as practicable so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2024 Expense Budget as amended by this resolution as the budget for the remainder of the fiscal year.

3. Effective Date. This resolution shall take effect as of the date hereof.

(For text of the MN-6 and Appendix A numbers, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-50 & Res. No. 444 of 2024 files](#))

JUSTIN L. BRANNAN, *Chairperson*; FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, NANTASHA M. WILLIAMS, YUSEF SALAAM, DAVID M. CARR; *Absent*: Diana I. Ayala and Althea V. Stevens; *Parental*: Julie Won; 14-0-0; Committee on Finance, May 23, 2024.

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 Governmental Operations, State & Federal Legislation

At this point, the Speaker (Council Member Adams) announced that the following item had been **preconsidered** by the Committee on Governmental Operations, State & Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Resolution No. 1

Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Comrie, S.519, and Assembly Member Vanel, A.1186, “AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for tractor-trailer combinations that park on residential streets overnight”.

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State Legislation Resolution item was referred on May 23, 2024, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

I. BACKGROUND

On May 23, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 1, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Comrie, S.519, and Assembly Member Vanel, A.1186, “AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for tractor-trailer combinations that park on residential streets overnight.” The State Legislative Resolution passed with 7 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

II. PROPOSED LEGISLATION

The proposed legislation increases the fine for tractor-trailer combinations that park on residential streets overnight.

If enacted, these bills would amend the State Vehicle and Traffic Law provision controlling the maximum permissible fine permitted to be imposed on tractor-trailer combinations, tractors, truck trailers, and semi-trailers that park overnight in residential neighborhoods (between 9 p.m. and 5 a.m. on streets located within a residential district under the zoning resolution), and raise such maximum permissible fine from \$250 for a first violation and \$500 for a second or subsequent violation to \$400 and \$800 respectively. These bills would also amend the City's Administrative Code to raise the imposed penalty from \$250 for a first violation and \$500 for a second or subsequent violation to the new maximums of \$400 and \$800 respectively.

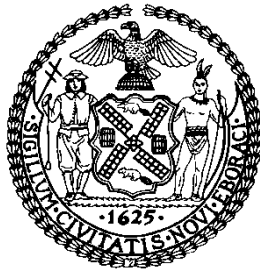
III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

IV. EFFECTIVE DATE

This bill takes effect immediately.

(The following is the text of the Fiscal Impact Statement for Preconsidered SLR No. 1:)



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

**PRE-CONSIDERED SLR 1: S.519 (Comrie)
A.1186 (Vanel)**

**COMMITTEE: Governmental Operations, State &
Federal Legislation**

TITLE: An act to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for tractor-trailer combinations that park on residential streets overnight.

SPONSOR(S): Council Member Restler.

SUMMARY OF LEGISLATION: This bill would amend paragraph 2 of subdivision c of section 19-170 of the administrative code of the city of New York, as amended by local law number 74 of the city of New York for the year 2019, to provide for increased monetary fines for violation of the overnight parking law when the commercial vehicle is a tractor-trailer combination, tractors, truck trailers, and semi-trailers, on residential streets in New York City. The legislation increases the fine on owners of such commercial vehicles found to be in violation from \$250 to \$400. The fine on any subsequent violation by the same owner within a six-month period will also increase from \$500 to \$800.

EFFECTIVE DATE: This act shall take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation as full compliance with the law is anticipated.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation, as DOT 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

ESTIMATE PREPARED BY: Adrian Drepaul, Senior Financial Analyst

ESTIMATE REVIEWED BY: Julia K. Haramis, Unit Head
Michael Twomey, Assistant Counsel
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Director

LEGISLATIVE HISTORY: This bill will be considered by the Committee on Governmental Operations, State and Federal Legislation (Committee) as a Pre-considered SLR on May 23, 2024. Upon successful vote by the Committee, the Pre-considered SLR will be introduced and submitted to the full Council for a vote on May 23, 2024.

DATE PREPARED: May 16, 2024.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.519](#); [A.1186](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes)

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, DAVID M. CARR, INNA VERNIKOV; 7-0-0; *Absent*: Lynn C. Schulman and Vickie Paladino; Committee on Governmental Operations, State & Federal Legislation, May 23, 2024.

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).

At this point, the Speaker (Council Member Adams) announced that the following item had been **preconsidered** by the Committee on Governmental Operations, State & Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Resolution No. 2

Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.8529, and Assembly Member Pheffer Amato, A.9381, “AN ACT to amend the general municipal law, in relation to disabilities of deputy sheriffs in certain cities”.

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State Legislation Resolution item was referred on May 23, 2024, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

I. BACKGROUND

On May 23, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 2, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.8529, and Assembly Member Pheffer Amato, A.9381, “AN ACT to amend the general municipal law, in relation to disabilities of deputy sheriffs in certain cities.” The State Legislative Resolution passed with 7 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

II. PROPOSED LEGISLATION

Presently, NYC Deputy Sheriffs who become disabled or pass away from heart disease incurred in the line of duty are eligible for an Ordinary Disability Benefit or Ordinary Death Benefit. The Ordinary Disability Benefit typically equals 1/3 of the member’s Final Average Salary and gets paid over time, while the Ordinary Death Benefit typically gets paid as a lump sum equal to three times the member’s salary multiplied by the number of service years capped at three years.

This bill would create a heart disease line of duty presumption and entitle NYC Deputy Sheriffs that incur heart disease on the job to receive a Performance of Duty Disability Benefit equal to 75% of the member’s Final Average Salary. The bill would also entitle surviving beneficiaries of NYC Deputy Sheriffs that pass away from heart disease incurred in the line of duty to a Performance of Duty Death Benefit equal to 50% of the member’s wages earned during the last year of service.

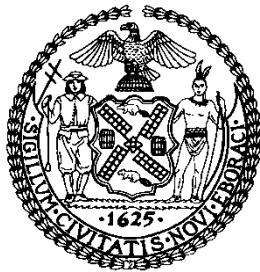
III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

IV. EFFECTIVE DATE

This bill takes effect immediately.

(The following is the text of the Fiscal Impact Statement for Preconsidered SLR No. 2:)



THE COUNCIL OF THE CITY OF NEW YORK FINANCE DIVISION

TANISHA EDWARDS, CFO AND DEPUTY CHIEF OF
STAFF TO THE SPEAKER

RICHARD LEE, FINANCE DIVISION DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED SLR 2: S.8529 (Jackson)
A.9381 (Pheffer Amato)

COMMITTEE: Governmental Operations, State &
Federal Legislation

TITLE: An act to amend the general municipal law, in relation to disabilities of deputy sheriff members of a retirement system in certain cities.

SPONSOR(S): Council Member Restler.

SUMMARY OF LEGISLATION: Presently, NYC Deputy Sheriffs who become disabled or die due to heart disease are eligible for an Ordinary Disability Benefit or Ordinary Death Benefit. This bill would create a rebuttable presumption that the heart disease was incurred in the performance of duty, thereby making the Deputy Sheriff eligible for Performance of Duty Disability or Death benefits, respectively.

The Ordinary Disability Benefit typically equals 1/3 of the member's Final Average Salary and is paid over time, while a Performance of Duty Disability Benefit is equal to a much higher share, 75 percent of the member's Final Average Salary.

The Ordinary Death Benefit typically is paid as a one-time lump sum equal to three times the member's salary multiplied by the number of service years capped at three years. A Performance of Duty Death Benefit on the other hand is a lifetime annual benefit equal to 50 percent of the member's wages earned during the last year of service.

EFFECTIVE DATE: This bill would take effect immediately.

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

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	\$0	\$0	\$0
Expenditures*	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: There is no data available to estimate the number of members and eligible retirees who might develop and become disabled or die from heart disease, so the Actuary has stated the costs of the enhanced benefits will be incurred when the events happen. Therefore, the full cost of this bill is not calculable.

However, to provide context, it is estimated that passing this bill would increase the Present Value of Future Employer Contributions (PVFEC) by \$469,000 per Performance of Duty *Disability* Benefit, and \$1.4 million per Performance of Duty *Death* Benefit. The increases in PVFEC would result in an additional \$55,000 required in annual City pension contributions for each Performance of Duty *Disability* Benefit, and \$167,000 in additional annual City pension contributions for each Performance of Duty *Death* Benefit. With inadequate insight into the number of Deputy Sheriffs to utilize either of these benefits, the additional City contributions would get recognized at the time of the event.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal Note 2024-12, Chief Actuary New York City Employees'
Retirement System

ESTIMATE PREPARED BY: Andrew Wilber, Supervising Economist

ESTIMATE REVIEWED BY: Emre Edev, Deputy Director
Jonathan Rosenberg, Managing Director

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 23, 2024. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 23, 2024.

DATE PREPARED: May 16, 2024.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.8529](#); [A.9381](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes)

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, DAVID M. CARR, INNA VERNIKOV; 7-0-0; *Absent*: Lynn C. Schulman and Vickie Paladino; Committee on Governmental Operations, State & Federal Legislation, May 23, 2024.

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).

At this point, the Speaker (Council Member Adams) announced that the following item had been **preconsidered** by the Committee on Governmental Operations, State & Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Resolution No. 3

Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.8532, and Assembly Member Pheffer Amato, A.9391, “AN ACT to amend the general municipal law, in relation to disabilities of deputy sheriff members of a retirement system in certain cities”.

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State Legislation Resolution item was referred on May 23, 2024, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

I. BACKGROUND

On May 23, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 3, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.8532, and Assembly Member Pheffer Amato, A.9391, “AN ACT to amend the general municipal law, in relation to disabilities of deputy sheriff members of a retirement system in certain cities.” The State Legislative Resolution passed with 7 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

II. PROPOSED LEGISLATION

Presently, NYC Deputy Sheriffs who become disabled or pass away from lung disease incurred in the line of duty are eligible for an Ordinary Disability Benefit or Ordinary Death Benefit. The Ordinary Disability Benefit typically equals 1/3 of the member’s Final Average Salary and gets paid over time, while the Ordinary Death Benefit typically gets paid as a lump sum equal to three times the member’s salary multiplied by the number of service years capped at three years.

This bill would create a lung cancer line of duty presumption that would entitle NYC Deputy Sheriffs that incur lung disease on the job to receive a Performance of Duty Disability Benefit equal to 75% of the member’s Final Average Salary. The bill would also entitle surviving beneficiaries of NYC Deputy Sheriffs that pass away from lung disease incurred in the line of duty to a Performance of Duty Death Benefit equal to 50% of the member’s wages earned during the last year of service.

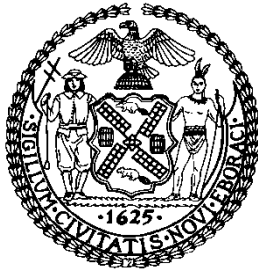
III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

IV. EFFECTIVE DATE

This bill takes effect immediately.

(The following is the text of the Fiscal Impact Statement for Preconsidered SLR No. 3:)



THE COUNCIL OF THE CITY OF NEW YORK FINANCE DIVISION

TANISHA EDWARDS, CFO AND DEPUTY CHIEF OF
STAFF TO THE SPEAKER

RICHARD LEE, FINANCE DIVISION DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED SLR 3:

S.8532 (Jackson)

A.9391 (Pheffer Amato)

COMMITTEE: Governmental Operations, State &
Federal Legislation

TITLE: An act to amend the general municipal law, in relation to disabilities of deputy sheriff members of a retirement system in certain cities.

SPONSOR(S): Council Member Restler.

SUMMARY OF LEGISLATION: Presently, NYC Deputy Sheriffs who become disabled or pass away from lung disease incurred in the line of duty are eligible for an Ordinary Disability Benefit or Ordinary Death Benefit. The Ordinary Disability Benefit typically equals 1/3 of the member's Final Average Salary paid over time, while the Ordinary Death Benefit typically gets paid as a lump sum equal to three times the member's salary multiplied by the number of service years capped at three years.

This bill would create a lung cancer line of duty presumption that would entitle NYC Deputy Sheriffs that incur lung disease on the job to receive a Performance of Duty Disability Benefit equal to 75 percent of the member's Final Average Salary. The bill would also entitle surviving beneficiaries of NYC Deputy Sheriffs that pass away from lung disease incurred in the line of duty to a Performance of Duty Death Benefit equal to 50 percent of the member's wages earned during the last year of service.

EFFECTIVE DATE: This bill would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: There is no data available to estimate the number of members and eligible retirees who might develop and become disabled or die from lung disease, so the Actuary has stated the costs of the enhanced benefits will be incurred when the events happen. Therefore, the full cost of this bill is not calculable.

However, to provide context, it is estimated that passing this bill would increase the Present Value of Future Employer Contributions (PVFEC) by \$469,000 per Performance of Duty *Disability* Benefit, and \$1.4 million per Performance of Duty *Death* Benefit. The increases in PVFEC would result in an additional \$55,000 required in annual City pension contributions for each Performance of Duty *Disability* Benefit, and \$167,000 in additional annual City pension contributions for each Performance of Duty *Death* Benefit. With inadequate insight into the number of Deputy Sheriffs to utilize either of these benefits, the additional City contributions would get recognized at the time of the event.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal Note 2024-11, Chief Actuary New York City Employees'
Retirement System

ESTIMATE PREPARED BY: Andrew Wilber, Supervising Economist

ESTIMATE REVIEWED BY: Emre Edev, Deputy Director
Jonathan Rosenberg, Managing Director

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 23, 2024. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 23, 2024.

DATE PREPARED: May 16, 2024.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.8532](#); [A.9391](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes)

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, DAVID M. CARR, INNA VERNIKOV; 7-0-0; *Absent*: Lynn C. Schulman and Vickie Paladino; Committee on Governmental Operations, State & Federal Legislation, May 23, 2024.

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).

At this point, the Speaker (Council Member Adams) announced that the following item had been **preconsidered** by the Committee on Governmental Operations, State & Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Res. No. 4

Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.7181-B, and Assembly Member Pheffer Amato, A.7693-A, “AN ACT to amend the retirement and social security law, in relation to permitting certain twenty-five year retirement program dispatcher members to file elections not to participate”.

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State Legislation Resolution item was referred on May 23, 2024, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

I. BACKGROUND

On May 23, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 4, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.7181-B, and Assembly Member Pheffer Amato, A.7693-A, “AN ACT to amend the retirement and social security law, in relation to permitting certain twenty-five year retirement program dispatcher members to file elections not to participate.” The State Legislative Resolution passed with 7 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

II. PROPOSED LEGISLATION

Currently, Tier 4 and Tier 6 fire alarm dispatcher members of NYCERS become automatically entered into a Dispatcher 25-Year Plan, and those that begin employment after the age of 30 receive a notice in the mail that they have the option to opt-out within 180 days. Members who opt out generally enter into one of the Tier 4 or Tier 6 underlying plans.

A small group of members that exceeded the age of 30 when they began their service term never received the notification in the mail from NYCERS. This bill would create another 180-day window for these members to opt out of the Dispatcher 25-Year Plan.

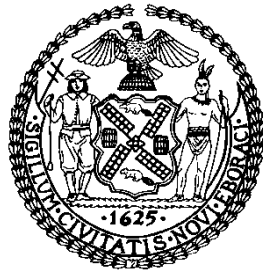
III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

IV. EFFECTIVE DATE

This bill takes effect immediately.

(The following is the text of the Fiscal Impact Statement for Preconsidered SLR No. 4:)



THE COUNCIL OF THE CITY OF NEW YORK FINANCE DIVISION

TANISHA EDWARDS, CFO AND DEPUTY CHIEF OF
STAFF TO THE SPEAKER

RICHARD LEE, FINANCE DIVISION DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED SLR 4: S.7181-B (Jackson)
A.7693A (Pheffer Amato)

COMMITTEE: Governmental Operations, State &
Federal Legislation

TITLE: An act to amend the retirement and social security law, in relation to permitting certain twenty-five year retirement program dispatcher members to file elections not to participate.

SPONSOR(S): Restler.

SUMMARY OF LEGISLATION: Currently, Tier 4 and Tier 6 fire alarm dispatcher members of NYCERS become automatically entered into a Dispatcher 25-Year Plan, and those that begin employment after the age of 30 receive a notice in the mail that they have the option to opt-out within 180 days. Members who opt out generally enter into one of the Tier 4 or Tier 6 underlying plans.

A small group of members that exceeded the age of 30 when they began their service term never received the notification in the mail from NYCERS. This bill would create another 180-day window for these members to opt out of the Dispatcher 25-Year Plan.

EFFECTIVE DATE: This bill would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$516,000	\$516,000
Net	\$0	\$516,000	\$516,000

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues to result from passing this legislation.

IMPACT ON EXPENDITURES: It is estimated that passing this bill would cost the City \$516,000 in additional pension contributions in Fiscal 2025. Of the \$516,000, \$325,000 would cover the unfunded accrued liability (UAL) for services already rendered to the City, and \$191,000 would cover the forward-looking costs of associated with the bill, also referred to as the normal cost. The actuary's amortization schedule for the UAL covers a 13-year period, after which the additional pension contributions would only reflect the normal cost each year. In aggregate, the actuary determined that the present value (PV) of the total cost of the bill through 2049 would total \$4.7 million, \$2.6 million of which reflects the PV of the UAL and \$1.9 million reflecting the PV of the normal cost.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal Note 2024-09, Chief Actuary New York City Employees'
Retirement System

ESTIMATE PREPARED BY: Andrew Wilber, Supervising Economist

ESTIMATE REVIEWED BY: Emre Edev, Deputy Director
Jonathan Rosenberg, Managing Director

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 23, 2024. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 23, 2024.

DATE PREPARED: May 16, 2024.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.7181-B](#); [A.7693-A](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes)

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, DAVID M. CARR, INNA VERNIKOV; 7-0-0; *Absent*: Lynn C. Schulman and Vickie Paladino; Committee on Governmental Operations, State & Federal Legislation, May 23, 2024.

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).

At this point, the Speaker (Council Member Adams) announced that the following item had been **preconsidered** by the Committee on Governmental Operations, State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Resolution No. 5

Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Sepúlveda, S.9132, and Assembly Member Burgos, A.10060, “AN ACT to amend chapter 544 of the laws of 2022, authorizing the city of New York to discontinue a portion of real property in the county of the Bronx as parkland and to grant easements for improvements to the railroad right-of-way to bring Metro-North railroad service to four new stations in the Bronx and to Pennsylvania Station in the county of New York, in relation to discontinuing additional parkland and granting additional easements”.

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State Legislation Resolution item was referred on May 23, 2024, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

I. BACKGROUND

On May 23, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 5, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Sepúlveda, S. 9132, and Assembly Member Burgos, A. 10060, “AN ACT to amend chapter 544 of the laws of 2022, authorizing the city of New York to discontinue a portion of real property in the county of the Bronx as parkland and to grant easements for improvements to the railroad right-of-way to bring Metro-North railroad service to four new stations in the Bronx and to Pennsylvania Station in the county of New York, in relation to discontinuing additional parkland and granting additional easements.” The State Legislative Resolution passed with 7 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

II. PROPOSED LEGISLATION

The legislation authorizes the discontinuance of parkland and the granting of easements for improvements to the Metro-North railroad.

If enacted, these bills would amend Chapter 544 of the laws of 2022 (as amended by chapter 231 of the laws of 2023) which authorizes the City to discontinue the use of certain lands as parkland, and to grant easements to

the MTA, for the purpose of facilitating the Penn Station Access Project. These bills would allow for additional easements along the Bronx River Greenway between East 172nd Street and East 174th Street and subject them to the same requirements of the original easements established by Chapter 544 of the laws of 2022, including the need to satisfy any federal obligations if federal funding was used for the purchase, maintenance or improvement of the land.

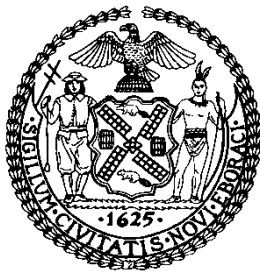
III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

IV. EFFECTIVE DATE

This bill takes effect immediately

(The following is the text of the Fiscal Impact Statement for Preconsidered SLR No. 5:)



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

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

**RICHARD LEE, DIRECTOR
FISCAL IMPACT STATEMENT**

**Preconsidered SLR 5: S.9132 (Sepulveda)
A.10060 (Burgos)**

COMMITTEE: Committee on Governmental
Operations, State and Federal
Legislation

TITLE: An act to amend chapter 544 of the laws of 2022, authorizing the city of New York to discontinue a portion of real property in the county of the Bronx as parkland and to grant easements for improvements to the railroad right-of-way to bring Metro-North railroad service to four new stations in the Bronx and to Pennsylvania Station in the county of New York, in relation to discontinuing additional parkland and granting additional easements.

SPONSOR(S): Council Member Restler.

SUMMARY OF LEGISLATION: This bill would amend Chapter 544 of the laws of 2022, as amended by chapter 231 of the laws of 2023, to authorize the city of New York to alienate certain parcels of land to enable the Metropolitan Transportation Authority (MTA) to make critical improvements related to the Penn Station Access Project which would enable Metro-North passengers to travel directly into Penn Station.

EFFECTIVE DATE: This act shall take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result 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: Michael Sherman, Senior Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Director

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 23, 2024. Following a successful vote by the Committee, the Preconsidered SLR will be introduced and voted on by the full Council on May 23, 2024.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.9132](#); [A.10060](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes)

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, DAVID M. CARR, INNA VERNIKOV; 7-0-0; *Absent*: Lynn C. Schulman and Vickie Paladino; Committee on Governmental Operations, State & Federal Legislation, May 23, 2024.

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).

At this point, the Speaker (Council Member Adams) announced that the following item had been **preconsidered** by the Committee on Governmental Operations, State and Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Resolution No. 6

Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.7224-B, and Assembly Member Pheffer Amato, A.7563-B, “AN ACT to amend the retirement and social security law, in relation to death benefits for active New York city transit authority members”.

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State Legislation Resolution item was referred on May 23, 2024, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

I. BACKGROUND

On May 23, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 6, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.7224-B, and Assembly Member Pheffer Amato, A.7563-B, “AN ACT to amend the retirement and social security law, in relation to death benefits for active New York city transit authority members.” The State Legislative Resolution passed with 7 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

II. PROPOSED LEGISLATION

Currently, when MTA members in the 25-Year / Age 55 Retirement Plan become eligible to retire, they can choose between a maximum retirement allowance, which pays the full amount of a member’s pension up to the date they pass away, or a reduced payout that allows for a continuing benefit to their beneficiaries after they pass away. A member can also stay on the job and continue earning a full salary, but then risk leaving only an ordinary death benefit to their surviving beneficiaries worth three times their salary at most should they pass away prior to filing for retirement.

This bill would provide these members with a Death Gamble Benefit which grants the full value of the pension benefit to surviving beneficiaries should the member continue working beyond their earliest retirement date and pass away prior to filing for retirement.

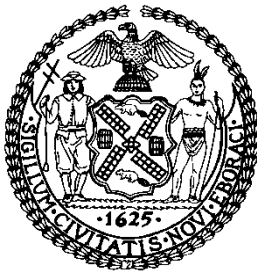
III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

IV. EFFECTIVE DATE

This bill takes effect immediately.

(The following is the text of the Fiscal Impact Statement for Preconsidered SLR No. 6:)



THE COUNCIL OF THE CITY OF NEW YORK FINANCE DIVISION

TANISHA EDWARDS, CFO AND DEPUTY CHIEF OF
STAFF TO THE SPEAKER

RICHARD LEE, FINANCE DIVISION DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED SLR 6: S.7224-B (Jackson)
A.7563-B (Pheffer Amato)

COMMITTEE: Governmental Operations, State &
Federal Legislation

TITLE: An act to amend the retirement and social security law, in relation to death benefits for active New York City transit authority members

SPONSOR(S): Council Member Restler.

SUMMARY OF LEGISLATION: Currently, when MTA members in the 25-Year / Age 55 Plan become eligible to retire, they can choose between a maximum retirement allowance – which pays the full amount of a member's pension up to the date they pass away – or a reduced payout that allows for a continuing benefit for their beneficiaries after they pass away. Should a member stay on the job and continue earning a full salary, they risk leaving only an ordinary death benefit to their surviving beneficiaries worth three times their salary at most.

This bill would provide these members with a Death Gamble Benefit which grants the full value of the pension benefit to surviving beneficiaries should the member continue working beyond their earliest retirement date and pass away prior to filing for retirement.

EFFECTIVE DATE: This act would take effect immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$4.1M	\$4.1M
Net	\$0	\$4.1M	\$4.1M

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is estimated that passing this bill would cost the City \$4.1 million in additional pension contributions in Fiscal 2025. Of the \$4.1 million, \$3.2 million would cover the unfunded accrued liability (UAL) for services already rendered to the City, and \$900,000 would cover the forward-looking costs of associated with the bill, also referred to as the normal cost. The actuary's amortization schedule for the UAL covers a 12-year period, after which the additional pension contributions would only reflect the normal cost each year. In aggregate, the actuary determined that the present value (PV) of the total cost of the bill through 2049 would total \$32.6 million, \$24.4 million of which reflects the PV of the UAL and \$8.2 million reflecting the PV of the normal cost.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
Fiscal Note 2023-45, Chief Actuary for the New York City
Retirement System

ESTIMATE PREPARED BY: Andrew Wilber, Supervising Economist

ESTIMATE REVIEWED BY: Emre Edev, Deputy Director
Jonathan Rosenberg, Managing Director

LEGISLATIVE HISTORY: This bill will be considered by the Committee on State and Federal Legislation as a Preconsidered SLR on May 23, 2024. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on May 23, 2024.

DATE PREPARED: May 16, 2024.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.7224-B](#); [A.7563-B](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes)

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, DAVID M. CARR, INNA VERNIKOV; 7-0-0; *Absent*: Lynn C. Schulman and Vickie Paladino; Committee on Governmental Operations, State & Federal Legislation, May 23, 2024.

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).

At this point, the Speaker (Council Member Adams) announced that the following item had been **preconsidered** by the Committee on Governmental Operations, State & Federal Legislation and had been favorably reported for adoption.

Report for State Legislation Resolution No. 7

Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving, a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S. 8726-B, and Assembly Member Williams, A. 9521-A, “AN ACT to amend the vehicle and traffic law, in relation to abandoned vehicles”.

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State Legislation Resolution item was referred on May 23, 2024, respectfully

REPORTS:

(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this SLR, the Council would be formally requesting that the New York State Legislature act favorably in this matter)

I. BACKGROUND

On May 23, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 7, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S. 8726-B, and Assembly Member Williams, A. 9521-A, “AN ACT to amend the vehicle and traffic law, in relation to abandoned vehicles.” The State Legislative Resolution passed with 7 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

II. PROPOSED LEGISLATION

The legislation would expand the number of abandoned vehicles without license plates that a municipality having jurisdiction over such vehicles could remove from their respective locations through an amendment to the New York State Vehicle & Traffic Law. If enacted, this bill would raise the monetary value threshold used to determine whether a municipality gains ownership of and discretion to remove an abandoned vehicle from its location; such threshold would rise from \$1,250 to \$3,000.

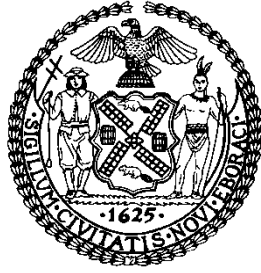
III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

IV. EFFECTIVE DATE

This bill takes effect 180 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for SLR No. 7:)



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

**PRE-CONSIDERED SLR 7: S.8726-B (Jackson)
A.9521-A (Williams)**

**COMMITTEE: Governmental Operations, State &
Federal Legislation**

TITLE: An act to amend the vehicle and traffic law, in relation to abandoned vehicles.

SPONSOR(S): Council Member Restler

SUMMARY OF LEGISLATION: This bill would increase the dollar value of abandoned vehicles which may be seized by a local authority allowing the city of New York to consider a vehicle abandoned and to take ownership if it is of wholesale value, taking into consideration the condition of the vehicle, of \$3,000 or less, and does not have number plates.

EFFECTIVE DATE: This act shall take effect 180 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation as full compliance with the law is anticipated.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures as a result of this legislation, as DOT 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

ESTIMATE PREPARED BY: Adrian Drepaul, Senior Financial Analyst

ESTIMATE REVIEWED BY: Julia K. Haramis, Unit Head
Michael Twomey, Assistant Counsel
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Director

LEGISLATIVE HISTORY: This bill will be considered by the Committee on Governmental Operations, State and Federal Legislation (Committee) as a Pre-considered SLR on May 23, 2024. Upon successful vote by the Committee, the Pre-considered SLR will be introduced and submitted to the full Council for a vote on May 23, 2024.

DATE PREPARED: May 22, 2024.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house ([S.8726-B](#); [A.9521-A](#)), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).

Accordingly, this Committee recommends its adoption.

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes)

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, DAVID M. CARR, INNA VERNIKOV; 7-0-0; *Absent*: Lynn C. Schulman and Vickie Paladino; Committee on Governmental Operations, State & Federal Legislation, May 23, 2024.

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. 135-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law in relation to a study on structural loadbearing capacity of parking garages.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 28, 2024 (Minutes, page 422), respectfully

REPORTS:

I. INTRODUCTION

On May 23, 2024, 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. 135-A, sponsored by Council Member Selvena Brooks-Powers, in relation to a study on structural loadbearing capacity of parking garages; Proposed Int. No. 170-A, sponsored by Council Member Amanda Farías, in relation to increased penalties for department of buildings violations issued to parking structures; and Proposed Int. No. 231-A, sponsored by Council Member Crystal Hudson, in relation to increasing the frequency of parking structure inspections. The Committee on Housing and Buildings first heard Proposed Int. Nos. 135-A, 170-A, and 231-A on April 25, 2024.

II. BACKGROUND

The Department of Buildings (“DOB”) requires parking garages to undergo inspections to ensure their structural stability. Beginning January 1, 2022, parking structure owners were required to inspect and submit a report every 6 years to DOB, pursuant to Local Law 126 of 2021 (“LL126”).¹ These inspections have 2 requirements. First, every year, the owner or an agent of the owner must complete an observation inspection of the structure and maintain those records on site.² Second, every 6 years, the owner must hire a Qualified Parking Structure Inspector (“QPSI”) to conduct a condition assessment, which is filed with DOB.³ Owners of unenclosed, unattached outdoor parking lots or private garages serving 1- and 2-family homes are not required to inspect and report to DOB pursuant to LL126.⁴

The QPSI must design an assessment program for the specific structure to be inspected based on the type of construction of the parking structure, age of the material components, the parking structure's specific exposure to environmental conditions, and the presence of specific details and appurtenances.⁵ Consideration must be given to the structure's history of maintenance and repairs.⁶ The assessment program must include a complete physical examination of the structure, including, but not limited to, sounding, load tests, optical survey, non-invasive scanning, and cores.⁷ As of January 2024, there were approximately 109 licensed QPSIs.⁸

On April 18, 2023, a parking garage located at 57 Ann Street in downtown Manhattan collapsed.⁹ Five people were injured and the garage owner died.¹⁰ DOB issued a vacate order for the property and performed controlled demolition. At the time of the collapse, there were 2 open DOB violations from 2014 for the elevator, and 4 open Environmental Control Board violations for loose concrete in danger of falling at various locations from 2009, ceiling slab cracks, missing concrete covering steel beams, and defective concrete from 2003.¹¹ The lot had also held more cars than its intended load.¹²

After the Ann Street garage collapse, DOB hired a private engineer to conduct an investigation of the collapse.¹³ Furthermore, additional parking garages were cited as unsafe.¹⁴ DOB vacated 7 parking garages throughout the City and in November 2023, Amtrak train services were suspended because of holes and dangerous conditions at a parking garage located by Moynihan Station that Amtrak trains run underneath.¹⁵ DOB

¹ N.Y.C. Admin. Code § 28-323 *et seq.*

² N.Y.C. Admin. Code § 28-323.4.

³ N.Y.C. Admin. Code § 28-323.5; *see also* NYC Department of Buildings, *QPSI Designation*, available at <https://www.nyc.gov/site/buildings/safety/qpsi-certification.page>.

⁴ N.Y.C. Admin. Code §§ 28-323.1-28-323.2.

⁵ Rules of the City of New York, Tit. 1, § 103-13.

⁶ *Id.*

⁷ *Id.*

⁸ NYC Department of Buildings, *DOB Active List of Qualified Parking Inspectors (QPSI)*, available at https://www.nyc.gov/assets/buildings/pdf/active_QPSI_list.pdf.

⁹ Ed Shanahan, *One Dead in Parking Garage Collapse in Lower Manhattan*, The New York Times (April 18, 2023), available at <https://www.nytimes.com/2023/04/18/nyregion/nyc-parking-garage-collapse.html>.

¹⁰ *Id.*

¹¹ NYC Department of Buildings, *DOB Violations*, available at <https://a810-bisweb.nyc.gov/bisweb/ActionsByLocationServlet?requestid=1&allbin=1001270&allinquirytype=BXS4OCV3&styleocv3=V>; NYC Department of Buildings, *OATH/ECB Violation Search by Location*, available at <https://a810-bisweb.nyc.gov/bisweb/ECBQueryByLocationServlet?requestid=1&allbin=1001270>.

¹² Ben Brachfeld, *City hires engineer to study Lower Manhattan parking garage collapse*, amNY (January 3, 2024) available at https://www.amny.com/transit/city-hires-engineer-lower-manhattan-garage-collapse/?utm_source=amny&utm_medium=email&utm_campaign=evening-newsletter&utm_term=amNY%20Evening%20Daily%20RSS%20Newsletter.

¹³ NYC Department of Citywide Administrative Services, *Investigative Services – Garage Collapse*, available at <https://a856-cityrecord.nyc.gov/RequestDetail/20231223103>.

¹⁴ Larry McShane, *Building Department cites seven more NYC garages over safety issues in wake of deadly Manhattan Collapse*, NY Daily News (May 11, 2023) available at <https://www.nydailynews.com/2023/05/11/buildings-department-cites-seven-more-nyc-garages-over-safety-issues-in-wake-of-deadly-manhattan-collapse/>.

¹⁵ Elizabeth Shwe, *NYC vacates 4 parking garages deemed dangerous following Lower Manhattan Collapse*, Gothamist (April 29, 2023) available at <https://gothamist.com/news/nyc-vacates-4-parking-garages-deemed-dangerous-following-lower-manhattan-collapse>; *see also* Phil Corso and Catalina Gonella, *City vacates another 3 ‘unsafe’ buildings after Manhattan parking garage collapse*, Gothamist (May 3, 2023), available at <https://gothamist.com/news/city-vacates-another-3-unsafe-buildings-after-manhattan-parking-garage-collapse>; NBC New York Staff, *Amtrak suspension continues after holes at NYC parking garage spark safety concerns*, NBC New York

also moved up the reporting requirements to have owners hire a QPSI to do an initial inspection by August 2024.¹⁶ As of May 20, 2024, of the 1,048 structures that were required to file by December 31, 2023 as part of Sub-Cycle Cycle 1A, 190 are reported as safe, 186 are safe with repair and/or engineering monitoring, and 114 are reported as unsafe.¹⁷ The remaining parking structures in the 1A Sub-Cycle include 144 structures that have their status pending and 414 have no report filed.¹⁸ Structure owners who did not file a timely report received an initial penalty from DOB.¹⁹

III. LEGISLATION

Proposed Int. No. 135-A

Proposed Int. No. 135-A would require DOB, in collaboration with any other office or agency, to conduct a study and report on the structural loadbearing capacity of parking garages. This study would help evaluate the existing loadbearing capacity limits by looking at various factors, such as the age of the material components of the parking garage, the garage's history of maintenance and repairs, and the impact of increasing weights of individual vehicles. No later than 1 year after the effective date of this local law, DOB shall submit to the mayor, the speaker of the council, and post on its website a report on the findings of this study.

This bill would take effect immediately upon becoming law.

Proposed Int. No. 170-A

Proposed Int. No. 170-A would increase the civil penalties for DOB violations issued to parking structures for specified violations.

This bill would take effect 180 days after becoming law.

Proposed Int. No. 231-A

Proposed Int. No. 231-A would require condition assessments of parking structure to be conducted at least once by January 1, 2027 and thereafter, once every four years. For parking structures that have an initial assessment that indicates the structure is safe with repair and/or engineering monitoring, the parking structure would be required to be inspected every two years from the initial assessment.

This bill would take effect immediately upon becoming law.

(The following is the text of the Fiscal Impact Statement for Int. No. 135-A:)

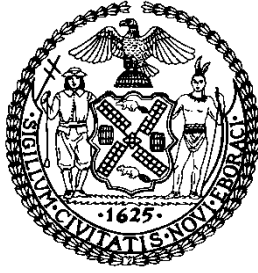
(November 13, 2023) available at <https://www.nbcnewyork.com/news/local/amtrak-suspension-between-nyc-albany-continues-over-safety-concerns-at-a-parking-garage/4857233/>.

¹⁶ Rules of the City of New York, Tit. 1 § 103-16.

¹⁷ NYC Department of Buildings, *Parking Structure Inspections*, available at <https://www.nyc.gov/assets/buildings/html/parking-structure-insp-map.html>.

¹⁸ *Id.*

¹⁹ Veronica Rose, *DOB Announces Penalties for Over 400 Property Owners for Late Parking Structure Report Submissions*, CityLand (January 31, 2024) available at <https://www.citylandnyc.org/dob-announces-penalties-for-over-400-property-owners-for-late-parking-structure-report-submissions/>.



**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: 135-A

COMMITTEE: Housing & Buildings

TITLE: A Local Law in relation to a study on structural loadbearing capacity of parking garages. **SPONSOR(S):** By Council Members Brooks-Powers, Hanif, Hudson, Louis, Schulman, and Farías.

SUMMARY OF LEGISLATION: This bill would require the Department of Buildings (DOB) to conduct a loadbearing capacity study for parking garages. DOB would be required to assess factors such as the size, age, materials, and structural design of the parking structure. No later than one year after the effective date of this local law, DOB would be required to submit to the Mayor, the Speaker of the Council, and post on its website a report with any recommendations based on their findings.

EFFECTIVE DATE: This local law takes effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$200,000	\$200,000
Net	\$0	\$200,000	\$200,000

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 the enactment of this legislation would necessitate DOB to contract out for investigative or engineering service expertise. While DOB did not, upon multiple requests, provide the Council a cost estimate for such services, based on the cost of recent contracts to investigate crane and parking garage collapses, as well as other studies, the Council estimates that the cost of this study would be approximately \$200,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Daniel Kroop, Principal Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
 Chima Obichere, Deputy Director
 Jonathan Rosenberg, Managing Deputy Director
 Michael Twomey, Assistant Counsel

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on February 28, 2024, as Intro. No. 135 and referred to the Committee on Housing and Buildings (Committee). The legislation was considered by the Committee on April 25, 2024, and laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 135-A, will be considered by the Committee on May 23, 2024. Upon successful vote by the Committee, Proposed Intro. No. 135-A will be submitted to the full Council for a vote on May 23, 2024.

DATE PREPARED: May 21, 2024.

(For text of Int. Nos. 170-A and 231-A please see the Report of the Committee on Housing & Buildings for Int. Nos. 170-A and 231-A, respectively, printed in these Minutes; for text of Int. No. 135-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 135-A, 170-A, and 231-A.

(The following is the text of Int. No. 135-A:)

Int. No. 135-A

By Council Members Brooks-Powers, Hanif, Hudson, Louis, Schulman, Fariás and Rivera.

A Local Law in relation to a study on structural loadbearing capacity of parking garages

Be it enacted by the Council as follows:

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

Department. The term “department” means the department of buildings.

Parking garage. The term “parking garage” means a structure or portion of a structure, other than a private garage or carport, used for the parking or storage of motor vehicles.

b. Loadbearing capacity study. The department, in collaboration with any other office or agency, shall study and report on the structural loadbearing capacity of parking garages, for the purpose of evaluating the efficacy of existing loadbearing capacity limits. No later than 1 year after the effective date of this local law, the department shall submit to the mayor and the speaker of the council, and shall post conspicuously on the department’s website, a report on the findings of this study, including any recommendations based on such findings. Such study and report shall include, to the extent practicable and based on a sampling and analysis of available information for a limited population of parking garages of varying ages and construction types, an assessment of the impact of the following factors on a parking garage’s loadbearing capacity:

1. The age of the material components of the parking garage;
2. The effect of exposure to environmental conditions, such as extreme temperature, fire, frost, and moisture;
3. The parking garage’s history of alterations, maintenance, and repairs;
4. The condition of the construction materials in the parking garage, including, but not limited to, the presence of any loose concrete in danger of falling, ceiling slab cracks, missing concrete covering steel beams, and defective concrete;
5. The frequency with which the parking garage is at or exceeds capacity;
6. The size of the parking garage, including the thickness and the height of the walls and supporting structures;
7. The type of material or materials used for loadbearing elements of the parking garage as it relates to its compressive strength, resistance to forces, bending, and vibration;

8. The structural design of the parking garage, for example, the shape of the structure or if the parking garage is braced;
 9. The impact of increasing weights of individual vehicles, particularly electric vehicles, as well as charging stations and equipment; and
 10. Any other information relevant to assessing the loadbearing capacity and safety of parking garages.
- § 2. This local law takes effect immediately.

PIERINA A. SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD J. FELIZ, SHAUN ABREU, ALEXA AVILÉS, CRYSTAL HUDSON, LINCOLN RESTLER; 7-0-0; Committee on Housing and Buildings, May 23, 2024.

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. 170-A

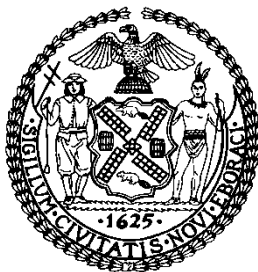
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to increased penalties for department of buildings violations issued to parking structures.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 28, 2024 (Minutes, page 506), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 135-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 170-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: 170-A

COMMITTEE: Housing & Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to increased penalties for department of buildings violations issued to parking structures.

SPONSOR(S): By Council Members Farías, Abreu, and Louis.

SUMMARY OF LEGISLATION: This bill would double the standard civil penalties for violations enforced by the Department of Buildings (DOB) when issued to the owner of a parking structure.

EFFECTIVE DATE: This local law takes effect 180 days after it becomes law, except that the DOB Commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY25	Full Fiscal Impact FY26
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues as full compliance with the requirements of this legislation is anticipated.

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

ESTIMATE PREPARED BY: Daniel Kroop, Principal Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Michael Twomey, Assistant Counsel

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on February 28, 2024, as Intro. No. 170 and referred to the Committee on Housing and Buildings (Committee). The legislation was considered by the Committee on April 25, 2024, and laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 170-A, will be considered by the Committee on May 23, 2024. Upon successful vote by the Committee, Proposed Intro. No. 170-A will be submitted to the full Council for a vote on May 23, 2024.

DATE PREPARED: May 21, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 170-A:)

Int. No. 170-A

By Council Members Farías, Abreu, Louis and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to increased penalties for department of buildings violations issued to parking structures

Be it enacted by the Council as follows:

Section 1. Section 28-202.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended by adding new exceptions 13 and 13.1 through 13.9 to read as follows:

13. For a violation involving a parking structure, as defined in section 28-323.2:

13.1. The minimum civil penalty for a violation of section 28-204.4 shall be \$2,500;

13.2. The minimum civil penalty for an immediately hazardous violation of section 28-207.4.5 shall be \$5,000;

13.3. The minimum civil penalty for an immediately hazardous violation of section 28-211.1 shall be \$20,000;

13.4. The minimum civil penalty for a violation of section 28-217.1.1 shall be \$1,600;

13.5. The minimum civil penalty for a violation of section 28-217.1.6 shall be \$5,000;

13.6. The minimum civil penalty for an immediately hazardous violation of section 28-301.1 shall be \$2,500 for a first violation and \$5,000 for a second violation, in addition to any separate daily or monthly penalty imposed pursuant to item 1 of this section;

13.7. The minimum civil penalty for an immediately hazardous violation of section 28-302.1 shall be \$5,000 for a first violation and \$7,500 for a second violation, in addition to any separate daily or monthly penalty imposed pursuant to item 1 of this section;

13.8. The minimum civil penalty for an immediately hazardous violation of section 28-302.3 shall be \$5,000; and

13.9. The minimum civil penalty for a violation of section 28-302.4 shall be \$2,500.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

PIERINA A. SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD J. FELIZ, SHAUN ABREU, ALEXA AVILÉS, CRYSTAL HUDSON, LINCOLN RESTLER; 7-0-0; Committee on Housing and Buildings, May 23, 2024.

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. 231-A

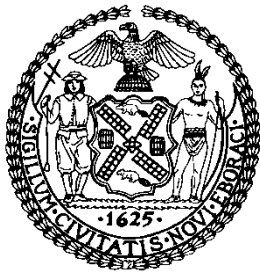
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to increasing the frequency of parking structure inspections.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 28, 2024 (Minutes, page 584), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 135-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 231-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: 231-A

COMMITTEE: Housing & Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to increasing the frequency of parking structure inspections.

SPONSOR(S): By Council Members Hudson, Hanif, Louis, and Farías.

SUMMARY OF LEGISLATION: This bill would require that condition assessments of parking structures be conducted once every four years upon the completion of the current six-year inspection cycle on January 1, 2028, and would require that follow-up assessments be conducted within two years after a parking structure is deemed safe with repair or monitoring.

EFFECTIVE DATE: This local law takes effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2029

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY29
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that the Department of Buildings would use existing resources to comply with the requirements of the legislation. In addition, owners of parking structures would bear the cost of hiring private engineers (Qualified Parking Structure Inspectors) to conduct more regular condition assessment reports.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Daniel Kroop, Principal Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Michael Twomey, Assistant Counsel

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on February 28, 2024, as Intro. No. 231 and referred to the Committee on Housing and Buildings (Committee). The legislation was considered by the Committee on April 25, 2024, and laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 231-A, will be considered by the Committee on May 23, 2024. Upon successful vote by the Committee, Proposed Intro. No. 231-A will be submitted to the full Council for a vote on May 23, 2024.

DATE PREPARED: May 21, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 231-A:)

Int. No. 231-A

By Council Members Hudson, Hanif, Louis, Farías and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the frequency of parking structure inspections

Be it enacted by the Council as follows:

Section 1. Section 28-323.3 of the administrative code of the city of New York, as added by local law number 126 for the year 2021, is amended to read as follows:

§ 28-323.3 Condition assessment. A condition assessment of a parking structure shall be conducted at periodic intervals as set forth by rule of the commissioner, provided that such condition assessment *of each parking structure* shall be conducted at least once [every six years] *by January 1, 2028,* and after each notification of an unsafe condition. *After January 1, 2028, a condition assessment of each parking structure shall be conducted at least once every 4 years.* All condition assessments shall be conducted on behalf of the building owner by an approved agency.

§ 2. Section 28-323.9.1 of the administrative code of the city of New York, as added by local law number 126 for the year 2021, is amended to read as follows:

§ 28-323.9.1 Safe with repair and/or engineering monitoring assessment requirements. When the results of an initial assessment indicate a parking structure is safe with repair and/or engineering monitoring, the parking structure shall be subsequently assessed no more than [three] 2 years from the date of the initial assessment and an amended report filed with the department.

§ 3. This local law takes effect immediately.

PIERINA A. SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD J. FELIZ, SHAUN ABREU, ALEXA AVILÉS, CRYSTAL HUDSON, LINCOLN RESTLER; 7-0-0; Committee on Housing and Buildings, May 23, 2024.

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. 55

Report of the Committee on Land Use in favor of approving, as modified, Application number N 240010 ZRY (Zoning for Economic Opportunity) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to support economic growth and resiliency by providing businesses with additional zoning flexibility to locate and expand, Citywide.

The Committee on Land Use, to which the annexed Land Use item was referred on April 8, 2024 (Minutes, page 1725), respectfully

REPORTS:**SUBJECT**

CITYWIDE – TWO APPLICATIONS RELATED TO CITY OF YES FOR ECONOMIC OPPORTUNITY (ZONING FOR ECONOMIC OPPORTUNITY)

N 240010 ZRY (L.U. No. 55)

City Planning Commission decision approving an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to support economic growth and resiliency in New York City.

N 240011 ZRY (L.U. No. 56)

City Planning Commission decision approving an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, adding new Manufacturing (M) district options to the City's Zoning Resolution.

INTENT

To approve Citywide zoning text amendments to the Zoning Resolution that would update provisions to support economic growth and resiliency in New York City, and to add new Manufacturing (M) zoning district options with various densities, updated bulk regulations to enable loft-like building typologies, and right-sized parking and loading regulations.

PUBLIC HEARING

DATE: April 8, 2024

Witnesses in Favor: Thirty-three

Witnesses Against: Forty-three

SUBCOMMITTEE RECOMMENDATION**DATE:** May 22, 2024

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 55 and 56.

In Favor:

Riley
Moya
Abreu
Schulman
Salaam

Against:

Hanks
Carr

Abstain:

None

COMMITTEE ACTION**DATE:** May 22, 2024

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Riley
Brooks-Powers
Abreu
Farias
Hudson
Sanchez

Against:

Hanks
Borelli

Abstain:

None

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-2-0; *Negative*: Joseph C. Borelli and Kamillah M. Hanks; *Parental*: Carlina Rivera; Committee on Land Use, May 22, 2024.

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 56

Report of the Committee on Land Use in favor of approving, as modified, Application number N 240011 ZRY (Zoning for Economic Opportunity – Manufacturing Districts) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to add new Manufacturing District options, Citywide.

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2024 (Minutes, page 1725), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 55 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-2-0; *Negative*: Joseph C. Borelli and Kamillah M. Hanks; *Parental*: Carlina Rivera; Committee on Land Use, May 22, 2024.

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 74

Report of the Committee on Land Use in favor of approving Application number N 220434 ZRM (15-21 West 124th Street) submitted by Harlem, 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 parking provisions of Article IX, Chapter 7 (Special 125th Street District), Borough of Manhattan, Community Districts 10 and 11, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on April 18, 2024 (Minutes, page 1920) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT**

MANHATTAN CB - 10

N 220434 ZRM

City Planning Commission decision approving an application submitted by Harlem, 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 parking provisions of Article IX, Chapter 7 (Special 125th Street District).

INTENT

To approve the zoning text amendment to Article IX, Chapter 7 (Special 125th Street District) of the Zoning Resolution to modify the residential parking requirements for R6A zoning districts within the Special 125th Street District to facilitate the development of an a residential development located at 15-21 West 124th Street (Block 1722, Lots 26 and 27) in Harlem, Manhattan, Community District 10.

PUBLIC HEARING**DATE:** April 17, 2024**Witnesses in Favor:** One**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** May 22, 2024

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor:

Riley
Moya
Abreu
Hanks
Schulman
Salaam
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** May 22, 2024

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Moya
Riley
Brooks-Powers
Abreu
Farias
Hanks
Hudson
Sanchez
Borelli

Against:

None

Abstain:

None

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

Res. No. 445

Resolution approving the decision of the City Planning Commission on Application No. N 220434 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 74).

By Council Members Salamanca and Riley.

WHEREAS, Harlem, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying parking provisions of Article IX, Chapter 7 (Special 125th Street District) to facilitate the development of a residential development located at 15-21 West 124th Street (Block 1722, Lots 26 and 27) in Harlem, Manhattan, Community District 10 (ULURP No. N 220434 ZRM), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on April 16, 2024, its decision dated March 20, 2024 (the "Decision") on 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 April 17, 2024;

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 on October 27, 2023 (CEQR No. 22DCP172M), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise (E-712) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-712) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 220434 ZRM, 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.

ARTICLE IX

SPECIAL PURPOSE DISTRICTS

Chapter 7

Special 125th Street District

* * *

97-50

SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

* * *

97-51

Accessory Off-street Parking Within the Core Subdistrict and Areas Outside of a Subdistrict

97-511**Required accessory off-street residential parking**

#Accessory# off-street parking spaces, open or enclosed, shall be provided for all #developments# or #enlargements# within the #Special 125th Street District# that contain #residences#, according to the provisions of the underlying district, as modified by the provisions of Section 97-50 (SPECIAL OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive. However, for #developments# or #enlargements# within R6A Districts, the off-street parking regulations of an R7-2 District, as modified by the provisions of Section 97-50, inclusive, shall apply.

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 10-0-0; *Parental*: Carlina Rivera; Committee on Land Use, May 22, 2024.

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. 82

Report of the Committee on Land Use in favor of approving Application number G 240052 XAQ (Sunnyside Barnett Article XI) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law, for the approval of an exemption from real property taxation for property located at 50-25 Barnett Avenue (Block 119; Lot 143), Borough of Queens, Community District 2, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on May 16, 2024 (Minutes, page 2083) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****QUEENS CB - 2****G 240052 XAQ**

Application submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Section 577 of Article XI of the Private Housing Finance Law for the approval of an exemption from real property taxation for property located at 50-25 Barnett Avenue (Block 119, Lot 143), Borough of Queens, Community District 2, Council District 26.

INTENT

To approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law, which contains one multiple dwelling known as The Barnett that will provide rental housing for low-income families.

PUBLIC HEARING

DATE: May 21, 2024

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 21, 2024

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Hanks
Salaam
Feliz
Marte
Nurse
Fariás

Against:**Abstain:****COMMITTEE ACTION**

DATE: May 22, 2024

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Moya
Riley
Brooks-Powers
Abreu
Farias
Hanks

Against:

None

Abstain:

None

Hudson
Sanchez
Borelli

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

Res. No. 446

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law, (L.U. No. 82; Non-ULURP No. G 240052 XAQ).

By Council Members Salamanca and Hanks.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 6, 2024 its request dated May 6, 2024 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption Request") for property located at 50-25 Barnett Avenue (Block 119, Lot 143), Community District No. 2, Borough of Queens, Council District No. 26 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on May 21, 2024; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption Request.

RESOLVED:

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. "Community Facility Space" shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - b. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDPC, or (ii) the date that either (A) HPD and the Owner, or (B) HPD, HDPC and the Owner, enter into the Regulatory Agreement.
 - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - d. "Exemption Area" shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 119, Lot 143 on the Tax Map of the City of New York.
 - e. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. "HDPC" shall mean the New York City Housing Development Corporation.

- g. “HDFC” shall mean 50-25 Barnett Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - i. “Owner” shall mean the HDFC.
 - j. “Regulatory Agreement” shall mean the regulatory agreement between either (i) HPD and the Owner, or (ii) HPD, HDC and the Owner, establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 10-0-0; *Parental*: Carlina Rivera; Committee on Land Use, May 22, 2024.

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 Sanitation and Solid Waste Management

Report for Int. No. 97-C

Report of the Committee on Sanitation and Solid Waste Management 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 increasing the civil penalty for repeated littering violations

The Committee on Sanitation and Solid Waste Management, to which the annexed proposed amended local law was referred on February 8, 2024 (Minutes, page 323), respectfully

REPORTS:

I. INTRODUCTION

On May 23, 2024, the Committee on Sanitation and Solid Waste Management (the “Committee”), chaired by Council Member Shaun Abreu, held hearing and vote on Int. No. 97-C, sponsored by Council Member Sandra Ung, in relation to increasing the civil penalty for repeated littering violations. The Committee previously heard Int. No. 97-C at a hearing on February 27, 2024, where it received testimony from representatives of the Department of Sanitation (“DSNY”), environmental advocates and interested members of the public.¹

II. LEGISLATION

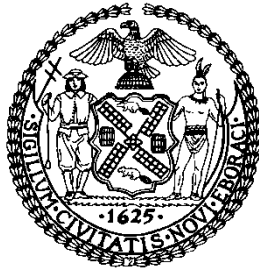
Int. No. 97-C would set a civil penalty for a commercial, manufacturing or industrial building that violates Admin. Code § 16-118(2)(a) (sidewalk littering and obstruction) of \$50 for the first violation, \$300 for the second violation committed on a different day within any 12 month period, and \$500 for the third and each subsequent violation committed on a different day within any 12 month period. The bill would also require the Department of Sanitation to produce and make available educational materials, in the designated citywide languages, related to the changes in such penalties.

¹ More information about this legislation can be accessed online at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6500694&GUID=4EDDD302-0CD2-453D-A7FB-8D4F80E18C9E&Options=&Search=>.

Update

At this hearing, the committee adopted Int. No. 97-C with a vote of 9 in the affirmative, 3 in negative, and no abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 97-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. 97-C

COMMITTEE: Sanitation and Solid Waste
Management

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to increasing the civil penalty for repeated littering violations.

Sponsors: Council Members Ung, Louis, Avilés, Holden, Krishnan, Rivera, Williams, Riley.

SUMMARY OF LEGISLATION: This bill would set a civil penalty against commercial, manufacturing or industrial buildings for violations of Admin. Code § 16-118(2)(a) (sidewalk littering and obstruction) of \$50 for the first violation, \$300 for the second violation committed on a different day within any 12 month period, and \$500 for the third and each subsequent violation committed on a different day within any 12 month period. The bill would also require the Department of Sanitation to produce educational materials related to the changes in such penalties.

EFFECTIVE DATE: This local law would take effect immediately, except that the new penalties would take effect 180 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FY26

FISCAL IMPACT STATEMENT:

	Effective FY25	Succeeding FY26	Full Fiscal Impact FY26
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation as full compliance with the local law is anticipated.

IMPACT ON EXPENDITURES: It is estimated that there would be no 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: Tanveer Singh, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Aliya Ali , Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Michael Twomey, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on February 8, 2024, as Intro. No. 97 and referred to the Committee on Sanitation and Solid Waste Management (the Committee). The legislation was considered by the Committee at a hearing held on February 27, 2024, and laid over. The bill was subsequently amended, and the amended version, Proposed Intro. No. 97-C will be considered by the Committee on May 23, 2024. Upon successful vote by the Committee, Proposed Intro. No. 97-C will be submitted to the full Council for a vote on May 23, 2024.

DATE PREPARED: 05/17/2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 97-A:)

Int. No. 97-C

By Council Members Ung, Louis, Avilés, Krishnan, Rivera, Williams, Riley, Won and Paladino.

A Local Law to amend the administrative code of the city of New York, in relation to increasing the civil penalty for repeated littering violations

Be it enacted by the Council as follows:

Section 1. Paragraph a of subdivision 9 of section 16-118 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

a. (1) not less than [50] \$50 and not more than [250 dollars] \$250 for a first violation, except that the civil penalty shall be not less than [250] \$250 and not more than [350 dollars] \$350 for a second violation of subdivision 4 or 6 of this section within any 12 month period, and not less than [350] \$350 and not more than [450 dollars] \$450 for a third or subsequent violation of subdivision 4 or 6 of this section within any 12 month period;

(2) notwithstanding subparagraph (1) of paragraph a of this subdivision, [50 dollars] \$50 for a first violation of paragraph (a) of subdivision 2 or of subdivision 3 of this section, or of any rules promulgated pursuant thereto, [100 dollars] \$100 for a second violation of such paragraph or subdivision or of any rules promulgated pursuant thereto within any 12 month period, and [100 dollars] \$100 for a third or subsequent violation of such paragraph or subdivision or of any rules promulgated pursuant thereto within any 12 month period; and

(3) notwithstanding subparagraphs (1) and (2) of paragraph a of this subdivision, where the owner, occupant, lessee, tenant, or person in charge of any commercial, manufacturing, or industrial building, including any mixed-use building, but excluding any solely residential building, has violated the provisions of paragraph (a) of subdivision 2 of this section, or of any rules promulgated thereto, such owner, occupant, lessee, tenant, or person in charge shall be liable for a civil penalty of \$50 for the first violation, \$300 for the second violation committed on a different day within any 12 month period, and \$500 for the third and each subsequent violation committed on a different day within any 12 month period;

§ 2. The commissioner of sanitation shall design and implement a program to inform owners or managers of commercial, manufacturing, or industrial buildings, including any mixed-use buildings and those buildings which also contain residential units, but excluding any solely residential buildings, of the sidewalk and street cleanliness requirements and the related current and forthcoming penalties set forth in subdivision 9 of section 16-118 of the administrative code of the city of New York. Pursuant to such program, the commissioner of sanitation shall produce educational materials related to sidewalk and street cleanliness requirements, and the new penalties for failure to comply with such requirements. Such educational materials shall be available in the designated citywide languages as defined in section 23-1101 of the administrative code of the city of New York. The commissioner of sanitation shall implement such program no later than 120 days after the effective date of this local law and shall conduct such program for no less than 240 days thereafter.

§ 3. This local law takes effect immediately, except that section 1 of this local law takes effect 180 days after it becomes law.

SHAUN ABREU, *Chairperson*; RAFAEL SALAMANCA, Jr., KALMAN YEGER, JAMES F. GENNARO, JULIE MENIN, SANDY NURSE, SANDRA UNG, CHRIS BANKS, VICKIE PALADINO, SUSAN ZHUANG; 10-2-0; *Negative*: David M. Carr and Inna Vernikov; Committee on Sanitation and Solid Waste Management, May 23, 2024.

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 Technology

Report for Int. No. 584-A

Report of the Committee on Technology 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 an estimated wait time to 311 call center customers.

The Committee on Technology, to which the annexed proposed amended local law was referred on March 7, 2024 (Minutes, page 1228), respectfully

REPORTS:

I. INTRODUCTION

On May 23, 2024, the Committee on Technology, chaired by Council Member Jennifer Gutiérrez, will hold a hearing to vote on Proposed Int. No. 584-A, sponsored by Council Member Eric Dinowitz, in relation to providing an estimated wait time to 311 call center customers. The Committee on Technology first heard Proposed Int. No. 584-A on April 25, 2024.

II. BACKGROUND

A. 311 Overview

The 311 Customer Service Center (“311”) is a citywide customer service program that provides New York City residents, businesses, and visitors with access to non-emergency government services and information.¹ The Mayor’s Office of Technology and Innovation (“OTI”) oversees 311’s operations and technology.² 311 is available 24 hours per day, 7 days per week, 365 days per year, and can be accessed through multiple channels, including via telephone, text message, the web, mobile application, and social media.³

In Fiscal Year 2023 (“FY23”), 311 received more than 17.8 million calls, down from 18.2 million in Fiscal Year 2022 (“FY22”) and down from prior peaks in Fiscal Year 2020 (“FY20”) with 21.5 million and Fiscal Year 2021 (“FY21”) with 21.7 million.⁴ Online site visits, however, increased from 10.5 million in FY20 to 15 million in FY23.⁵ This change in numbers can be attributed to the decrease of pandemic-related inquiries and the promotion of 311 Online through 311’s phone system and social media channels.⁶ When a customer contacts 311, the interaction generally results in either a “service request” (when the customer is seeking a city agency to take an action) or an “informational request” (when the customer has a question regarding a city service). In total, 311 processed 3.4 million service requests in FY23, down from 3.5 million in FY22.⁷

Figure No. 1 shows 311 usage data, including the number of requests through calls, mobile app contacts, texting contacts, online site visits, the number of 311 non-English language calls, and the number of completed service requests.⁸

Performance Indicators	FY19	FY20	FY21	FY22	FY23
311 calls (in thousands)	19,541	21,515	21,715	18,231	17,886
311 Spanish language calls	714	897	648	529	598
311 calls in languages other than English or Spanish	60	81	112	85	75
311 mobile app contacts	2,234	2,201	2,227	2,187	2,157
311-NYC (text) contacts	253	424	356	311	303
311 Online site visits	20,185	10,553	13,415	13,472	15,007
Completed service requests	3,254	2,913	3,461	3,558	3,404

Figure No. 1: This figure displays a table to note data for performance indicators for 311, separated across five fiscal years from Fiscal Year 2019 to Fiscal Year 2023.

¹ See NYC311, <https://portal.311.nyc.gov> (last accessed April 23, 2024).

² See NYC Office of Technology and Innovation, *About: Who We Are: NYC311*, <https://www.nyc.gov/content/oti/pages/meet-the-team/nyc311> (last accessed April 23, 2024).

³ See City of New York, *Mayor’s Management Report*, at 169 (2023), https://www.nyc.gov/assets/operations/downloads/pdf/mmr2023/2023_mmr.pdf.

⁴ See *id.* at 171.

⁵ See *id.*

⁶ *Id.*; Joe Morrisroe, *Office Of Technology And Innovation 311 Customer Service Center*, Preliminary Mayor’s Management Report, 2024, <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/311.pdf>.

⁷ See *id.*

⁸ City of New York, *Mayor’s Management Report*, at 170 (2023), https://www.nyc.gov/assets/operations/downloads/pdf/mmr2023/2023_mmr.pdf.

Figure No. 2 shows a table that displays the average wait time per fiscal year for 311 calls during peak and off-peak hours, as well as the percentage of emails responded to in 14 days and the percentage of customers satisfied with their interaction with 311.⁹

Performance Indicators (in seconds)	FY19	FY20	FY21	FY22	FY23	FY24 (4-month actual)
Calls answered in 30 seconds (%)	82%	72%	79%	83%	85%	68%
Average wait time (tier 1 calls) Peak hours (11am-3pm, M-F)(minutes:seconds)	0:36	1:47	1:10	1:05	0:28	1:03
Average wait time (tier 1 calls) Off-peak hours (minutes:seconds)	0:21	0:55	0:18	0:12	0:12	0:30
Emails responded to in 14 days (%)	100%	100%	100%	100%	100%	100%
Customer satisfaction index (311 only)	93%	93%	92%	92%	94%	N/A

Figure No. 2: This figure shows the average wait time per fiscal year for 311 calls during peak and off-peak hours, as well as the percentage of emails responded to in 14 days and 311's customer satisfaction index.

Average wait time for calls peaked in FY20, which was due to the onset of the COVID-19 pandemic, the 2020 general election, Tropical Storm Isaias, and student transport; FY21 through FY23 saw a reduction in average wait times as actions were taken to improve staffing efficiencies in response to the wait time spikes.¹⁰

III. LEGISLATION

Below is a brief summary of the legislation being voted by the Committee at this hearing. 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.

Int. No. 584-A - A Local Law to amend the administrative code of the city of New York, in relation to providing an estimated wait time to 311 call center customers.

This bill would require the 311 call center to implement a virtual queue system that provides an estimated wait time for telephone callers.

This bill would take effect on June 30, 2025.

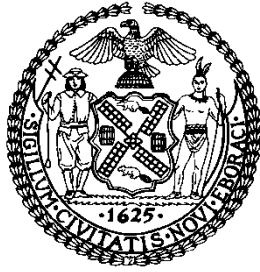
IV. UPDATE

On Thursday, May 23, 2024, the Committee adopted Int. No. 584-A by a vote of three in the affirmative, zero in the negative and zero abstentions.

⁹ Joe Morrisroe, *Office Of Technology And Innovation 311 Customer Service Center*, Preliminary Mayor's Management Report 2024, <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2024/311.pdf>.

¹⁰ Jessica S. Tisch, *DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS 311 CUSTOMER SERVICE CENTER*, Mayor's Management Report 2021, <https://www.nyc.gov/assets/operations/downloads/pdf/mmr2021/311.pdf>; Joe Morrisroe, *Office Of Technology And Innovation 311 Customer Service Center*, Mayor's Management Report 2022, <https://www.nyc.gov/assets/operations/downloads/pdf/mmr2022/311.pdf>; Joe Morrisroe, *Office Of Technology And Innovation 311 Customer Service Center*, Mayor's Management Report 2023, <https://www.nyc.gov/assets/operations/downloads/pdf/mmr2023/311.pdf>.

(The following is the text of the Fiscal Impact Statement for Int. No. 584-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: 584-A

COMMITTEE: Technology

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to providing an estimated wait time to 311 call center customers.

SPONSOR(S): Dinowitz, Hanif, Gennaro, Brewer, Louis, Menin, Schulman, Hanks, Farías, Won and Vernikov.

SUMMARY OF LEGISLATION: The bill would require the 311 call center to implement a virtual queue system that provides an estimated wait time for telephone callers.

EFFECTIVE DATE: This local law would take effect on June 30, 2025

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

FISCAL IMPACT STATEMENT:

	Effective FY25	Succeeding FY26	Full Fiscal Impact FY26
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	(See Below)	(See Below)	(See Below)
Net	(See Below)	(See Below)	(See Below)

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 the New York City Office of Technology and Innovation (OTI) will use existing resource for its implementation. However, after conversations with OTI, the estimated costs could potentially increase in the event that OTI would need to acquire new or additional technology for the implementation of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York Office of Technology and Innovation

ESTIMATE PREPARED BY: Nia Hyatt, Senior Financial Analyst

ESTIMATE REVIEWED BY: Florentine Kabore, Unit Head
 Chima Obichere, Deputy Director
 Eisha Wright, Deputy Director
 Jonathan Rosenberg, Managing Deputy Director
 Michael Twomey, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council on March 7, 2024, as Intro. No. 584 and was referred to the Committee on Technology (the Committee). The legislation was considered by the Committee at a hearing held on April 25, 2024, and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 584-A will be considered by the Committee on May 23, 2024. Upon successful vote by the Committee, Proposed Intro. No. 584-A will be submitted to the full Council for a vote on May 23, 2024.

DATE PREPARED: 5/21/24.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 584-A:)

Int. No. 584-A

By Council Members Dinowitz, Hanif, Gennaro, Brewer, Louis, Menin, Schulman, Hanks, Fariás, Won, Rivera and Vernikov.

A Local Law to amend the administrative code of the city of New York, in relation to providing an estimated wait time to 311 call center customers

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 23-302 of the administrative code of the city of New York, as added by local law number 29 for the year 2011, is amended to read as follows:

§ 23-302 High call volume protocol. a. No later than September 30, 2011, the 311 customer service center shall implement a protocol for responding to high call volume. Such protocol shall include, but not be limited to, (i) a system to efficiently and effectively answer, direct and track all calls; (ii) increased utilization of automated telephone messages, short message services, social media, email alerts, and the city's website to disseminate information and to reduce non-critical information requests; [and] (iii) a plan to ensure adequate staffing both in anticipation of, and in response to, high call volume incidents; and (iv) a virtual queue system that provides an estimated wait time to callers when the estimated wait time is more than 60 seconds.

§ 2. This local law takes effect on June 30, 2025.

JENNIFER GUTIÉRREZ, *Chairperson*; ROBERT F. HOLDEN, ERIK D. BOTTCHER; 3-0-0; *Absent*: Vickie Paladino; *Parental*: Julie Won; Committee on Technology, May 23, 2024.

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>
GERLIN DELEON	606 West 57 th Street, Apt. 1617 New York, New York 10019	6
DENISE PEREZ	2075 3 rd Ave, Apt. 13C New York, New York 10029	8
LESAN EDWARDS	3511 Barned Ave, Apt. 4E Bronx, N.Y. 10467	12
LINDA LAWYER	790 Concourse Village West, Apt. 14C Bronx, New York 10451	16
GEORGIOS BEKAS	4210 212 TH Street, Apt. 3A Queens, New York 11361	19
PATRICK BRUNO	1522 Murray Street, 2 nd Floor Queens, New York 11357	19
AAKRITI TUU MEHRISHI	150-39 78 th Ave Queens, New York 11367	24
MICHELLE DURAN RUIZ	41-29 46 th Street, Apt. 60 Queens, New York 11104	26
ALBERTO COLLANTE	94-14 Jamaica Ave., Apt. 3 Queens, New York 11421	32
ISRAEL MATTHEW MATOS	93-11 74 th Place Queens, New York 11421	46
ADRIAN SMITH	1426 E. 88 th Street Brooklyn, New York 11236	46
AMANDA ESTEVEZ	6820 Owls Head Court, Apt. 1A Brooklyn, New York 11220	47

IULIA VLADIMIROVA

351 65th Street, Apt. 2
Brooklyn, New York 11220

47

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 Orders Calendar)

- | | |
|--|---|
| (1) Preconsidered
M-50 &
Res. No. 444 - | Appropriation of new City revenues in Fiscal Year 2024 (MN-6) . |
| (2) Int. No. 97-C - | Increasing the civil penalty for repeated littering violations. |
| (3) Int. No. 134-A - | Regular reports on the redevelopment plans at John F. Kennedy International Airport. |
| (4) Int. No. 135-A - | Structural loadbearing capacity of parking garages. |
| (5) Int. No. 170-A - | Increased penalties for Department of Buildings violations issued to parking structures. |
| (6) Int. No. 231-A - | Increasing the frequency of parking structure inspections. |
| (7) Int. No. 584-A - | Estimated wait time to 311 call center customers. |
| (8) Res. No. 412 - | Cypress Hills Fulton Business Improvement District, public hearing to hear all persons interested in the establishment. |
| (9) Res. No. 421 - | Change in the name of the Queens Plaza/Court, increase in the amount to be expended annually, extension of the boundaries, change in the method of assessment upon which the district charge. |
| (10) Preconsidered
Res. No. 436 - | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution) . |
| (11) Preconsidered
Res. No. 437 - | Discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2025. |
| (12) Preconsidered
SLR No. 1 - | Administrative Code of the City of New York and the Vehicle and Traffic Law, in relation to increasing the fine for tractor-trailer |

- combinations that park on residential streets overnight (S.519, A.1186) **(Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage).**
- (13) **Preconsidered SLR No. 2 -** General Municipal Law, in relation to disabilities of deputy sheriffs in certain cities (S.8529, A.9381) **(Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage).**
- (14) **Preconsidered SLR No. 3 -** General Municipal Law, in relation to disabilities of deputy sheriff members of a retirement system in certain cities (S.8532, A.9391) **(Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage).**
- (15) **Preconsidered SLR No. 4 -** Retirement and Social Security Law, in relation to permitting certain twenty-five year retirement program dispatcher members to file elections not to participate (S.7181-B, A.7693-A) **(Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage).**
- (16) **Preconsidered SLR No. 5 -** New York to discontinue a portion of real property in the county of the Bronx as parkland and to grant easements for improvements to the railroad right-of-way to bring Metro-North railroad service to four new stations in the Bronx and to Pennsylvania Station in the county of New York (S.9132, A.10060) **(Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage).**

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| (17) Preconsidered
SLR No. 6 - | Retirement and Social Security Law, in relation to death benefits for active New York city transit authority members (S.7224-B, A.7563-B) (Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage). |
| (18) Preconsidered
SLR No. 7 - | Vehicle and Traffic Law, in relation to abandoned vehicles (S.8726-B, A.9521-A) (Home Rule SLR item introduced by the Council requiring two-thirds affirmative vote for passage). |
| (19) L.U. No. 74 &
Res. No. 445 – | App. N 220434 ZRM (15-21 West 124th Street), Borough of Manhattan, Community Districts 10 and 11, Council District 9. |
| (20) L.U. No. 82 &
Res. No. 446 – | App. G 240052 XAQ (Sunnyside Barnett Article XI), Borough of Queens, Community District 2, Council District 26. |
| (21) Preconsidered
L.U. 83 &
Res 443 - | Ft Greene.HUDMF.FY24, Brooklyn, Community District No. 2, Council District No. 35. |
| (22) | Resolution approving various persons Commissioners of Deeds. |

The Majority Leader and Acting President Pro Tempore (Council Member Farías) 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, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Williams, Won, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **49**.

The General Orders vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 97-C**:

Affirmative – Abreu, Avilés, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Salaam, Salamanca, Schulman, Stevens, Ung, Williams, Won, Zhuang, the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **40**.

Negative – Ariola, Carr, De La Rosa, Holden, Marmorato, Sanchez, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) - **9**

The following was the vote recorded for **Int. No. 170-A**:

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

Negative – Yeger – **1**.

The following was the vote recorded for **Int. No. 231-A**:

Affirmative – Abreu, Avilés, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Powers, Restler, Riley, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Williams, Won, Yeger, the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **41**.

Negative – Ariola, Carr, Holden, Marmorato, Paladino, Vernikov, Zhuang, and the Minority Leader (Council Member Borelli) – **8**.

The following was the vote recorded for **Res. No. 421**:

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

Negative – Yeger - **1**.

*The following adopted Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 97-C, 134-A, 135-A, 170-A, 231-A, and 584-A.*

The Blueback documents verifying the adoption of each Home Rule item (SLR Nos. 1 to 7 of 2024) were certified by the City Clerk and Clerk of the Council (Mr. McSweeney). These respective Blueback certifications were subsequently sent to Albany for filing with the State Assembly and State Senate.

INTRODUCTION AND READING OF BILLS

Int. No. 908

By The Speaker (Council Member Adams) and Council Members Abreu, Restler, Brewer, Hudson, Brannan, Hanif, Fariás, Avilés, Ossé, Nurse, Ayala, Stevens, Brooks-Powers, Gennaro, Salaam, Riley, Mealy, Joseph and Menin.

A Local Law to amend the New York city charter, in relation to requiring council advice and consent for certain commissioners

Be it enacted by the Council as follows:

Section 1. Section 31 of the New York city charter, as amended by a vote of the electors on November 5, 2019, is amended to read as follows:

§ 31 Power of advice and consent. Appointment by the mayor of the [commissioner] *commissioners of buildings, children's services, citywide administrative services, consumer and worker protection, cultural affairs, design and construction, emergency management, environmental protection, finance, health and mental hygiene, homeless services, housing preservation and development, information technology and telecommunications, investigation, parks and recreation, sanitation, small business services, social services, transportation, veterans' services, and youth and community development, the commissioner for the aging,* [and] the corporation counsel, and the members of the art commission, board of health (other than the chair), board of standards and appeals, city planning commission (other than the chair), civil service commission, landmarks preservation commission, tax commission, taxi and limousine commission and the public members of the environmental control board shall be made with the advice and consent of the council after a public hearing. Within 30 days after the first stated meeting of the council after receipt of a nomination, the council shall hold a hearing and act upon such nomination and in the event it does not act within such period, the nomination shall be deemed to be confirmed.

§ 2. Subdivision b of section 391 of the New York city charter, as added by a vote of the electors on November 5, 2019, is amended to read as follows:

b. Within 60 days following the occurrence of a vacancy in the office of the corporation counsel, the mayor shall submit to the council the name of the mayor's nominee for corporation counsel. If the council disapproves a nomination while the office of the corporation counsel is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 3. Section 495 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

§ 495 Department; commissioner; *vacancy.* a. There shall be an emergency management department, which may also be known as the New York city office of emergency management, the head of which shall be the commissioner of emergency management. The commissioner shall be appointed by the mayor *with the advice and consent of the council*. The commissioner shall also serve as the local director of civil defense, with the powers of a local director of civil defense.

b. *Within 60 days following the occurrence of a vacancy in the office of commissioner of emergency management, the mayor shall submit to the council the name of the mayor's nominee for commissioner of emergency management. If the council disapproves a nomination while the office of the commissioner of emergency management is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.*

§ 4. Section 496 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

§ 496 Deputies. The commissioner shall have the power to appoint and, at pleasure, remove deputies, one to be known as first deputy commissioner. During the absence or disability of the commissioner, the first deputy commissioner, or if the first deputy commissioner shall be absent or under disability, the deputy commissioner designated by the commissioner, shall possess all the powers and perform all the duties of the commissioner, except the power of making appointments and transfers. *During a vacancy in the office of commissioner, the first deputy commissioner shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 5. Section 531 of the New York city charter, as added by local law number 7 for the year 1976, is amended to read as follows:

§ 531 Department; commissioner; *vacancy*. a. There shall be a department of parks and recreation, the head of which shall be the commissioner of parks and recreation.

b. *Within 60 days following the occurrence of a vacancy in the office of commissioner of parks and recreation, the mayor shall submit to the council the name of the mayor's nominee for commissioner of parks and recreation. If the council disapproves a nomination while the office of the commissioner of parks and recreation is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.*

§ 6. Section 532 of the New York city charter, as added by local law number 7 for the year 1976, is amended to read as follows:

§ 532 Deputies. The commissioner may appoint three deputies. *During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 7. Section 551 of the New York city charter, as amended by local law number 14 for the year 2022, is amended to read as follows:

§ 551 Department; commissioner; *vacancy*. a. There shall be a department of health and mental hygiene, the head of which shall be the commissioner of health and mental hygiene who shall be appointed by the mayor *with the advice and consent of the council*. The department shall have and exercise all powers of a local health department set forth in law. Notwithstanding any other provision of this charter to the contrary, the department shall be a social services district for purposes of the administration of health-related public assistance programs to the extent agreed upon by the department, the department of social services and the department of homeless services. Appropriations to the department for mental health, intellectual and developmental disability, and alcoholism services shall be set forth in the expense budget in separate and distinct units of appropriation. In determining the annual amount of city funds to be appropriated by the city for mental health, intellectual and developmental disability, and alcoholism services, the following provision shall apply: in the event that the executive budget proposes a decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section 107, for the units of appropriation for mental health, intellectual and developmental disability, and alcoholism services, the executive budget shall not propose a greater percentage decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section 107, for the units of appropriation for mental health, intellectual and developmental disability, and alcoholism services than has been proposed for the units of appropriation for public health services. If, however, in his or her discretion, the mayor determines that it is in the city's best interest to submit an executive budget at variance with the requirements of this provision, the mayor shall include an explanation of the basis for this variation as part of the budget message.

b. The commissioner shall be a doctor of medicine and:

(1) hold a degree of master of public health or a degree of master of business administration with concentration in the health field or a degree of master of public administration with concentration in the health field or the equivalent of any one of the specified foregoing degrees received from a college or university and have had at least five years' experience in college or university public health teaching, or

(2) have had at least five years' experience in public health administration.

c. Within 60 days following the occurrence of a vacancy in the office of commissioner of health and mental hygiene, the mayor shall submit to the council the name of the mayor's nominee for commissioner of health and mental hygiene. If the council disapproves a nomination while the office of the commissioner of health and mental hygiene is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 8. Section 552 of the New York city charter, as amended by local law number 14 for the year 2022, is amended to read as follows:

§ 552 Deputy commissioners. *a.* The commissioner may appoint deputy commissioners, one of whom shall have the same qualifications as the commissioner. There shall be at least two executive deputy commissioners, one of whom shall have the qualifications established pursuant to the mental hygiene law for a director of community services of a local governmental unit, and shall be the director within the department of the division of mental hygiene services. Such division shall be and shall exercise the powers of a local governmental unit for purposes of the mental hygiene law, and the executive deputy commissioner heading such division shall have the powers of a director of community services of a local governmental unit as set forth in or pursuant to such law, and shall report directly to the commissioner. In the exercise of such powers, such executive deputy commissioner shall coordinate the fiscal and programmatic administration of contracts awarded by the department for mental health, intellectual and developmental disability, and alcoholism services.

b. During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.

§ 9. Section 601 of the New York city charter, as amended by local law number 19 for the year 1999, is amended to read as follows:

§ 601 Department; commissioner; vacancy. *a.* There shall be a department of social services, the head of which shall be the commissioner of social services.

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of social services, the mayor shall submit to the council the name of the mayor's nominee for commissioner of social services. If the council disapproves a nomination while the office of the commissioner of social services is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 10. Section 602 of the New York city charter, as amended by local law number 19 for the year 1999, is amended to read as follows:

§ 602 Deputies. The commissioner may appoint three deputies. *During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 11. Section 610 of the New York city charter, as added by local law number 19 for the year 1999, is amended to read as follows:

§ 610 Department; commissioner; vacancy. *a.* There shall be a department of homeless services, the head of which shall be the commissioner of homeless services.

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of homeless services, the mayor shall submit to the council the name of the mayor's nominee for commissioner of homeless services. If the council disapproves a nomination while the office of the commissioner of homeless services is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 12. Section 611 of the New York city charter, as added by local law number 19 for the year 1999, is amended to read as follows:

§ 611 Deputies. The commissioner shall appoint at least one deputy. *During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 13. Section 615 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

§ 615 Administration; commissioner; vacancy. *a. There shall be an administration for children's services, the head of which shall be the commissioner of children's services.*

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of children's services, the mayor shall submit to the council the name of the mayor's nominee for commissioner of children's services. If the council disapproves a nomination while the office of the commissioner of children's services is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 14. Section 616 of the New York city charter is amended to read as follows:

§ 616 Deputies. The commissioner shall appoint at least three deputy commissioners. *During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 15. Section 641 of the New York city charter, as amended by local law number 39 for the year 2008, is amended to read as follows:

§ 641 Department; commissioner; vacancy. *a. There shall be a department of buildings, the head of which shall be the commissioner of buildings. The commissioner or the first deputy commissioner shall be a registered architect or a licensed professional engineer in good standing under the education law.*

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of buildings, the mayor shall submit to the council the name of the mayor's nominee for commissioner of buildings. If the council disapproves a nomination while the office of the commissioner of buildings is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 16. Section 642 of the New York city charter, as amended by local law number 39 for the year 2008, is amended to read as follows:

§ 642 Deputies. a. The commissioner shall appoint two deputies, one of whom shall be the first deputy commissioner. The commissioner may, by instrument in writing filed with the department, designate a deputy commissioner who is a registered architect or a licensed professional engineer to possess any of the powers granted to the commissioner by subdivision (b) or (d) of section six hundred forty-five of this chapter. The deputy commissioner so designated shall possess such powers in addition to any other powers that may be assigned to him or her by the commissioner pursuant to any other provision of law.

b. During a vacancy in the office of commissioner, the first deputy commissioner shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.

§ 17. Section 731 of the New York city charter, as amended by local law number 81 for the year 1996, is amended to read as follows:

§ 731 Department; commissioner; vacancy. *a. There shall be a department of youth and community development, the head of which shall be the commissioner of youth and community development.*

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of youth and community development, the mayor shall submit to the council the name of the mayor's nominee for commissioner of youth and community development. If the council disapproves a nomination while the office of the commissioner of youth and community development is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure

that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 18. Section 732 of the New York city charter, as amended by local law number 81 for the year 1996, is amended to read as follows:

§ 732 Deputies. The commissioner shall appoint at least one deputy for youth services who shall be responsible for youth services programs and one deputy for community services who shall be responsible for community development programs. *During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 19. Section 751 of the New York city charter, as added by local law number 24 for the year 1977, is amended to read as follows:

§ 751 Department; commissioner; vacancy. *a. There shall be a department of sanitation, the head of which shall be the commissioner of sanitation.*

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of sanitation, the mayor shall submit to the council the name of the mayor's nominee for commissioner of sanitation. If the council disapproves a nomination while the office of the commissioner of sanitation is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 20. Section 752 of the New York city charter, as added by local law number 24 for the year 1977, is amended to read as follows:

§ 752 Deputies. The commissioner may appoint three deputies. *During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 21. Section 810 of the New York city charter, as added by local law number 59 for the year 1996, is amended to read as follows:

§ 810 Department, commissioner; vacancy. *a. There shall be a department of citywide administrative services, the head of which shall be the commissioner of citywide administrative services. The commissioner may appoint deputies within available appropriations. During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of citywide administrative services, the mayor shall submit to the council the name of the mayor's nominee for commissioner of citywide administrative services. If the council disapproves a nomination while the office of the commissioner of citywide administrative services is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 22. Section 1070 of the New York city charter, as amended by local law number 24 for the year 1994, is amended to read as follows:

§ 1070 Department; commissioner; vacancy. *a. There shall be a department of information technology and telecommunications, the head of which shall be the commissioner of information technology and telecommunications and the chief information officer of the city.*

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of information technology and telecommunications, the mayor shall submit to the council the name of the mayor's nominee for commissioner of information technology and telecommunications. If the council disapproves a nomination while the office of the commissioner of information technology and telecommunications is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all

reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 23. Section 1071 of the New York city charter, as amended by local law number 71 for the year 1990, is amended to read as follows:

§ 1071 Deputies. The commissioner may appoint four deputies, one of whom may be designated as the first deputy commissioner. *During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 24. Section 1200 of the New York city charter, as added by local law number 77 for the year 1995, is amended to read as follows:

§ 1200 Department; commissioner; *vacancy.* a. There shall be a department of design and construction, the head of which shall be the commissioner of design and construction.

b. *Within 60 days following the occurrence of a vacancy in the office of commissioner of design and construction, the mayor shall submit to the council the name of the mayor's nominee for commissioner of design and construction. If the council disapproves a nomination while the office of the commissioner of design and construction is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.*

§ 25. Section 1201 of the New York city charter, as added by local law number 77 for the year 1995, is amended to read as follows:

§ 1201 Deputies. The commissioner may appoint five deputies. *During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 26. Section 1300 of the New York city charter, as amended by local law number 34 for the year 2002, is amended to read as follows:

§ 1300 Department; commissioner; *vacancy.* a. There shall be a department of small business services, the head of which shall be the commissioner of small business services. The commissioner may appoint deputies within available appropriations. *During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

b. *Within 60 days following the occurrence of a vacancy in the office of commissioner of small business services, the mayor shall submit to the council the name of the mayor's nominee for commissioner of small business services. If the council disapproves a nomination while the office of the commissioner of small business services is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.*

§ 27. Section 1401 of the New York city charter, as added by local law number 24 for the year 1977, is amended to read as follows:

§ 1401 Department; commissioner; *vacancy.* a. There shall be a department of environmental protection, the head of which shall be the commissioner of environmental protection.

b. *Within 60 days following the occurrence of a vacancy in the office of commissioner of environmental protection, the mayor shall submit to the council the name of the mayor's nominee for commissioner of environmental protection. If the council disapproves a nomination while the office of the commissioner of environmental protection is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.*

§ 28. Section 1402 of the New York city charter, as added by local law number 24 for the year 1977, is amended to read as follows:

§ 1402 Deputies. The commissioner may appoint three deputies. *During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 29. Section 1501 of the New York city charter, as added by local law number 30 for the year 1977, is amended to read as follows:

§ 1501 Department; commissioner; vacancy. *a.* There shall be a department of finance, the head of which shall be the commissioner of finance.

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of finance, the mayor shall submit to the council the name of the mayor's nominee for commissioner of finance. If the council disapproves a nomination while the office of the commissioner of finance is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 30. Section 1502 of the New York city charter, as amended by local law number 53 for the year 1995, is amended to read as follows:

§ 1502 Deputies. *a.* The mayor may appoint three deputy commissioners. In addition, the mayor shall appoint one deputy commissioner whose function shall be to serve as the city sheriff. The commissioner and deputy commissioners shall provide a bond. The first deputy commissioner shall supervise and be responsible for the operations of the parking violations bureau.

b. During a vacancy in the office of commissioner, the first deputy commissioner shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.

§ 31. Section 1800 of the New York city charter, as added by local law number 29 for the year 1977, is amended to read as follows:

§ 1800 Department; commissioner; vacancy. *a.* There shall be a department of housing preservation and development, the head of which shall be the commissioner of housing preservation and development.

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of housing preservation and development, the mayor shall submit to the council the name of the mayor's nominee for commissioner of housing preservation and development. If the council disapproves a nomination while the office of the commissioner of housing preservation and development is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 32. Section 1801 of the New York city charter, as amended by vote of the electors on November 7, 1989, is amended to read as follows:

§ 1801 [Officials of the department] Deputies. *a.* The commissioner may appoint not more than five deputy commissioners, one of whom may be a first deputy commissioner and one of whom shall be a deputy commissioner charged with the powers and duties that include, but are not limited to, the powers and duties described in paragraphs (j), (k), (l) and (m) of subdivision six of section eighteen hundred two of this chapter.

b. During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.

§ 33. Section 2201 of the New York city charter, as amended by local law number 80 for the year 2020, is amended to read as follows:

§ 2201 Department; commissioner; vacancy. *a.* There shall be a department of consumer and worker protection, the head of which shall be the commissioner of consumer and worker protection.

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of consumer and worker protection, the mayor shall submit to the council the name of the mayor's nominee for commissioner of consumer and worker protection. If the council disapproves a nomination while the office of the commissioner

of consumer and worker protection is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 34. Section 2202 of the New York city charter, as amended by local law number 80 for the year 2020, is amended to read as follows:

§ 2202 Deputies. The commissioner may appoint such deputies as he or she deems necessary for the discharge of his or her duties. *During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 35. Section 2400 of the New York city charter, as added by local law number 36 for the year 1975, is amended to read as follows:

§ 2400 Department; commissioner; vacancy. *a. There shall be a department for the aging, the head of which shall be the commissioner for the aging.*

b. Within 60 days following the occurrence of a vacancy in the office of commissioner for the aging, the mayor shall submit to the council the name of the mayor's nominee for commissioner for the aging. If the council disapproves a nomination while the office of the commissioner for the aging is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 36. Section 2401 of the New York city charter, as added by local law number 36 for the year 1975, is amended to read as follows:

§ 2401 Deputies. The commissioner may appoint and at pleasure remove a deputy commissioner. *During a vacancy in the office of commissioner, the deputy commissioner shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 37. Section 2501 of the New York city charter, as added by local law number 6 for the year 1976, is amended to read as follows:

§ 2501 Department; commissioner; vacancy. *a. There shall be a department of cultural affairs, the head of which shall be the commissioner of cultural affairs.*

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of cultural affairs, the mayor shall submit to the council the name of the mayor's nominee for commissioner of cultural affairs. If the council disapproves a nomination while the office of the commissioner of cultural affairs is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 38. Section 2502 of the New York city charter, as added by local law number 6 for the year 1976, is amended to read as follows:

§ 2502 Deputies. The commissioner may appoint a deputy. *During a vacancy in the office of commissioner, the deputy commissioner shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.*

§ 39. Section 2901 of the New York city charter, as renumbered by local law 102 for the year 1977, is amended to read as follows:

§ 2901 Department; commissioner; vacancy. *a. There shall be a department of transportation, the head of which shall be the commissioner of transportation.*

b. Within 60 days following the occurrence of a vacancy in the office of commissioner of transportation, the mayor shall submit to the council the name of the mayor's nominee for commissioner of transportation. If the council disapproves a nomination while the office of the commissioner of transportation is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all

reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 40. Section 2902 of the New York city charter, as amended by local law number 25 for the year 1994, is amended to read as follows:

§ 2902 Deputies. *a. The commissioner may appoint three deputies, one of whom shall be in charge of highway operations and be a licensed professional engineer in good standing under the education law.*

b. During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.

§ 41. Section 3100 of the New York city charter, as added by local law number 113 for the year 2015, is amended to read as follows:

§ 3100 Department; commissioner; *vacancy. a. There shall be a department of veterans' services, the head of which shall be the commissioner of veterans' services.*

b. The commissioner may appoint deputies within available appropriations. During a vacancy in the office of commissioner, the deputy commissioner designated by the commissioner prior to their vacating of the office, or in the absence of any such designation, designated by the mayor, shall act as commissioner until the appointment and qualification of a commissioner in accordance with law.

c. Within 60 days following the occurrence of a vacancy in the office of commissioner of veterans' services, the mayor shall submit to the council the name of the mayor's nominee for commissioner of veterans' services. If the council disapproves a nomination while the office of the commissioner of veterans' services is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 42. Severability. If any provision of this local law is held invalid or ineffective in whole or in part, with respect to the appointment of any commissioner or otherwise, such holding shall not affect, impair or invalidate any portion of, or the remainder of, this local law, and all other provisions thereof shall nevertheless be separately and fully effective.

§ 43. This local law shall be submitted for approval by the electors at the next general election not less than 60 days after the adoption of this local law, pursuant to section 23 of the Municipal Home Rule Law; provided, however, that if this local law is prohibited from being voted on at such election pursuant to section 36 of the Municipal Home Rule Law, this local law shall instead be submitted for approval by the electors at a special election held on the first Tuesday following such general election at which such a vote may validly be held pursuant to the provisions of the Municipal Home Rule Law and the Election Law, or at a general election if such a general election at which this local law may be voted on occurs prior to any such valid special election date.

§ 44. This local law takes effect immediately upon certification that the electors have approved such amendments to the charter; provided, however, that if the office of the commissioner for the aging, or the commissioner of buildings, children's services, citywide administrative services, consumer and worker protection, cultural affairs, design and construction, emergency management, environmental protection, finance, health and mental hygiene, homeless services, housing preservation and development, information technology and telecommunications, parks and recreation, sanitation, small business services, social services, transportation, veteran's services, or youth and community development, is vacant on such effective date, any such vacancy will be deemed to have occurred on such effective date.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Preconsidered Res. No. 436

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

By Council Member Brannan.

Whereas, On June 30, 2023, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”); and

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 2024 and Fiscal 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, boroughwide, and Speaker’s initiative 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 2024 and Fiscal 2022 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth, aging, and Speaker’s initiative discretionary funding; now, therefore, be it

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2024 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 2024 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 2024 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2024 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 2024 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2024 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 Parks Equity Initiative in accordance with the Fiscal 2024 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 Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 9; 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 Food Pantries Initiative in accordance with the Fiscal 2024 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 Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2024 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 Crisis Management System Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 13; 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 2024 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 funding pursuant to the Trans Equity Programs Initiative in accordance with the Fiscal 2024 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 LGBTQIA+ Inclusive Curriculum Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Pride At Work Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the LGBTQIA+ Community Services Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the MCCAP Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 21; 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 22; 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 2023 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the changes in the designation 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 24; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Trans Equity Programs Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the MCCAP Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 28; 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 29; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 33.

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. 436 of 2024 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Preconsidered Res. No. 437

Resolution to establish that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2025.

By Council Member Brannan.

Whereas, Pursuant to section 1519-a(7)(b) of the New York City charter, the Banking Commission is required to recommend to the City Council, not later than the 13th day of May, the proposed discount percentage allowed for early payment of real estate taxes; and

Whereas, Section 1519-a(7)(c) of the New York City charter provides that the Council may adopt a discount percentage for early payment of real estate taxes no earlier than the 14th day of May; and

Whereas, The Banking Commission forwarded its recommendation to the Council, by letter dated May 10, 2024, that the discount percentage for early payment of real estate taxes for Fiscal Year 2025 be set at one-half of one percent per annum; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2025.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Res. No. 438

Resolution recognizing Landing Day in the second week of September annually to commemorate the arrival of the first Jewish community in New Amsterdam in 1654 and to celebrate the continuing importance of the Jewish community in the City of New York.

By Council Members Brewer, Dinowitz, Rivera, Restler, Menin, Vernikov, Schulman, Zhuang, Gennaro, Brannan and Carr.

Whereas, During the week of September 7, 1654, a few days before Rosh Hashanah, a group of 23 Sephardic Jews arrived by boat near the southern tip of the Dutch colony of New Amsterdam, having been preceded in late August by three Ashkenazi Jews—Jacob Barsimon and likely Solomon Pietersen and Asser Levy; and

Whereas, Fearing Spanish-Portuguese Inquisition reprisals, this group of 23 new arrivals had fled from the formerly Dutch city of Recife in Brazil after its capture by the Portuguese; and

Whereas, Based on his intolerant and hateful views, New Amsterdam’s Dutch Director General Petrus (Peter) Stuyvesant took steps to expel these Jews from his jurisdiction in order to maintain the supremacy of the Dutch Reformed Church, writing that “the deceitful race...be not allowed to further infect and trouble this new colony”; and

Whereas, Upon appeal from the Dutch Jewish community, the Dutch West India Company, which itself included Jewish members, rebuked Stuyvesant and ordered him to allow Jews to become legal residents on the basis of “reason and equality”; and

Whereas, The new Jewish residents of New Amsterdam faced further discrimination from efforts to limit their civil rights, causing them to have to fight for their rights to own property, trade freely, stand guard duty, worship in public, serve on juries, and become official citizens; and

Whereas, The Jewish residents of New Amsterdam and of the English colony of New York won expanded rights, often under the leadership of Levy, after petitioning the government; and

Whereas, The Mill Street Synagogue, the first Jewish congregation in the United States (U.S.), was consecrated in 1730 and eventually became Congregation Shearith Israel, the Spanish and Portuguese Synagogue, now located on West 70th Street in Manhattan; and

Whereas, The landing almost 370 years ago is now marked by the Jewish Tercentenary Monument and Flagstaff, placed at the southern tip of Manhattan in Peter Minuit Plaza by the State of New York and dedicated in 1955 in recognition of the Tercentennial Celebration of the arrival of the first Jews in North America; and

Whereas, The monument is a 75-foot-tall flagpole on a 7-foot-tall base of pink granite, which is adorned with a bronze plaque, sculpted by Abram Belskie; and

Whereas, The plaque is decorated with two lions framing a Star of David placed above a menorah and is inscribed with “Erected by the State of New York to honor the memory of the twenty three men women & children who landed in September 1654 and founded the first Jewish community in North America—American Jewish Tercentenary 1654-1954”; and

Whereas, In a September 2023 interview with *New York Jewish Week* during a Manhattan Jewish Historical Initiative (MJHI) Landing Day Celebration, Howard Teich, chair of MJHI and an advocate for an annual celebration of Jewish culture and achievements, noted that Jews have “got to spread a positive message of who we are, what we’ve accomplished, how we’ve worked with other people, what we’ve started, the difference we’ve made in the time we’ve been here and, really, what America has meant to us as a people”; and

Whereas, New York City (NYC) is now home to 1.6 million Jews, more than in any other city worldwide; and

Whereas, The Jewish people have more than a 3,500-year history, and NYC is one of the greatest urban centers of Jewish life in the history of the Jewish people; and

Whereas, A countless number of Jewish New Yorkers have distinguished themselves in NYC’s political, cultural, religious, social, academic, legal, advocacy, civil rights, and economic life and history for centuries; and

Whereas, It is fitting to honor the arrival of those first Jews who came in 1654 to the shores of what would become the U.S. in pursuit of freedom and equality, just as so many other early arrivals did after them; now, therefore, be it

Resolved, That the Council of the City of New York recognizes Landing Day in the second week of September annually to commemorate the arrival of the first Jewish community in New Amsterdam in 1654 and to celebrate the continuing importance of the Jewish community in the City of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 909

By Council Members Cabán, Gutiérrez, Hanif, Marte, Nurse, and Avilés (by request of the Comptroller).

A Local Law to amend the administrative code of the city of New York, in relation to wrongful discharge from employment

Be it enacted by the Council as follows:

Section 1. Subchapter 7 of title 20 of the administrative code of the city of New York, as added by local laws 1 and 2 for the year 2021, is amended to read as follows:

**SUBCHAPTER 7
WRONGFUL DISCHARGE [OF FAST FOOD EMPLOYEES]**

§ 20-1271 Definitions. As used in this subchapter, the following terms have the following meanings:

Biometric data. The term “biometric data” means a physiological, biological or behavioral characteristic, including but not limited to an iris scan, fingerprint, a hand scan, voiceprint and thermal or facial characteristics that can be used alone or in combination with each other, or with other information, to establish individual identity.

Biometric technology. The term “biometric technology” means either or both of the following: (i) a process or system that captures biometric data of an individual or individuals; (ii) a process or system that can assist in verifying or identifying an individual or individuals based on biometric data.

Bona fide economic reason. The term “bona fide economic reason” means the full or partial closing of operations or technological or organizational changes to the business in response to [the] a reduction in volume of production or[,] sales[, or profit] of 15 percent or more over a period of two quarters either at the establishment where the discharge is to occur or across all establishments owned by the employer in within the city, but shall not include elimination of staff redundancy created by a merger or acquisition. Provided, however, that in the construction industry, where work on a project is interrupted, such interruption shall constitute a bona fide economic reason for suspending the employment of employees on the project. the project.

Bona fide labor organization. The term “bona fide labor organization” means a labor union (i) in which officers have been elected by secret ballot or otherwise in a manner consistent with federal law; and (ii) that is free of domination or interference by any employer and has received no improper assistance or support from any employer.

Designated community group. The term “designated community group” means a not-for-profit organization or bona fide labor organization that has the capacity to conduct worker outreach, engagement, education and information provision, as determined by the commissioner.

Discharge. The term “discharge” means any cessation of employment, including layoff, termination, constructive discharge, reduction in hours and indefinite suspension.

Electronic monitoring. The term “electronic monitoring” means the collection of information concerning employee activities, communications, actions, biometrics or behaviors by electronic means including, but not limited to, video or audio surveillance, electronic employee work speed data and other means but shall not include any processes covered by section 52-c of the civil rights law as added by chapter 583 of 2021.

Employee work speed data. The term “employee work speed data” means information an employer collects, stores, analyzes or interprets relating to an individual employee’s or group of employees’ pace of work, including, but not limited to, quantities of tasks performed, quantities of items or materials handled or produced, rates or speeds of tasks performed, measurements or metrics of employee performance in relation to a quota and time categorized as performing tasks or not performing tasks. Notwithstanding the preceding sentence, it does not include qualitative performance assessments, personnel records or itemized wage statements, except for any content of those records that includes employee work speed data.

Employer. The term “employer” shall have the meaning ascribed to it by section 20-1201 except that where an employee is employed by a staffing services agency to perform work for a third party client within the third

party client's usual course of business, both the staffing services agency and the third party client shall be jointly and severally responsible for compliance with the requirements of this subchapter.

Geofencing technologies. The term "geofencing technologies" shall mean the use of global positioning system or radio frequency identification technology to create a virtual geographic boundary, enabling software to trigger a response when a device enters or leaves a particular area.

Just cause. The term "just cause" means the [fast food] employee's failure to satisfactorily perform job duties or to misconduct that is demonstrably and materially harmful to the [fast food] employer's legitimate business interests.

Probation period. The term "probation period" means a defined period of time, not to exceed 30 days from the first date of work of [a fast food] an employee, within which [fast food] employers and [fast food] employees are not subject to the prohibition on wrongful discharge set forth in section 20-1272.

Progressive discipline. The term "progressive discipline" means a disciplinary system that provides for a graduated range of reasonable responses to an [fast food] employee's failure to satisfactorily perform such [fast food] employee's job duties, with the disciplinary measures ranging from mild to severe, depending on the frequency and degree of the failure.

Reduction in hours. The term "reduction in hours" means a reduction in an [fast food] employee's hours of work totaling at least 15 percent of the employee's regular schedule or 15 percent of any weekly work schedule.

Seniority. The term "seniority" means a ranking of employees based on length of service, computed from the first date of work, including any probationary period, unless such service has been interrupted by more than six months, in which case length of service shall be computed from the date that service resumed. An absence shall not be deemed an interruption of service if such absence was the result of military service, illness, educational leave, leave protected or afforded by law, or any discharge based on a bona fide economic reason or that is in violation of any local, state or federal law, including this subchapter.

Short-term position. The term "short-term position" means employment pursuant to a written contract that specifies that the position is to end after a specified period of time, not to exceed six months, where the employer can show that the work or need in question is expected to end.

Short-term educational position. The term "short-term educational position" means employment with a specific educational purpose, pursuant to written contract that specifies that the position is to end after a specified period of time, not to exceed three years, where the employer can show that the position in question is expected to end.

Staffing services agency. The term "staffing services agency" means any employer engaged in the business of contracting employees to provide services, for a fee, to or for any third party client.

Third party client. The term "third party client" means any person that contracts with a staffing services agency for obtaining employees.

§ 20-1272 Prohibition on wrongful discharge. a. [A fast food] An employer shall not discharge [a fast food] an employee who has completed such employer's probation period except for just cause or a bona fide economic reason.

b. In determining whether [a fast food] an employee has been discharged for just cause, the fact-finder shall consider, in addition to any other relevant factors, whether:

1. The [fast food] employee knew or should have known of the [fast food] employer's policy, rule, [or] practice or performance standard that is the basis for progressive discipline or discharge;
2. The [fast food] employer provided relevant and adequate training to the [fast food] employee;
3. The [fast food] employer's policy, rule, [or] practice or performance standard, including the utilization of progressive discipline, was reasonable and applied consistently;
4. The employer impermissibly relied on electronic monitoring;
5. The employer disciplined or discharged the employee based on that employee's individual performance, irrespective of the performance of other employees;
6. The [fast food] employer undertook a fair and objective investigation into the job performance or misconduct; and

7[5]. The [fast food] employee violated the policy, rule or practice, failed to meet the performance standard or committed the misconduct that is the basis for progressive discipline or discharge.

c. Except where termination is for an egregious failure by the employee to perform their duties, or for egregious misconduct, a termination shall not be considered based on just cause unless (1) the [fast food]

employer has utilized progressive discipline; provided, however, that the [fast food] employer may not rely on discipline issued more than one year before the purported just cause termination, and (2) the [fast food] employer had a written policy on progressive discipline in effect at the *workplace or job site* [fast food establishment] and that was provided to the [fast food] employee.

d. 1. *Except where termination is for an egregious failure by the employee to perform their duties, or for egregious misconduct, an employer shall provide 14 days' notice of any discharge for just cause or bona fide economic reason.*

2. Within [5] five days of such notice [discharging a fast food employee], the [fast food] employer shall provide a written explanation to the [fast food] employee of the precise reasons for their discharge *including a copy of any materials, personnel records, data or assessments that the employer used to make the discharge decision. If the employer is relying on data collected through electronic monitoring to make the discharge decision, the employer shall also provide any aggregated data collected on employees performing the same or similar functions at the same establishment for the six months prior to the discharge in question.*

3. In determining whether an [a fast food] employer had just cause for discharge, the fact-finder may not consider any reasons proffered by the [fast food] employer but not included in such written explanation provided to the [fast food] employee.

4. *Where an employer fails to timely provide a written explanation to an employee, the discharge shall not be deemed to be based on just cause.*

e. The [fast food] employer shall bear the burden of proving just cause or a bona fide economic reason by a preponderance of the evidence in any proceeding brought pursuant to this subchapter, subject to the rules of evidence as set forth in the civil practice law and rules or, where applicable, the common law.

f. In any action or proceeding brought pursuant to sections 20-1207, 20-1211, or 20-1273, if *an* [a fast food] employer is found to have unlawfully discharged *an* [a fast food] employee in violation of this subchapter the relief shall include an order to reinstate or restore the hours of the [fast food] employee, unless waived by the [fast food] employee, and, in any such proceeding brought pursuant to 20-1211 or 20-1273 where *an* [a fast food] employer is found to have unlawfully discharged *an* [a fast food] employee in violation of this subchapter, the [fast food] employer shall be ordered to pay the reasonable attorneys' fees and costs of the [fast food] employee.

g. A discharge shall not be considered based on a bona fide economic reason unless supported by *an* [a fast food] employer's business records showing that the closing, or technological or reorganizational changes are in response to a reduction in volume of production[, or sales[, or profit].

h. Discharges of [fast food] employees based on bona fide economic reason shall be done in reverse order of seniority in the [fast food] establishment where the discharge is to occur, so that employees with the greatest seniority shall be retained the longest and reinstated or restored hours first. In accordance with section 20-1241, an [fast food] employer shall make reasonable efforts to offer reinstatement or restoration of hours, as applicable, to any [fast food] employee discharged based on a bona fide economic reason within the previous twelve months, if any, before the [fast food] employer may offer or distribute shifts to other employees or hire any new [fast food] employees. In accordance with section 20-1241, *an* [fast food] employer shall make reasonable efforts to offer reinstatement or restoration of hours, as applicable, to any [fast food] employee discharged based on a bona fide economic reason within the previous twelve months, if any, before the [fast food] employer may offer or distribute shifts to other employees or hire any new [fast food] employees.

§ 20-1272.1. *Electronic monitoring. a. 1. Employers may not rely on data collected through electronic monitoring in discharging or disciplining an employee unless the employer can establish before each use that (i) there is no other practical means of tracking or assessing employee performance; (ii) the employer is using the least invasive form of electronic monitoring available; and (iii) the employer previously provided notice to the employee of that monitoring as required by this section.*

2. *Employers cannot establish the practical necessity for electronic monitoring without previously filing with the department an impartial evaluation from an independent auditor that said electronic monitoring is effective in undertaking its designated task.*

3. *Employers who have established practical necessity for using data from electronic monitoring for tracking and assessing employee performance may not rely solely on such data but must also use other means of assessment such as manager observation or interviewing clients, customers or other employees to solicit feedback.*

- b. Notwithstanding subdivision a, employers may use data gathered through electronic monitoring:*
- 1. To record the beginning or end of a work shift, meal break, or rest break;*
 - 2. For non-employment-related purposes;*
 - 3. To discharge or discipline an employee in cases of egregious misconduct or involving threats to the health or safety of other persons; or*
 - 4. Where required by state or federal law.*
- c. Notwithstanding subdivision a, employers may not use data for discipline or discharge if such data is gathered using biometric technologies, video or audio recordings within the private home of an employee, apps or software installed on personal devices or geofencing technologies.*
- d. 1. Notwithstanding subdivision a, when discharging or disciplining employees, employers may rely on electronic employee work speed data to determine whether an employee has met a quota, so long as it measures total output over an increment of time that is no shorter than one day.*
- 2. Employers may not discipline or discharge an employee based on failure to meet a daily quota if the employee did not complete their entire shift.*
- e. 1. Notwithstanding subdivision a, employers using electronic monitoring to measure increments of time within a day during which an employee is or is not meeting performance standards may not record or rely on such data in discharging or disciplining an employee unless it is gathered during a periodic performance review and so long as the employee subject to the performance review has been given at least seven days advance notice of the exact timing of such review.*
- 2. Such reviews can occur not more than once a quarter and can occur for a duration of time not longer than 3 hours.*
- f. An employer or agent thereof that is planning to electronically monitor an employee for the purposes of discipline or discharge shall provide the employee with notice that electronic monitoring will occur prior to conducting each specific form of electronic monitoring. Notice shall include, at a minimum, the following elements:*
- 1. Whether the data gathered through electronic monitoring will be used to make or inform disciplinary or discharge decisions, and if so, the nature of that decision, including any associated benchmarks or performance standards;*
 - 2. Whether the data gathered through electronic monitoring will be used to assess employees' productivity performance or to set productivity standards, and if so, how;*
 - 3. The names of any vendors conducting electronic monitoring on the employer's behalf;*
 - 4. A description of the dates, times, and frequency that electronic monitoring will occur;*
 - 5. An explanation for why there is no other practical means of tracking or assessing employee performance and how the specific monitoring practice is the least invasive means available;*
 - 6. Notice of the employees' right to access or correct the data; and*
 - 7. Notice of the administrative and judicial mechanisms available to challenge the use of electronic monitoring.*
- g. 1. Notice of the specific form of electronic monitoring shall be clear and conspicuous. A notice that states electronic monitoring "may" take place or that the employer "reserves the right" to monitor shall not be considered clear and conspicuous.*
- 2. An employer who engages in periodic electronic monitoring of employees for the purposes of discipline or discharge shall inform the affected employees of the specific events which are being monitored at the time the monitoring takes place.*
- 3. Notice of periodic electronic monitoring may be given after electronic monitoring has occurred only if necessary to preserve the integrity of an investigation of illegal activity or protect the immediate safety of employees, customers or the public.*
- 5. An employer shall provide additional notice to employees when an update or change is made to the electronic monitoring or in how the employer is using it.*
- h. Employers shall provide a copy of the disclosures required by this section to the department at the time they are required to be disseminated to employees.*
- § 20-1272.2 Data access and accuracy. a. An employer shall ensure that any data collected through electronic monitoring that may be used for the purposes of discipline or discharge is accurate and, where relevant, kept up to date.*

b. A current employee shall have the right to request a copy of employee work speed data that may be used for the purposes of discipline and termination at least once every seven days.

c. 1. Employers using electronic monitoring to collect employee work speed data for the purposes of discipline or discharge must provide employees the opportunity to supplement that data to record any increments of time during which they are not performing work-related tasks and to record the reason that they are not performing work-related tasks during that time.

2. Such opportunity must be made available to employees both at the time of data collection and after.

3. Employers must give employees the option to record reasons for not performing tasks that include, at a minimum, the following: using the bathroom, taking meal breaks, responding to an emergency, injury, illness, fear of injury, disability, complying with local, state or federal laws or exercising workplace rights under local, state or federal laws.

d. 1. Employers using electronic monitoring to collect employee work speed data for the purposes of discipline or discharge must provide employees with the opportunity to review and request correction of such data both at the time of its collection and after.

2. An employer that receives an employee request to correct inaccurate data that collected through electronic monitoring shall investigate and determine whether such data is inaccurate.

3. If an employer, upon investigation, determines that such data is inaccurate, the employer shall:

(a) Promptly correct the inaccurate data and inform the employee of the employer's decision and action.

(b) Review and adjust, as appropriate, any disciplinary or discharge decisions that were partially or solely based on the inaccurate data and inform the employee of the adjustment.

(c) Inform any third parties with which the employer shared the inaccurate data, or from which the employer received the inaccurate data, and direct them to correct it, and provide the employee with a copy of such action.

4. If an employer, upon investigation, determines that the data is accurate, the employer shall inform the employee of the following:

(a) The decision not to amend the data.

(b) The steps taken to verify the accuracy of the data and the evidence supporting the decision not to amend the data.

§ 20-1273 Arbitration. a. On or after January 1, 2022, any person or organization representing persons alleging a violation of this subchapter by an [a fast food] employer may bring an arbitration proceeding. In addition, the department may, to the extent permitted by any applicable law including the civil practice law and rules, provide by rule for persons bringing such a proceeding to serve as a representative party on behalf of all members of a class. Such a proceeding must be brought within 2 years of the date of the alleged violation. If the arbitrator finds that the [fast food] employer violated the provisions of this subchapter, it shall (i) require the [fast food] employer to pay the reasonable attorneys' fees and costs of the [fast food] employee, (ii) require the [fast food] employer to reinstate or restore the hours of the [fast food] employee, unless the employee waives reinstatement, (iii) require the [fast food] employer to pay the city for the costs of the arbitration proceeding, and (iv) award all other appropriate equitable relief, which may include back pay, rescission of discipline, in addition to other relief, and such other compensatory damages or injunctive relief as may be appropriate.

b. A person or organization bringing an arbitration proceeding under subdivision a must serve the arbitration demand, and any amendments thereto, on the [fast food] employer either in person or via certified mail at the current or most recent [fast food establishment] workplace or job site where each [fast food] employee named in the arbitration demand is or was employed, or pursuant to the rules for service specified in article 3 of the civil practice law and rules. Such arbitration demand must include a general description of each alleged violation but need not reference the precise section alleged to have been violated.

c. The parties to an arbitration proceeding shall jointly select the arbitrator from a panel of arbitrators. The number of arbitrators on the panel shall be determined by the department. The arbitrators on the panel shall be chosen by a committee of eight participants established by the department and comprised of:

1. Four employee-side representatives, including [fast food] employees or advocates; and

2. Four employer-side representatives, including [fast food] employers or advocates.

d. If an insufficient number of employee-side and employer-side representatives agree to participate in the committee pursuant to subdivision c of this section, the department shall consult with those that have agreed to participate and select individuals to fill the requisite number of openings on the committee.

e. If the committee established pursuant to subdivision c of this section is unable to select a sufficient number of arbitrators for the panel as determined by the department, the department shall select the remaining arbitrators.

f. If the parties are unable to agree on an arbitrator, the department shall select an arbitrator from the panel.

g. The department shall provide interpretation services to any party requiring such services for the arbitration hearing.

h. The arbitration hearing shall be held at a location designated by the department or a location agreed to by the parties and the arbitrator. Except as otherwise provided in this chapter, such arbitration shall be subject to the labor arbitration rules established by the American Arbitration Association and the rules promulgated by the department to implement this subchapter. In case of a conflict between the rules of the American Arbitration Association and the rules of the department, the rules of the department shall govern. Any rules promulgated by the department implementing this section shall be consistent with the requirement that in any arbitration conducted pursuant to this section, the arbitrator shall have appropriate qualifications and maintain personal objectivity, and each party shall have the right to present its case, which shall include the right to be in attendance during any presentation made by the other party and the opportunity to rebut or refute such presentation.

i. If *an* [a fast food] employee brings an arbitration proceeding, arbitration shall be the exclusive remedy for the wrongful discharge dispute and there shall be no right to bring or continue a private cause of action or administrative complaint under this subchapter, unless such arbitration proceeding has been withdrawn or dismissed without prejudice.

j. Each party shall have the right to apply to a court of competent jurisdiction for the confirmation, modification or vacatur of an award pursuant to article 75 of the civil practice law and rules, as such article applies, pursuant to applicable case law, to review of legally mandated arbitration proceedings in accordance with standards of due process.

§ 20-1274 Applicability of schedule change premiums. A discharged [fast food] employee who loses a shift on a work schedule as a result of discharge, including employees whose employment is terminated for any reason, shall be entitled to schedule change premiums for each such lost shift pursuant to section 20-1222.

§ 20-1275 Exceptions. This subchapter shall not: a. Apply to any [fast food] employee;

1. Who is currently employed within a probation period;

2. In a short-term position discharged at the end of the contract of employment provided that the employer does not hire another employee to perform similar work for 180 days after the end of the short-term contract or in a short-term educational position at the end of the contract of employment; or

3. Who is covered by a valid collective bargaining agreement

b. Limit or otherwise affect the applicability of any right or benefit conferred upon or afforded to an [a fast food] employee by the provisions of any other law, regulation, rule, requirement, policy or standard including but not limited to any federal, state or local law providing for protections against retaliation or discrimination.

§ 2. Items (g) and (h) of paragraph 3 of subdivision a of section 20-1208 of the administrative code of the city of New York, as amended by local law 69 of 2018, are amended to read as follows and a new item (i) is added:

(g) Subdivisions a and b of section 20-1252, \$300; [and]

(h) Subdivision a or b of section 20-1262, \$500 and an order directing compliance with such subdivision, provided, however, that an employer who fails to provide an employee with the written response required by subdivision a of section 20-1262 may cure the violation without a penalty being imposed by presenting proof to the satisfaction of the department that it provided the employee with the required written response within seven days of the department notifying the employer of the opportunity to cure[.]; and

(i) Sections 20-1272.1 or 20-1272.2, \$500 and an order directing compliance with section 20-1272.1 or 20-1272.2.

§ 3. Subdivision b of section 20-1208 of the administrative code of the city of New York, as added by local law number 2 for the year 2021, is amended to read as follows:

b. For each violation of section 20-1272, the department shall order reinstatement or restoration of hours of the [fast food] employee, unless waived by the [fast food] employee. The department may, in addition, grant the following relief: \$500 for each violation, an order directing compliance with section 20-1272, rescission of any discipline issued, payment of back pay for any loss of pay or benefits resulting from the wrongful discharge, and any other equitable relief as may be appropriate.

§ 4. Section 20-1211 of the administrative code of the city of New York, as added by local law number 2 for the year 2021, is amended to read as follows:

§ 20-1211 Private cause of action. a. Claims. Any person, including any organization, alleging a violation of the following provisions of this chapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:

1. Section 20-1204;
2. Section 20-1221;
3. Subdivisions a and b of section 20-1222;
4. Section 20-1231;
5. Subdivisions a, b, d, f and g of section 20-1241;
6. Section 20-1251;
7. Subdivisions a and b of section 20-1252; [and]
8. Section 20-1272[.];
9. *Section 20-1272.1; and*
10. *Section 20-1272.2.*

b. Remedies. Such court may, *in the case of a public enforcement action pursuant to paragraph 5 of subdivision e of this section, order payment of the civil penalties set forth in section 20-1209, and in any action may order compensatory, injunctive and declaratory relief, including the following remedies for violations of this chapter:*

1. Payment of schedule change premiums withheld in violation of section 20-1222;
2. An order directing compliance with the recordkeeping, information, posting and consent requirements set forth in sections 20-1205, 20-1206 and 20-1221;
3. Rescission of any discipline issued in violation of section 20-1204;
4. Reinstatement of any employee terminated in violation of section 20-1204;
5. Payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204;
6. *An order directing compliance with the requirements set forth in section section 20-1272.1;*
- [6]7. Other compensatory damages and any other relief required to make the employee whole; and
- [7]8. Reasonable attorney's fees.

c. For each violation of section 20-1272, the court shall order reinstatement or restoration of hours of the [fast food] employee, unless waived by the [fast food] employee, and shall order the [fast food] employer to pay the reasonable attorneys' fees and costs of the [fast food] employee. The court may, in addition, grant the following relief: \$500 for each violation, an order directing compliance with section 20-1272, rescission of any discipline issued, payment of back pay for any loss of pay or benefits resulting from the wrongful discharge, punitive damages, and any other equitable relief as may be appropriate.

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

e. Relationship to department action.

1. *Except where the action seeks the imposition of civil penalties, any* [Any] person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the department. Failure to so serve a notice does not adversely affect any plaintiff's cause of action.

2. An employee need not file a complaint with the department pursuant to subdivision b of section 20-1207 before bringing a civil action; however, no person shall file a civil action after filing a complaint with the department unless such complaint has been withdrawn or dismissed without prejudice to further action.

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

4. The commencement or pendency of a civil action by an employee does not preclude the department from investigating the employer or commencing, prosecuting or settling a case against the employer based on some or all of the same violations.

5. *Notwithstanding the foregoing subdivisions, the comptroller or any current or former employer may initiate a public enforcement action seeking to recover civil penalties and injunctive and declaratory relief as a relator on behalf of the department for a violation affecting current or former employees by giving written notice to the department, in such manner as the department may prescribe by rule, of the provisions of this title alleged*

to have been violated, including the facts and theories to support the alleged violation. Notwithstanding the preceding sentence, where a current or former employee is represented by a bona fide labor organization, no organization other than such labor organization may initiate a public enforcement action in relation to any violation by which they were affected. Within 65 calendar days of the postmark date of the notice, the department shall notify the relator if it intends to open an investigation. Within 60 calendar days of that decision, the department may investigate the alleged violation and take any enforcement action authorized by law. If the department determines that additional time is necessary to complete the investigation, it may extend the time by not more than 60 additional calendar days and shall notify the relator of the extension. If the department determines that no enforcement action will be taken, does not respond to the notice, or if no enforcement action is taken by the department within the time limits prescribed, a public enforcement action for civil penalties may be commenced in court. The department may intervene in a public enforcement action for civil penalties brought under this subdivision and proceed with any and all claims in the action as of right within thirty days after the filing of the public enforcement action, or for good cause, as determined by the court, at any time after the thirty-day period after the filing of the public enforcement action.

f. Any civil penalties imposed as a result of an enforcement action described in paragraph 5 of this subdivision shall be distributed 65 percent to the department, and 35 percent to the relator to be distributed to the employees affected by the violation, except that if the department intervenes in the action, 75 percent of the penalties shall be distributed to the department and 25 percent to the relator, including a service award that reflects the burdens and risks assumed by the relator in prosecuting the action. The share of penalties recovered for the department under this subsection shall budgeted into a separate account. Such account shall be used solely to support the department's worker protection education and enforcement activities, with 25 percent of these penalties reserved for grants to designated community groups for outreach and education about rights under the city's labor standards.

g. The right to bring an action as a relator under this section shall not be contravened by any private agreement. If any part of an employee relator's claim under this part is ordered or submitted to arbitration, or is resolved by way of final judgment, settlement or arbitration in favor of the employee, the employee relator retains standing to maintain an action for violations suffered by other employees in any forum having jurisdiction over the claim.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 910

By Council Members De La Rosa, Won, Cabán, Stevens, Menin, Hanif, Brooks-Powers, Hanks, Ossé, Williams and Banks.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of community hiring and compensation standards for city assisted housing development projects

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 36 to read as follows:

CHAPTER 36
COMMUNITY HIRING AND COMPENSATION STANDARDS ON CITY ASSISTED HOUSING
DEVELOPMENT PROJECTS

§ 26-3601 *Definitions.* For the purposes of this chapter, the following terms have the following meanings:

City economic development entity. The term “city economic development entity” means a not-for-profit organization, public benefit corporation, or other entity that provides or administers economic development benefits on behalf of the city, as described by paragraph b of subdivision 1 of section 1301 of the charter.

City financial assistance. The term “city financial assistance” means loans, grants, or land conveyances for less than appraised value that are provided to a developer for the development of real property by the city on a discretionary basis and that at the time the developer enters into an agreement with the city are expected to have a total present financial value of one million dollars or more. City financial assistance includes only loans, grants, or land conveyances for less than appraised value that are provided by the department and does not include any tax exemptions or abatements, any as-of-right assistance or benefits or any lease at below-market lease rates. Where city financial assistance takes the form of land conveyances for less than appraised value that are provided to a developer, the value of the assistance shall be determined based on the difference between the value of the land conveyance provided to developer by the city and the appraised market value of the land being conveyed.

Comptroller. The term “comptroller” means the comptroller of the city of New York.

Construction. The term “construction” has the same meaning as set forth in section 3302.1 of the New York city building code.

Construction employer. The term “construction employer” means any person, corporation, limited liability company, or association employing a construction worker.

Construction worker. The term “construction worker” means a person who is employed to perform construction, demolition, hazardous remediation, or manual labor on a housing development project.

Demolition. The term “demolition” has the same meaning as set forth in section 3302.1 of the New York city building code.

Department. The term “department” means the department of housing preservation and development.

Developer. The term “developer” means an individual, sole proprietorship, partnership, joint venture, corporation, or other entity that receives city financial assistance for a housing development project.

Essential benefits. The term “essential benefits” means payments made by a construction employer other than wages that directly benefit the construction worker, including medical or dental insurance, retirement accounts, and annuities.

Housing development project. The term “housing development project” means construction or demolition of any residential building, residential facility, or residential structure, including any commercial and community components of such building, facility, or structure (1) that creates or preserves at least 100 or more dwelling units with project construction costs of three million dollars or more; and (2) that is funded in whole or in part by city financial assistance.

Manual labor. The term “manual labor” means the type of physical work the performance of which classifies a natural person as a “manual worker” in accordance with section 190 of the labor law and the rules and regulations adopted thereunder.

Target population. The term “target population” means a resident of a zip code where at least 15% of the individuals in such zip code are below the federal poverty rate or a resident of a New York city housing authority development.

Wage. The term “wage” means gross earnings paid to construction workers for labor or services rendered that are taxed under the Federal Insurance Contribution Act, but not inclusive of essential benefits or other supplemental benefits paid on behalf of construction workers.

§ 26-3602 Community hiring. a. Each developer receiving city financial assistance on a housing development project shall make a best faith effort to ensure that no less than 30 percent of the hours worked by construction workers on such housing development project are worked by construction workers from the target population.

b. Prior to receiving city financial assistance for a housing development project, the developer shall submit to the comptroller a hiring plan describing how the developer plans to recruit construction workers to meet the hiring goals as described in this chapter.

§ 26-3603 Wage requirements. a. No construction employer shall pay a construction worker on a housing development project less than \$40 per hour in combined wages and essential benefits with the exception of construction workers who are participants in a New York State-certified apprenticeship program.

b. Essential benefits shall be paid to or on behalf of construction workers, but no less than \$25 per hour of the combined minimum wage and benefit package shall be paid in wages.

c. In addition to wage notifications under subdivisions 1 and 2 of section 195 of the labor law, construction employers must provide in writing, to each construction worker, an explanation of all essential benefits that will be paid on behalf of the construction worker when such construction worker starts work on a housing development project. A new notification shall be issued to a construction worker if there is a change to the essential benefits being paid on such construction worker's behalf.

d. Nothing in this chapter shall be construed to supersede any federal or state statute or regulation requiring construction workers earn in excess of the wages and essential benefits established in this section.

e. On December 31, 2025, and annually thereafter, the comptroller shall post a new combined wage and essential benefit amount for construction workers on housing development projects. Such amount shall be based on the current combined wage and essential benefit amount for construction workers on housing development projects increased by a percentage determined by the comptroller with the result rounded to the nearest 5 cents. The wage portion of the combined wage and essential benefit amount for construction workers on housing development projects may not be calculated at less than sixty-two and one half percent of the combined wage and essential benefit amount for construction workers on housing development projects. The annual percentage increase determined by the comptroller pursuant to this section shall be calculated by the comptroller by increasing the combined wage and essential benefit amount for construction workers on housing development projects by the rate of inflation for the most recent 12 month period, ending in June of that calendar year, based on the consumer price index for urban wage earners and clerical workers for the New York-New Jersey-Pennsylvania metropolitan area (CPI-W), or a successor index as calculated by the United States department of labor;

f. In the event the index utilized by the comptroller to calculate the combined wage and essential benefit amount for construction workers on housing development projects reflects a negative annual increase, the combined wage and essential benefit amount for construction workers on housing development projects shall not decrease.

§ 26-3604 Reporting requirements. a. The department shall maintain a publicly searchable database available online of all construction projects subject to this chapter. Projects shall be added to such database as often as needed to keep it current, but no less than quarterly. The database shall include but not be limited to:

1. The address, and any proposed addresses, of the housing development project;
2. The type and amount of city financial assistance related to the housing development project awarded to a developer;
3. The name and address of each developer that is receiving city financial assistance related to the housing development project;
4. The agency with primary project oversight of the housing development project; and
5. A copy of the developer's community hire plan.

b. For each housing development project, each developer shall report to the department, and the department shall publish on its website no less than quarterly, the following information:

1. The name and address of each construction employer, or any other entity that employs construction workers, on the housing development project;
2. The number of construction workers employed on the construction project; and,
3. The number of construction work hours worked on the construction project, disaggregated by those hours worked by the categories of workers described in the target population.

c. For each housing development project with a project value of thirty million dollars or more, each developer shall additionally report to the department, and the department shall publish on its website no less than quarterly, the following information:

1. The number of construction work hours worked on the housing development project, disaggregated by those hours worked by the categories of workers described in the target population, the overall percentage of construction hours worked by the categories of workers described in the target population, the percentage of construction hours worked by the categories of workers described in the target population for each construction employer; and
2. The number of hours worked on a housing development project, disaggregated by workers' compensation classification code.

c. By December 31 of each year, the department shall submit to the speaker of the council, and make public online, a report on the status of covered housing development projects and the enforcement of this chapter. The report shall include details on enforcement actions taken by the department, or a city economic development entity, disaggregated by housing development project, developer, and construction employer, including any violations issued, findings, settlements, and penalties.

§ 26-3605 Notice posting, recordkeeping, and retaliation. a. No later than the day on which work begins at a site subject to the requirements of this chapter, the construction employer shall post in a prominent and accessible place at every such work site and provide each employee a copy of a written notice, prepared by the comptroller, detailing the wages, benefits, and other protections to which employees are entitled under this chapter. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising employees that if they have been paid less than the combined wage and essential benefits amount they may notify the comptroller and request an investigation. Such notices shall be provided in all of the designated citywide languages. The comptroller shall make publicly available sample written notices explaining the rights of employees and covered employers' obligations under this chapter.

b. Each construction employer shall maintain original payroll records for each of its employees reflecting the days and hours worked, and the wages paid and benefits provided for such hours worked, and shall retain such records for no less than 6 years after the work is performed. No later than the end of each fiscal quarter, as determined by the comptroller, a construction employer shall provide a certified original payroll record reflecting the days and hours worked, and the wages paid and benefits provided for such hours worked by each construction worker on a housing development project in the manner of electronic recording determined by the comptroller. A failure to maintain or provide such records as required shall create a rebuttable presumption that the covered employer did not pay its employees the wages and benefits required under this section. Upon the request of the comptroller or the city, the covered employer shall provide within 5 days such documents, subscribed and sworn to or affirmed by him or her as true under the penalties of perjury, as may be deemed necessary to adequately enforce the provisions of this chapter, including, but not limited to, notices required under subdivisions 1 and 2 of section 195 of the labor law or copies of the notification of essential benefits required by this chapter. Any person who willfully fails to file such records with the comptroller within the time specified in this section shall be subject to a civil penalty of \$1,000 per day.

c. It shall be unlawful for any construction employer to retaliate, discharge, demote, suspend, take adverse employment action in the terms and conditions of employment or otherwise discriminate against any employee for reporting or asserting a violation of this chapter, for seeking or communicating information regarding rights conferred by this chapter, for exercising any other rights protected under this chapter, or for participating in any investigatory, administrative, or court proceeding relating to this chapter. This protection shall also apply to any employee or his or her representative who in good faith alleges a violation of this chapter. Taking adverse employment action against an employee or his or her representative within 60 days of the employee engaging in any of the aforementioned activities shall raise a rebuttable presumption of having done so in retaliation for those activities. Any employee subjected to any action that violates this paragraph may pursue administrative remedies or bring a civil action as authorized pursuant to this chapter in a court of competent jurisdiction.

§ 26-3606 Enforcement. a. The comptroller shall monitor compliance with the requirements of this chapter. Whenever the comptroller has reason to believe there has been a violation of this chapter, or upon a complaint in writing from a construction worker or their representative claiming a violation of this chapter, the comptroller shall conduct an investigation to determine the facts relating thereto. In conducting such investigation, the comptroller shall have the same investigatory, hearing, and other powers as are conferred on the comptroller by sections 234 and 235 of the labor law.

b. At the start of an investigation conducted pursuant to this section, the comptroller may, in a manner consistent with the withholding procedures established by subdivision 2 of section 235 of the labor law, request that the department or city economic development entity, or any other relevant agency, withhold any payment due to the developer or construction employer in order to safeguard the rights of the employees.

c. At the conclusion of an investigation commenced pursuant to this chapter, the comptroller shall offer the employer or employers that are subject of the investigation, with notice to the developer or recipient of city financial assistance on a housing development project on which the employer or employers performed work, no less than 30 days to cure the investigation via a stipulation of settlement. The comptroller may negotiate an agreed-upon stipulation of settlement or conduct a hearing concerning the alleged violation of this section. At

least 10 days before the hearing, the comptroller shall give notice thereof together with a copy of the complaint, or a statement of the facts disclosed upon investigation, which notice shall be served personally or by mail on any person, developer, or construction employer affected thereby, or electronically, where such person, developer, or construction employer has consented. Such person, developer, or construction employer shall have the opportunity to be heard at the hearing regarding such matters.

d. Based upon the hearing record, the comptroller shall provide a report and recommendation concerning the alleged violation of this section to the mayor or mayor's designee, who shall issue an order with a final determination. Such order may:

1. Direct payment of one- and one-half times the wages and/or the monetary equivalent of benefits wrongly denied;
2. Direct the filing or disclosure of any records that were not filed or made available to the public as required by this chapter;
3. Direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this chapter;
4. Direct payment of a further sum as a civil penalty in an amount not exceeding 25 percent of the total amount found to be due in violation of this chapter; and
5. Direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the employer.

e. In assessing an appropriate remedy, due consideration shall be given to the size of the employer's business, the employer's good faith, the gravity of the violation, the history of previous violations, and the failure to comply with record-keeping, reporting, anti-retaliation, or other non-wage requirements.

f. When a final order has been entered against a developer or construction employer in 2 instances, within any consecutive 6 year period, determining that such employer has failed to comply with the wage, benefits, anti-retaliation, record-keeping or reporting requirements of this chapter, such employer, and any principal or officer of such employer who knowingly participated in such failure, shall be ineligible to submit a bid on or be awarded any city contract or financial assistance for a period of 5 years from the date of the second disposition provided, however, that where any such final order involves the falsification of payroll records or the kickback of wages, the employer or any officer of the employer who knowingly participated in the violation of this chapter shall be ineligible to submit a bid on or be awarded any city contract or financial assistance for a period of 5 years from the date of the final order.

g. When a final disposition has been made finding a violation of this chapter and the person found violating this chapter has failed to comply with the payment or other terms of the remedial order, and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding shall have expired, the mayor, or his or her designee, as applicable shall file a copy of such order containing the amount found to be due with the clerk of the county of residence or place of business of the person found to have violated this section, or of any principal or officer thereof who knowingly participated in the violation of this section. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the mayor in the same manner and with like effect as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

h. Before any further payment is made, or claim is permitted, of any sums or benefits due under any agreement covered by this chapter, it shall be the duty of the city or city economic development entity to require the construction employer to file a written statement certifying to the amounts then due and owing from each such employer to or on behalf of all employees, or the city for wages or benefits wrongly denied them, or for civil penalties assessed, and setting forth the names of the persons owed and the amount due to or on behalf of each respectively. This statement shall be verified as true and accurate by the employer under penalty of perjury. If any interested person shall have previously filed a protest in writing objecting to the payment to any employer on the ground that payment is owing to 1 or more employees of the employer for violations of this section, or if for any other reason it may be deemed advisable, the city shall deduct from the whole amount of any payment to the employer sums admitted by the employer in the verified statement or statements to be due and owing to any employee before making payment of the amount certified for payment, and may withhold the amount so deducted for the benefit of the employees or persons that are owed payment as shown by the verified statements and may pay directly to any person the amount shown by the statements to be due them.

i. The comptroller may contract with non-governmental agencies to investigate possible violations of this chapter. Where a developer or construction employer is found to have violated the requirements of this chapter, the developer or construction employer shall be liable to the city for costs incurred in investigating and prosecuting the violation.

j. The comptroller shall maintain and publish on the comptroller's website, on a monthly basis, a list of each employer or any officer of the employer found to be in violation of this chapter pursuant to the terms of a final order and include a copy of the final order with such list.

§ 26-3607 Private right of action. a. Any individual who is aggrieved by a violation of this chapter shall have the right to commence an action in a court of competent jurisdiction on their own behalf against the developer or construction employer.

b. For each violation of section 26-3602, the construction worker may recover compensatory and punitive damages. If such violation was committed with intent or recklessness, the construction worker may recover treble damages.

c. For each violation of section 26-3603, the construction worker may recover double damages in the amount of the difference between actual wages and the combined wage and benefits required by this chapter. If such violation was committed with intent or recklessness, the construction worker may recover treble damages.

d. Any person who is a victim of retaliation shall be entitled to all relief necessary to make such person whole, including, but not limited to:

1. An injunction to restrain any adverse or retaliatory action;
2. Reinstatement to the position such employee would have had but for such action, or to an equivalent position; and
3. Reinstatement of full benefits and seniority rights including payment of any missed back pay, plus interest.

e. Persons aggrieved by a violation of this chapter or by retaliation shall be entitled to compensation for any special damages sustained as a result of an action commenced pursuant to this section, including litigation costs and reasonable attorneys' fees, and to such other relief as the court may deem appropriate.

§ 26-3608 Liability. a. Developers and construction employers shall assume liability for any debt resulting from an action under this chapter, owed to a wage claimant or third party on the wage claimant's behalf, incurred by a subcontractor at any tier acting under, by, or for the construction employer for its subcontractors for the wage claimant's performance of labor.

b. No agreement or release by an employee or subcontractor to waive liability assigned to a developer or construction employer under this section shall be valid. The provision of this section shall not be deemed to impair the rights of a developer or construction employer to maintain an action against a subcontractor for amounts for owed wages that are paid by a developer or construction employer pursuant to this section.

§ 2. This local law takes effect 180 days after it becomes law, provided that this local law shall not apply to any written agreement providing for city financial assistance executed prior to such effective date, except that extension, renewal, amendment, or modification of such written agreement, occurring on or after such effective date that results in the grant of any additional city financial assistance shall make such written agreement subject to the requirements of this local law, and provided further that the comptroller and commissioner of housing preservation and development may promulgate any rules necessary for implementation of this local law and take any other measures as are necessary for its implementation, prior to such date.

Referred to the Committee on Civil Service and Labor.

Int. No. 911

By Council Member Fariás.

A Local Law to amend the administrative code of the city of New York, in relation to reducing the fine and civil penalty for unlicensed general vending

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-472 of the administrative code of the city of New York, as amended by local law number 63 for the year 1990, is amended to read as follows:

a. Any person who violates the provisions of sections 20-453 and 20-474.1 of this subchapter shall be guilty of a misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than [one thousand] *five hundred* dollars, or by imprisonment for not more than three months or by both such fine and imprisonment. In addition, any police officer may seize any vehicle used to transport goods to a general vendor, along with the goods contained therein, where the driver is required to but cannot produce evidence of a distributor's license. Any vehicle and goods so seized may be subject to forfeiture upon notice and judicial determination. If a forfeiture proceeding is not commenced, the owner or other person lawfully entitled to possession of such vehicle and goods may be charged with the reasonable cost for removal and storage payable prior to the release of such vehicle and goods, unless the charge of unlicensed distributing has been dismissed.

§ 2. Paragraph 1 of subdivision c of section 20-472 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of section 20-453 of this subchapter shall be liable for a civil penalty of two hundred and fifty dollars together with a penalty of [two hundred and] fifty dollars per day for every day during which the unlicensed business operated; except that a person who violates, or any person aiding another to violate, the provisions of section 20-453 of this subchapter by engaging in continued unlicensed activity as defined by the commissioner, considering factors including but not limited to the frequency and duration of such unlicensed activity, shall be liable for a civil penalty of one thousand dollars together with a penalty of [two hundred] fifty dollars per day for every day during which the unlicensed business operated.

§ 3. This local law takes effect immediately.

Referred to the Committee on Consumer and Worker Protection.

Res. No. 439

Resolution calling on the federal government to reschedule Marijuana as a Schedule III drug.

By Council Members Fariás and Brannan.

Whereas, Marijuana is a Schedule I substance under the federal Controlled Substances Act, meaning that it has a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision; and

Whereas, Schedule III drugs, substances, or chemicals have a moderate to low potential for physical and psychological dependence, with abuse potential less than Schedule I and II drugs; and

Whereas, Examples of Schedule I drugs include heroin, LSD, marijuana, ecstasy, methaqualone, and peyote, and examples of Schedule III drugs include Tylenol with codeine, ketamine, anabolic steroids, and testosterone; and

Whereas, The classification of marijuana as a Schedule I drug, notwithstanding the lack of recognition of the United States Food and Drug Administration, contradicts its widely recognized therapeutic benefits and growing acceptance for medical use in numerous states; and

Whereas, The Biden administration has proposed a landmark change in federal marijuana policy, aiming to reclassify marijuana under the Controlled Substances Act from Schedule I to Schedule III; and

Whereas, This proposed reclassification acknowledges the therapeutic benefits of marijuana and its potential as a medication for millions of Americans, according to the National Organization for the Reform of Marijuana Laws; and

Whereas, Experts argue that marijuana's placement on Schedule I lacked scientific basis and that reclassifying it to Schedule III could alleviate the burden on cannabis companies and align federal regulations with public opinion and medical consensus; and

Whereas, Reclassification of marijuana from Schedule I to Schedule III could encourage more doctors to recommend its use for medical purposes and could facilitate research into its medical benefits and expand treatment options for patients with various conditions; and

Whereas, Aligning federal drug scheduling classifications with scientific evidence and public opinion is essential for effective drug policy and public health; now, therefore, be it

Resolved, That the Council of the City of New York calls on Resolution calling on the federal government to reschedule Marijuana as a Schedule III drug.

Referred to the Committee on Health.

Int. No. 912

By Council Members Gutiérrez, Narcisse, Menin, Hudson, Rivera, Gennaro, Abreu, Restler, Cabán. Brooks-Powers, Brannan and Avilés (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 department of social services to develop parenting resource materials and the department of health and mental hygiene to distribute such materials to new parents and guardians and to make available on their website information about community-based organizations that support maternal health

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 21-153 to read as follows:

§ 21-153 Resource materials for new parents and guardians. a. The department shall develop written materials that identify resources available to new parents and guardians. The department shall update such materials periodically and as necessary to ensure the accuracy of information. The department shall provide such materials to the department of health and mental hygiene for distribution to new parents and guardians pursuant to section 17-168.2. Such materials shall include information regarding:

- 1. Essential items needed for the care of a child;*
- 2. Child safety;*
- 3. Breast feeding and child nutrition;*
- 4. Social services programs available to new parents or guardians, including, but not limited to, the supplemental nutrition assistance program; the special supplemental nutrition program for women, infants, and children; cash assistance; rental assistance; food assistance; child care subsidies; and any other federal, state, or local program available to new parents or guardians;*
- 5. Resources available for postpartum care;*
- 6. Support groups for new parents;*
- 7. The child and adolescent vaccine schedule recommended by the federal centers for disease control and prevention;*
- 8. Laws prohibiting discrimination related to pregnancy, childbirth, or related medical conditions; prohibiting discrimination related to caregiver status; reasonable workplace accommodations including lactation accommodations; paid sick and safe leave; temporary schedule changes; temporary disability insurance; the federal family and medical leave act; and the disability benefits law and the paid family leave benefits law of the state of New York; and*
- 9. Any other information that the commissioner determines could promote awareness of resources relevant to new parents or guardians.*

b. The department shall develop the materials required by this section in consultation with the New York city commission on human rights, the department of consumer and worker protection, the department of youth and community development, the department of health and mental hygiene, community-based organizations with expertise in the workplace rights of pregnant workers, experts in midwifery, psychiatry with maternal health

specialization, social work, doula care, substance use and domestic violence, and any other agency or person the commissioner deems appropriate.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-168.2 to read as follows:

§ 17-168.2 Distribution of new parent or guardian resource materials within 30 days of the receipt of the report of any birth. a. Within 30 days after the receipt of the report of any birth, the department shall provide the resource materials described in subdivision a of section 21-153 and contact information for the relevant local, state, and federal elected representatives to the parents or guardian of the child, at the address designated for receipt of the child's certificate of registration of birth pursuant to section 17-168.

b. The department shall make such resource materials available on its website in English and each of the designated citywide languages as defined in section 23-1101 of the administrative code.

§ 3. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.26 to read as follows:

§ 17-199.26 Information on community-based organizations supporting maternal health. The department shall make information on city-contracted community-based organizations supporting maternal health available on the department's website. Such information shall include, but need not be limited to, the services provided, the languages in which services are provided, the contact information, and the location. Such information shall be in a format such that users can search according to services provided, languages in which services are provided, location, and any other category determined by the commissioner.

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

Referred to the Committee on General Welfare.

Int. No. 913

By Council Members Holden and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that balloons made with electrically conductive material and filled with gas lighter than air be weighted and include warning labels

Be it enacted by the Council as follows:

Section 1. 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 TOYS AND AMUSEMENTS

§ 20-699.12 Balloon weights and warnings required. a. Any retailer who sells or offers for sale balloons made of electrically conductive material or accessorized with electrically conductive material shall attach to each such balloon:

1. A label warning the consumer about the risk of fire and electrical outages if the balloon touches an electrical power line. Such statement shall be printed in a legible font size, as specified by the commissioner by rule, and attached to the body of the balloon;

2. A label with the identity of the retailer to each balloon; and

3. If the balloon is filled with a gas lighter than air, an object of sufficient weight to prevent the balloon from floating away.

b. Any retailer who sells or offers for sale a balloon in violation of subdivision a of this section shall be subject to a civil penalty of not less than \$100 for each such balloon, except that total penalties assessed against such a retailer shall not exceed \$2,000 per day.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 914

By Council Members Holden and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to post shelter information online

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 21-332 to read as follows:

§ 21-332 Posting shelter information. a. For purposes of this section, the term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or by a provider under contract or similar agreement with the department.

b. The department shall post on its website, and update semiannually, an interactive map containing information related to all shelters. The department shall include on such map the following information:

- 1. The address of each shelter;*
- 2. The specific populations each shelter serves, including but not limited to single adult males, single adult females, veterans, adult families, and families with children; and*
- 3. A photograph of the main entrance of each shelter.*

c. The department shall exclude from its website information that would otherwise be required to be posted pursuant to subdivision b of this section that is related to shelters that primarily serve especially vulnerable populations due to security concerns involved with revealing the location of such shelters online.

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

Referred to the Committee on General Welfare.

Int. No. 915

By Council Members Holden and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to orders to seal, secure, and close

Be it enacted by the Council as follows:

Section 1. Section 28-214.1 of chapter 2 of title 28 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:

§ 28-214.1 Order to seal, secure, and close. a. If the commissioner determines such action is necessary to the preservation of life and safety the commissioner may order a building subject to a vacate order to be sealed, secured and closed.

b. The commissioner may additionally commence proceedings to seal, secure and close a property if (i) \$25,000 or more in unpaid fines, civil penalties or judgments entered by a court of competent jurisdiction or the

environmental control board pursuant to chapter 2 of this title is owed to the city with respect to such property and (ii) such property appears to be vacant, provided that the property owner shall be given 15 days' notice and the opportunity to pay such unpaid fines, civil penalties or judgments or to demonstrate that the property is not vacant prior to such property being ordered sealed, secured and closed pursuant to this subdivision.

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

Referred to the Committee on Housing and Buildings.

Int. No. 916

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to report on referrals to assisted outpatient treatment programs

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 *Report on referrals to an assisted outpatient treatment program. a. No later than February 1, 2023, and quarterly thereafter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report regarding the number of times any agency or hospital initiated a petition to assisted outpatient treatment pursuant to paragraph (e) of section 9.60 of the mental hygiene law.*

b. The report required by subdivision a of this section shall include:

1. The list of agencies and hospitals that referred any individual to an assisted outpatient treatment program;

2. The number of petitions filed and petitions granted for each entity that appears on the list required by paragraph 1 of this subdivision.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 917

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the preparation of five-year capital plans for parks on a community board level

Be it enacted by the Council as follows:

Section 1. Chapter 1 of 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 *Five-year parks capital plans. a. In accordance with subdivision b of this section, the department shall prepare a proposed five-year parks capital plan for each community board. Each such plan shall list every property within the jurisdiction of the commissioner within the boundaries of the community board and detail any planned capital projects, as defined in section 5-101, at each property, including a description of the planned capital project, an estimate of the cost of the planned capital project, and the year in which the capital project's design and construction is proposed to be initiated and estimated to be completed.*

b. No later than January 16, 2023, and every fifth January 16 thereafter, the department shall submit the proposed five-year parks capital plans to the applicable community board which shall conduct a public hearing and shall prepare and submit recommendations to the department on or before March 25, 2023, and every fifth March 25 thereafter. The department shall consider the recommendations received from each community board, and, no later than April 26, 2023, and every fifth April 26 thereafter, shall submit final five-year parks capital plans to the mayor, the speaker of the council, and the community boards, and post such plans on the department's website.

c. No later than April 26 of any year in which a proposed five-year parks capital plan is not required to be submitted to the community boards pursuant to subdivision b of this section, the department shall submit any amendments to the final five-year parks capital plans to the mayor, the speaker of the council, and the applicable community board, and post such amendments on the department's website.

§3. This local law takes effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 918

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to the sale of aerosol spray paint cans and broad tipped indelible markers

Be it enacted by the Council as follows:

Section 1. The heading of subchapter 3 of chapter 4 of title 20 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

Subchapter 3: [Etching Acid] *Graffiti Instruments*

§ 2. Section 20-611 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

§20-611 Definitions. [Whenever used in this subchapter, the following terms shall] *As used in this chapter, the following terms have the following meanings:*

Broad tipped indelible marker. The term "broad tipped indelible marker" has the same meaning set forth in subdivision e of section 10-117.

[1. "Dealer of etching acid" shall mean] *Dealer of etching acid. The term "dealer of etching acid" means any person, firm, partnership, corporation or company that engages in the business of dispensing etching acid.*

Dealer of graffiti instruments. The term "dealer of graffiti instruments" means any person, firm, partnership, corporation or company that engages in the business of dispensing etching acid, aerosol spray paint can(s) or broad tipped indelible marker(s).

[2. "Dispense" shall mean] *Dispense. The term "dispense" means to dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer or otherwise dispose of.*

[3. "Etching acid" shall have] *Etching acid. The term "etching acid" has the same meaning as set forth in subdivision e of section 10-117.*

[4. "Personal information" shall mean] *Personal information. The term "personal information" means data pertaining to the purchaser of etching acid that may be used to identify such purchaser. Such information [shall be] is limited to the purchaser's name, address, type of identification used in the purchase, identification number, if applicable, the date of purchase and amount of acid dispensed to the purchaser.*

[5. "Purchasing records" shall mean] *Purchasing records. The term "purchasing records" means all written or electronically recorded personal information about a purchaser of etching acid gathered at the time of purchase by a dealer of etching acid as required by this subchapter.*

§3. Subdivision 1 of section 20-612 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

1. Every dealer of [etching acid] *graffiti instruments* shall request valid photo identification from each purchaser of etching acid, *aerosol spray paint cans or broad tipped indelible markers* at the time of such purchase and, *if the item purchased is etching acid, shall* contemporaneously record in writing or electronically such purchaser's personal information.

§4. Section 20-613 of the administrative code of the city of New York, as added by local law number 30 for the year 2009, is amended to read as follows:

§20-613 Posting notice. Every dealer of [etching acid] *graffiti instruments* shall conspicuously post at every table, desk or counter where orders are placed and/or payment is made a notice, the form and manner of which are to be provided by rule of the commissioner, indicating that all purchasers of etching acid, *aerosol spray paint cans or broad tipped indelible markers* shall be required to provide valid photo identification and, *if the purchase is of etching acid*, their personal information and such information shall be recorded by the dealer of etching acid prior to purchase.

§5. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 919

By Council Members Holden and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to the installation of surveillance cameras to identify illegal placement of household refuse in public litter baskets

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-120.3 to read as follows:

§ 16-120.3 Surveillance cameras. *a. No later than December 15, 2023, the department shall install, or cause to be installed, surveillance cameras at the locations identified pursuant to subdivision b of this section. Such surveillance cameras shall be installed so that they are able to view and record any person depositing household refuse in a public litter basket. The quality of video surveillance shall be sufficient to allow identification of persons recorded. The recordings made by such surveillance cameras shall be preserved for at least 60 days.*

b. The department, in consultation with council members, community boards and local residents in each community district, shall install, or cause to be installed, such surveillance cameras where violations of paragraph (1) of subdivision e of section 16-120 are most prevalent.

c. The department shall ensure that the recordings made by such surveillance cameras are made available for at least 60 days to other government agencies acting in furtherance of a civil or administrative law enforcement purpose.

d. The department shall post signage at the locations identified pursuant to subdivision b of this section to notify the public of the use of such surveillance cameras so that the public has sufficient warning that surveillance is in operation.

e. No later than September 15, 2023, the department shall promulgate rules governing, at a minimum:

- 1. The type of surveillance cameras to be installed pursuant to subdivision a of this section;*
- 2. The maintenance and upkeep of such cameras;*
- 3. The use of such cameras' recordings;*
- 4. The quality of such cameras' recordings; and*
- 5. The signage that the department is required to post pursuant to subdivision d of this section.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 920

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to rent stabilized housing disclosures by council members

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 12 of the administrative code of the City of New York is amended by adding a new section 12-110.1 to read as follows:

§ 12-110.1 *Rent stabilized housing disclosures by council members. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Conflicts of interest board. The term “conflicts of interest board” means the conflicts of interest board appointed pursuant to section 2602 of the charter.

Rent stabilized housing accommodation. The term “rent stabilized housing accommodation” means any housing accommodation subject to the rent stabilization law of 1969 or the emergency tenant protection act of 1974.

b. Disclosure report. 1. Each council member shall file with the conflicts of interest board an annual disclosure report, no later than such date designated by the conflicts of interest board each year, indicating whether the primary residence of such council member is a rent stabilized housing accommodation. Such report shall not require disclosure of the address or other location information of any rent stabilized housing accommodation.

2. Reports required pursuant to this section shall, except as otherwise provided by the conflicts of interest board, be filed electronically, in such form as the board shall prescribe.

3. Any amendments or changes to a report required pursuant to this section made after its filing shall be made on a form as prescribed by the conflicts of interest board.

c. Public inspection of reports and privacy considerations. Information filed in reports required pursuant to this section shall be maintained by the conflicts of interest board and shall be made available for public inspection, upon written request on such form as the board shall prescribe. The availability of reports for public inspection pursuant to this subdivision is subject to the following provisions:

1. Any council member required to file a report pursuant to this section may, at the time the report is filed or at any time thereafter, except when a request for inspection is pending, submit a request to the conflicts of interest board, in such form as the board shall prescribe, to withhold any item disclosed therein from public inspection on the ground that the inspection of such item by the public would constitute an unwarranted invasion of such council member’s privacy or a risk to the safety or security of such council member. Such request shall be in writing and in such form as the conflicts of interest board shall prescribe and shall set forth the reason such council member believes the item should not be disclosed. During the time for evaluation of such a request, such report shall not be available for public inspection.

2. The conflicts of interest board shall evaluate such request and any such item shall be withheld from public inspection upon a finding by the board that the inspection of such item by the public would constitute an unwarranted invasion of privacy or a risk to the safety or security of such council member. In making this determination, the board shall consider the following factors:

(a) Whether the item is of a highly personal nature;

(b) Whether the item in any way relates to the duties of the council member, including whether there are security or safety issues relating to such duties;

(c) Whether the disclosure poses a risk to the security or safety of the council member; and

(d) Whether the item involves an actual or potential conflict of interest.

3. The conflicts of interest board shall provide a written notification of the board’s determination to the council member who requested that information be withheld from public inspection and shall not release the information subject to the request until at least 10 days after mailing of the notification. Such notification shall advise the council member of such council member’s right to seek review of such determination by the supreme court of the state of New York and that the conflicts of interest board will not release the information subject to the request until 10 days after the mailing of the notification.

4. Where a council member required to file a report pursuant to this section files an amendment to a previously submitted report, both the original submission and the amendment shall be available for public inspection, subject to the provisions of this subdivision.

5. The conflicts of interest board shall establish procedures governing the withholding of information on the ground of privacy, safety or security. Such procedures shall include provision for the council member who filed the information to appear in person to set forth, or submit a written statement setting forth, the reasons why the information should be withheld from public inspection.

d. Retention of reports. Reports filed pursuant to this section shall be retained by the conflicts of interest board for a period of 2 years following the termination of the public employment or service of the council member who filed the report. Such reports shall thereafter be destroyed by the board. In lieu of the destruction of such reports, the board, in its discretion, may establish procedures providing for their return to the council member who filed them.

e. Penalties. Any council member required to file a report pursuant to this section who has not so filed at the end of one week after the date required for filing as designated by the conflicts of interest board shall be subject to a fine of not less than \$250 nor more than \$1,000. Factors to be considered by the conflicts of interest board in determining the amount of the fine shall include, but not be limited to, the length of delay in filing the report and the council member's failure in prior years to file a report in a timely manner.

§ 2. This local law takes effect 120 days after it becomes law, except that the conflicts of interest board 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 Standards and Ethics.

Int. No. 921

By Council Members Holden and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to the timelines for the removal of abandoned or unsafe utility poles, wires, and appurtenances, and the transfer of appurtenances to newly erected poles

Be it enacted by the Council as follows:

Section 1. Section 24-411 of the administrative code of the city of New York is amended to read as follows:

a. All telegraph, telephone and electric light poles, wires or [conductors] *appurtenances* which shall hereafter remain or stand disused, or become disused or abandoned, *or which may be dangerous or unsafe*, in[,] or over or upon any street, shall be [forthwith] removed *within 60 days of becoming disused or abandoned, and forthwith if dangerous or unsafe*, but for sufficient cause shown the commissioner of transportation may extend the time for such removal, by one or more orders, for periods not exceeding [one year] 30 days each.

b. The persons owning, operating, managing or controlling poles, wires or appurtenances which may have been so disused or abandoned, or which may be dangerous or unsafe, shall take down and remove them as *described in subdivision a of this section*, and upon their failure to do so, the commissioner of transportation shall remove the same forthwith, at the expense of such persons. Before such removal, the commissioner of transportation, except where a condition of danger exists, shall mail a notice thereof to the last known address of such persons, a copy of which shall be posted for a period of ten days on each of such poles prior to its removal.

c. *When any new pole is erected to partially or entirely replace an existing pole, any appurtenances to the existing pole which shall be transferred to the new pole must be transferred by the persons owning, operating, managing, or controlling such appurtenances within 30 days of the erection of the new pole.*

d. Any person convicted of a violation of any of the provisions of this section shall be punished by a fine of not less than \$350 nor more than \$750[dollars, imprisonment for not more than ten days, or both]. In addition

to or as an alternative to such penalty, such persons shall also be subject to a civil penalty of no less than nor more than \$100 per day such person is in violation of any provision of this section. Such civil penalties shall be imposed in the manner set forth in section 19-150.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 922

By Council Members Holden and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on the last known address of those in city-administered temporary emergency housing facilities and technical amendments in relation thereto

Be it enacted by the Council as follows:

Section 1. The subchapter heading of subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York, as designated by local law number 52 for the year 2011, is amended to read as follows:

**SUBCHAPTER 1
OFFICE OF THE MAYOR**

§ 2. The section heading of section 3-111 of subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 58 for the year 1986, is amended to read as follows:

§ 3-111 *Drug enforcement and drug abuse task force.*

§ 3. Section 3-113 of subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 25 for the year 2011, is renumbered section 3-112, and the section heading of section 3-113 of such subchapter, as added by local law number 37 for the year 2011, is amended to read as follows:

§ 3-113 *Reporting on utilization of city-administered temporary emergency housing facilities.*

§ 4. Section 3-121 of subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 75 of the year 2018, is renumbered section 3-119.7.

§ 5. 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 3-119.8 to read as follows:

§ 3-119.8 *Reporting on last known address of those in city-administered temporary emergency housing facilities. a. Definitions. As used in this section, the following terms have the following meanings:*

City-administered facility. The term “city-administered facility” means a hotel, shelter or other accommodation or associated service, managed by or provided under contract or similar agreement with, the department of homeless services, the human resources administration, the department of housing preservation and development or the department of youth and community development, which is provided to individuals or families who need temporary emergency housing or assistance finding or maintaining stable housing.

Last known address. The term “last known address” means the address that a household in a city-administered facility reported as residing at, before entering such facility, and which is not an address of a city-administered facility.

b. Reporting required. By no later than December 1, 2023, and annually thereafter, the mayor’s office of operations shall report to the speaker of the council on the last known address of individuals in city-administered facilities, and shall post such report on the mayor’s office of operations’ website. The report shall include the following, for each city-administered facility:

1. The number and percentage of households and individuals in each such facility whose last known address is within the state of New York;

2. The number and percentage of households and individuals in each such facility whose

last known address is outside the state of New York;

3. The number and percentage of households and individuals in each such facility whose last known address is within the city;

4. The number and percentage of households and individuals in each such facility whose last known address is outside the city;

5. The number and percentage of households and individuals in each such facility whose last known address is within the city, disaggregated by council district and community district; and

6. The number and percentage of households and individuals in each such facility whose last known address is an unknown location.

c. In the report required by subdivision b, the mayor's office of operations shall define the term "unknown location" and any other such term that the office deems appropriate.

d. The reports required by this section shall not contain any personally identifiable information of any individual.

§ 6. This local law takes effect 30 days after it becomes law.

Referred to the Committee on General Welfare.

Int. No. 923

By Council Members Holden and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to the issuance of building permits for areas in which a certified rezoning application is pending

Be it enacted by the Council as follows:

Section 1. Section 28-103.11 of the administrative code of the city of New York, as amended by local law number 10 for the year 2016, 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, 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. *Notwithstanding the foregoing, upon certification by the city planning commission of an application for rezoning any area of the city, the department shall not issue any permits for construction on a site located in such area that would not be in compliance with the zoning for such area provided for in the certified rezoning application.*

§ 2. This local law takes effect October 1, 2025.

Referred to the Committee on Housing and Buildings.

Int. No. 924

By Council Member Holden (by request of the Queens Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of plywood to secure vacant buildings

Be it enacted by the Council as follows:

Section 1. Section 28-216.1.2 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:

§ 28-216.1.2. Vacant buildings. Any vacant building not continuously guarded or not sealed and kept secure against unauthorized entry shall have all openings sealed in a manner approved by the commissioner, [and it] *but the use of plywood shall be prohibited in sealing such openings.* It shall be the duty of the owner thereof promptly to make any repairs that may be necessary for the purpose of keeping such building sealed and secure.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Res. No. 440

Resolution calling on the United States House of Representatives to pass H.R. 7703, the United States Senate to introduce and pass a companion bill, and the President to sign such legislation, to enact the Fair Access to Co-ops for Veterans Act of 2024.

By Council Members Holden and Brannan.

Whereas, The Fair Access to Co-ops for Veterans Act of 2024 (H.R. 7703), co-sponsored by United States (U.S.) Representative (Rep.) Grace Meng, representing Congressional District 6 in Queens, and Rep. Nicole Malliotakis, representing Congressional District 11 in Staten Island and southern Brooklyn, was introduced in the U.S. House of Representatives on March 15, 2024; and

Whereas, A companion bill has not yet been introduced in the U.S. Senate; and

Whereas, H.R. 7703 aims to expand the U.S. Department of Veterans Affairs (VA) Home Loan Guaranty program (“program”) to allow for the purchase of residential cooperative housing units, or co-ops, by eligible Veterans, servicemembers, and surviving spouses in addition to the already-allowed purchase of condominiums and houses; and

Whereas, The expansion of the program to cover co-op purchases would benefit many eligible New York City (NYC) Veterans, servicemembers, and surviving spouses who struggle to afford housing in NYC because of the prevalence of co-ops in NYC housing stock and because co-ops are often a less expensive housing alternative when compared to condominiums and houses; and

Whereas, The program provides loans from private lenders to eligible Veterans, servicemembers, and surviving spouses, and VA guarantees part of the loan, thus making it possible for borrowers to get access to a lower interest rate and often to avoid having to make a down payment, among other favorable financial terms; and

Whereas, H.R. 7703 also intends for VA to advertise the availability of the program to eligible Veterans, appropriate lenders, and interested real estate agents and to inform them of the procedures for taking advantage of it; and

Whereas, Congress passed legislation in 2006 that established a five-year pilot that permitted the purchase of co-ops through the program, but that permission was not made permanent; and

Whereas, Kristina Keenan, a Deputy Director of the Veterans of Foreign Wars of the United States (VFW), testified at a Congressional hearing in March 2024 in support of H.R. 7703 and noted that Veterans who live in cities where co-ops are an important part of the housing market are disproportionately affected by the restrictions in the program and face decreased “long-term housing stability” as a result; and

Whereas, Kennan further noted that co-ops in NYC make up almost two-thirds of multi-family housing stock and that Veteran home ownership in NYC is “significantly lower than the rest of the country”; and

Whereas, H.R. 7703 would make it possible for more eligible Veterans, servicemembers, and surviving spouses “to own their place and build equity” in NYC, according to Rep. Meng; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States House of Representatives to pass H.R. 7703, the United States Senate to introduce and pass a companion bill, and the President to sign such legislation, to enact the Fair Access to Co-ops for Veterans Act of 2024.

Referred to the Committee on Veterans.

Int. No. 925

By Council Members Louis, Cabán, Brannan and Schulman.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the inspection of steam radiators in multiple dwellings

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 15 to read as follows:

ARTICLE 15
INSPECTION OF STEAM RADIATORS

§ 27-2056.21 Definitions. For the purposes of this article, the following terms have the following meanings:
Common area. The term “common area” means a portion of a multiple dwelling that is not within a dwelling unit and is regularly used by occupants for access to and egress from any dwelling unit within such multiple dwelling.

Covered dwelling unit. The term “covered dwelling unit” means any dwelling unit where a child under the age of 6 resides.

Covered multiple dwelling. The term “covered multiple dwelling” means a multiple dwelling in which there is at least 1 steam radiator.

Inspector. The term “inspector” means a licensed master plumber, or an individual under the direct and continuing supervision of a licensed master plumber, that conducts inspections of steam radiators pursuant to this article.

Steam radiator. The term “steam radiator” means a heat exchanger that is a component of a central heating system that uses steam to provide heat to rooms.

§ 27-2056.22 Owner’s responsibility to inspect. a. At least once per year, the owner of a covered multiple dwelling where there is at least 1 covered dwelling unit shall cause an inspection to be conducted of all steam radiators located in all covered dwelling units and common areas within the covered multiple dwelling. In addition, the owner of a covered multiple dwelling shall cause an inspection to be conducted of a steam radiator within 7 days after the owner knows or has reason to know of a potential defect or damage of the steam radiator, including when an occupant makes a complaint concerning the steam radiator or the department issues a notice of violation or orders the correction of a violation relating to the steam radiator. Any inspection conducted pursuant to this subdivision shall be conducted by a licensed master plumber, or an individual under the direct and continuing supervision of a licensed master plumber.

b. When conducting an inspection pursuant to subdivision a of this section, the inspector shall (i) test the integrity of each component of the steam radiator to determine if it is in safe operating condition and (ii) do a visual inspection for indicators of possible defects or damage of the steam radiator, including, but not limited to, leaking water, browning floors or walls, signs of corrosion on the steam radiator or its surrounding surfaces, any other evidence of water damage, and looseness of the steam radiator valves.

c. If an inspection reveals a defect or damage of the steam radiator, the inspector shall notify the tenant, the owner and the department within 48 hours. The owner shall correct such condition within 14 days of the inspection. If an inspection reveals that any steam radiator is in a condition that is likely to be hazardous to life or safety, the owner shall take the steam radiator out of service within 24 hours of such inspection and must repair or replace the steam radiator within 7 days of the inspection.

d. An owner who fails to have inspections conducted or to remediate damages, defects, or hazardous conditions in accordance with this section shall be liable for a civil penalty of not more than \$1,000.

§ 27-2056.23 Owner's inspection report. a. No later than March 1 of each year, the owner of a covered multiple dwelling shall file a signed record with the department that reports all steam radiator inspections completed within the previous calendar year. Such record shall include, for each steam radiator inspection:

- 1. The address of the building;*
- 2. The dwelling unit or common area where the steam radiator is located and the location of the steam radiator within the dwelling unit or common area;*
- 3. The name and address of the inspector;*
- 4. The date of inspection;*
- 5. The results of the inspection, including the status of the integrity of each component of the steam radiator, any noted visual indicators of possible defects or damage of the steam radiator, and if a condition likely to be hazardous to life or safety was determined to be present; and*
- 6. If applicable, any actions taken to remediate a defect, damage, or hazardous condition.*

b. An owner who fails to file a signed record with the department in accordance with this section shall be liable for a civil penalty of not more than \$500.

§ 27-2056.24 Notification to tenants. a. All leases offered to tenants in covered multiple dwellings shall contain notice, conspicuously set forth therein, which advises tenants of the obligation of the owner of the covered multiple dwelling to inspect steam radiators in dwelling units where a child under the age of 6 resides.

b. Each year, an owner of a covered multiple dwelling shall, no earlier than January 1 and no later than January 16, present to the occupant of each dwelling unit in such multiple dwelling a notice inquiring as to whether a child under the age of 6 resides therein. Such notice shall be presented as provided for in subdivision c of this section, and shall, at minimum, be in English and Spanish. Notice given pursuant to subdivision e of section 27-2056.4 shall satisfy the requirement of notice in this subdivision.

c. The owner may present the notice required by subdivision b of this section by delivering the notice by any one of the following methods:

- 1. By first class mail, addressed to the occupant of the dwelling unit;*
- 2. By hand delivery to the occupant of the dwelling unit; or*
- 3. By enclosure with the January rent bill.*

d. Upon receipt of such notice, the occupant shall have the responsibility to deliver by February 15 of that year, a written response to the owner indicating whether or not a child under the age of 6 resides therein. If, subsequent to the delivery of such notice, the owner does not receive such written response by February 15, and does not otherwise have actual knowledge as to whether a child under the age of 6 resides therein, the owner shall notify the department of that circumstance no later than March 1 of that year.

e. An owner who fails to present notice in accordance with this section shall be liable for a civil penalty of not more than \$500.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 441

Resolution designating March 29 annually as Vietnam Veterans Day in the City of New York in honor of the bravery and sacrifice of the Americans who served and in recognition of the past and present dedication of their families and caregivers.

By Council Members Marmorato, Yeger, Paladino, Zhuang, Menin, Ariola, Avilés, Holden, Hanks, Borelli, Carr, Gennaro, Ayala, Brannan, Farías and Vernikov.

Whereas, The United States (U.S.) military presence in Southeast Asia started even before the 1955 establishment of the Military Assistance Advisory Group (MAAG), Cambodia and the MAAG, Vietnam and

before the 1956 arrival of three U.S. Army nurses, the first servicewomen on the ground, who joined the MAAG Medical Training Team; and

Whereas, On July 8, 1959, guerillas entered the South Vietnamese Army 7th Infantry Division compound at Bien Hoa and killed two U.S. soldiers housed there as part of a 13-member U.S. detachment—Major Dale R. Buis and Master Sergeant Chester M. Ovnan, the first U.S. soldiers killed in what would become the Vietnam War; and

Whereas, On May 11, 1961, President John F. Kennedy signed the National Security Action Memorandum 52, which called for “military, political, economic, [and] psychological” actions of a “covert character” in an effort to keep South Vietnam from becoming a Communist state; and

Whereas, Just seven months later, the first U.S. Army helicopter units arrived in Vietnam to support the South Vietnamese government; and

Whereas, On February 8, 1962, MAAG, Vietnam became Military Assistance Command, Vietnam (MACV) and took over directing U.S. war efforts, followed by the arrival of the first U.S. Navy SEAL (Sea-Air-Land) team, the first U.S. Marine Corps helicopter unit, and the first U.S. Army field hospital; and

Whereas, On March 26, 1964, a U.S. Air Force observation plane was shot down by the Viet Cong, and U.S. Army Special Forces Captain Floyd J. Thompson was critically wounded and taken prisoner, becoming the longest-held American prisoner of war (POW) in U.S. history when he was released nine years later; and

Whereas, On August 10, 1964, based on the complicated and confusing engagement between U.S. and North Vietnamese forces in the Gulf of Tonkin over several days, President Lyndon B. Johnson signed into law the Tonkin Gulf Resolution, giving the President the power to “take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression” and to “take all necessary steps, including the use of armed force to assist [South Vietnam] in defense of its freedom”; and

Whereas, By February 1965, President Johnson had ordered U.S. Air Force airstrikes in North Vietnam for the first time, under Operation FLAMING DART, and then authorized the sustained bombing of North Vietnam, which would occur over three years under Operation ROLLING THUNDER; and

Whereas, Also in February 1965, the seven-years-long Operation MARKET TIME began as an effort of the U.S. Navy, U.S. Coast Guard, and South Vietnamese forces to stop supplies from being smuggled into South Vietnam by the North Vietnamese to aid Viet Cong guerillas; and

Whereas, As early as 1965, other countries also supported South Vietnam with combat troops and noncombatants, including Australia, New Zealand, South Korea, Thailand, and the Philippines; and

Whereas, In early March 1966, Operation UTAH south of Chu Lai pitched U.S. Marines against North Vietnamese regular troops for the first time, indicating the movement of more North Vietnamese troops into South Vietnam; and

Whereas, On July 6, 1966, 52 U.S. POWs were marched for one hour past violent crowds and cameras in Hanoi and were subjected to attacks from the onlookers, thereby eliciting international condemnation for conditions in the North Vietnamese prison camps and concern for the POWs; and

Whereas, Many offensives were undertaken by all branches of the U.S. armed forces in conjunction with South Vietnamese troops from 1966 to the end of the war, both in well-known battles and in rural hamlets whose names were barely known to the outside world; and

Whereas, In early 1968, North Vietnam undertook a strong and coordinated attack across 36 provincial capitals and U.S. installations during the Vietnamese New Year, traditionally a time of ceasefire, which became known as the Tet Offensive and which shook Americans’ faith in the war effort, even though the North Vietnamese and Viet Cong were decisively beaten back; and

Whereas, On February 27, 1968, television anchor Walter Cronkite broadcast his thoughts about his recent trip to Vietnam, including that he believed that the only thing the U.S. could do at that point was “to negotiate, not as victors, but as an honorable people who lived up to their pledge to defend democracy, and did the best they could”; and

Whereas, Starting in March 1969 under President Richard M. Nixon, U.S. troops began the 14-month Operation MENU, under which bombing North Vietnamese and Viet Cong installations in Cambodia were meant to disrupt their supply line into South Vietnam and encourage them to engage in peace talks; and

Whereas, In April 1969, President Nixon called for the Vietnamization of the war, including more training for South Vietnamese military personnel, support for governmental reforms, and the withdrawal of U.S. troops, then numbering about 543,000 on the ground; and

Whereas, The last major battle between North Vietnamese and U.S. troops came at Fire Support Base Ripcord, situated west of Hue, on July 1, 1970; and

Whereas, The 1964 Tonkin Gulf Resolution was repealed on January 12, 1971; and

Whereas, In April 1971, the U.S. Department of Defense created the POW/MIA (Missing in Action) Task Group to handle the return of and accounting for all American POWs; and

Whereas, More than 3.4 million U.S. servicemembers were sent to Southeast Asia during the years of the Vietnam War, with about 2.7 million of them serving in the war zone; and

Whereas, The Vietnam Veterans Memorial, the most-visited memorial on the National Mall in Washington, D.C., includes the Three Servicemen bronze statue, standing over seven feet high and created by Glenna Goodacre; the Vietnam Women's Memorial, which portrays three servicewomen caring for and protecting a wounded serviceman and which honors the approximately 11,000 servicewomen in Vietnam, 90 percent of whom were nurses; the In Memory plaque, placed in honor of those who died later as a result of their service in Vietnam; a flagpole, which flies the U.S. flag and the black POW-MIA flag; and the world-renown black granite memorial wall, designed by Maya Lin and made up of two 200-foot-long sections; and

Whereas, Over 58,300 names etched on the memorial wall are listed in chronological order by date of death and include just over 4,000 New Yorkers; and

Whereas, Over 150,000 more U.S. servicemembers were seriously wounded in Vietnam, with tens of thousands permanently disabled; and

Whereas, There are still approximately 1,600 U.S. servicemembers missing in action, who are neither forgotten nor abandoned by Defense POW/MIA Accounting Agency, which continues to seek to recover all of them; and

Whereas, A grateful nation owes a special debt to the Vietnam Veterans who were exposed to deadly herbicides, like Agent Orange, that were used to destroy crops that could have provided cover or food for the enemy, and who suffered long-term serious health problems as a result; and

Whereas, Many servicemembers who returned to the U.S. from Vietnam arrived home to a nation divided in its views over the legitimacy of the war and the actions of the U.S. government that supported it rather than being met with the cheers and accolades that had welcomed servicemembers from earlier wars; and

Whereas, The Vietnam War Veterans Recognition Act of 2017 designates every March 29 as National Vietnam War Veterans Day and calls for the U.S. flag to be flown in observance; and

Whereas, Although the last U.S. personnel were not evacuated from Vietnam until April 30, 1975, with the fall of Saigon and the dramatic 18-hour airlift by Marine and Air Force helicopters of over 1,000 remaining Americans and almost 7,000 South Vietnamese refugees, March 29, 1973, was the day that the U.S. MACV was officially disestablished, the day that the last U.S. combat troops left Vietnam, and the day that the last acknowledged prisoners of war were released by North Vietnam; and

Whereas, March 29 has been proclaimed as Vietnam Veterans Day in New York State, by proclamations of both Governor Andrew Cuomo and Governor Kathy Hochul, in honor of the estimated almost 200,000 Vietnam Veterans residing in NYS; now, therefore, be it

Resolved, That the Council of the City of New York designates March 29 annually as Vietnam Veterans Day in the City of New York in honor of the bravery and sacrifice of the Americans who served and in recognition of the past and present dedication of their families and caregivers.

Referred to the Committee on Veterans.

Int. No. 926

By Council Members Menin, Gutiérrez, Brewer, Williams, Hanif, Salaam, Fariás, Ariola, the Public Advocate (Mr. Williams), Joseph, Zhuang, Ung and Brannan (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the creation of appropriate and responsible use practices for artificial intelligence tools used by 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 3-119.5.1 to read as follows:

§ 3-119.5.1 *Minimum practices for the appropriate and responsible use of artificial intelligence. a. Definitions. As used in this section, the following terms have the following meanings:*

Artificial intelligence. The term “artificial intelligence” has the same meaning as set forth in subsection (3) of section 9401 of title 15 of the United States code.

Public-impacting artificial intelligence. The term “public-impacting artificial intelligence” means any artificial intelligence that could reasonably be expected to materially impact the rights, liberties, benefits, safety or interests of the public, including their access to available city services and resources for which they may be eligible.

b. Minimum practices. No later than January 1, 2025, the department of information technology and telecommunications, or another office or agency designated by the mayor, shall promulgate rules establishing minimum practices that all agencies must follow in developing, procuring, deploying, and using public-impacting artificial intelligence. Such rules shall include reporting standards that agencies must follow to document compliance with such minimum practices. Such minimum practices shall include, but need not be limited to:

1. Procedures for ensuring fairness, transparency, and accountability in public-impacting artificial intelligence decision-making processes, including but not limited to testing standards to guard against bias;

2. Procedures for identifying, assessing, and mitigating risks associated with public-impacting artificial intelligence, including but not limited to data protection risks;

3. Procedures for regular monitoring and independent evaluation of public-impacting artificial intelligence; and

4. Procedures for protecting individual privacy and civil liberties.

c. Periodic review. The department of information technology and telecommunications, or such other office or agency designated by the mayor, shall review such minimum practices no less than annually and update such minimum practices by rule as necessary.

d. Report. No later than 2 years and every two years thereafter following the adoption of the rules required by subdivision b of this section, the department of information technology and telecommunications, or such other office or agency designated by the mayor, shall publish on its website, and submit to the mayor and the speaker of the council, a report on compliance with and review of such minimum practices. Such report shall include, at a minimum:

1. For each agency that developed, procured, deployed, or used public-impacting artificial intelligence during the applicable reporting period, the steps the agency took to comply with the minimum practices established pursuant to subdivision b of this section; and

2. A description of the review conducted pursuant to subdivision c of this section and any updates or changes made to such minimum practices on the basis of such review.

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 927

By Council Members Moya and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to disclosure requirements for OSHA-authorized health and safety course offerings and an education and outreach campaign to raise awareness about fraudulent health and safety courses

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 27 to read as follows:

**SUBCHAPTER 27
OSHA OUTREACH TRAINING PROGRAMS**

§ 20-890 Definitions. As used in this subchapter, the following terms have the following meanings:

Course completion card. The term “course completion card” means a card issued by an authorized OSHA Outreach Training Institute (OTI) or OTI Education Center that demonstrates that the recipient has successfully completed a 10-hour or 30-hour OSHA-authorized safety and health course.

OSHA. The term “OSHA” means the United States Occupational Safety and Health Administration.

OSHA-authorized course. The term “OSHA-authorized course” means a 10-hour or 30-hour safety and health course conducted by an OSHA-authorized trainer and in accordance with OSHA’s outreach training program requirements.

Trainer ID number. The term “trainer ID number” means the identification number issued by an authorizing training organization to trainers who are authorized to provide a 10-hour or 30-hour safety and health course conducted in accordance with OSHA’s outreach training program requirements.

§ 20-891 Display of trainer information. a. Any person offering or advertising an OSHA-authorized course shall display a sign with the course trainer’s name, the expiration date of the trainer’s training authorization, the training organization which authorized the trainer to deliver OSHA safety courses, and the trainer ID number for each trainer who is authorized to provide such course. If a person offering an OSHA-authorized course has not yet received a trainer ID number, the sign shall indicate that the ID number is pending. The commissioner, in consultation with the department of buildings, shall specify the form of such signs and the locations where they must be posted.

b. Any person offering or advertising an OSHA-authorized course on a website shall conspicuously post the information required by subdivision a of this section on such website.

§ 20-892 Penalties. a. A person who violates a provision of this subchapter, or of any rule or regulation promulgated pursuant to this subchapter, shall be liable to pay a civil penalty of \$150 for the first violation and \$750 for each succeeding violation.

b. Notwithstanding subdivision a of this section, a person shall not be subject to a civil penalty for a first-time violation of section 20-891 or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The department shall offer the option of presenting proof that the violation has been cured as part of any settlement offer made to a person who has received, for the first time, a notice of violation of section 20-891 or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. If the department determines that a person has not submitted proof of a cure, the person may seek review of such determination in the department’s administrative tribunal within 15 days of receiving written notice of such determination.

§ 20-893 Outreach and education. The commissioner, in conjunction with the department of buildings and any other agencies identified by the mayor, shall conduct an outreach and education campaign to raise awareness about common fraudulent schemes related to OSHA-authorized courses, methods to verify a trainer’s credentials, methods to verify the authenticity of course completion cards, methods to report instances of fraud,

and other related topics. The commissioner shall make outreach and education materials available in the designated citywide languages as defined in section 23-1101. Such materials shall also be made available on the department's website and on the website of the department of buildings.

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

Referred to the Committee on Consumer and Worker Protection.

Int. No. 928

By Council Members Nurse, Brooks-Powers, Won, Ung, Restler, Cabán and Brannan.

A Local Law in relation to requiring the department of transportation to conduct a pilot project on the use of cool pavement

Be it enacted by the Council as follows:

Section 1. Cool pavement pilot project. a. Definitions. For purposes of this section, the following terms have the following meanings:

Cool pavement. The term “cool pavement” means porous, permeable, light-colored, or other pavement and pavement coatings designed to reduce pavement temperatures and ambient air temperatures.

Disadvantaged communities. The term “disadvantaged communities” has the same meaning as that term is defined in section 75-0101 of the environmental conservation law.

Heat vulnerability. The term “heat vulnerability” has the same meaning as that term is defined in section 17-199.14.

Heat vulnerability index. The term “heat vulnerability index” means a measure of heat vulnerability on a scale of 1 through 5 with 1 representing the lowest risk of heat stress deaths and heat exacerbated deaths and 5 representing the highest risk of such deaths.

Heat vulnerable community. The term “heat vulnerable community” means a neighborhood tabulation area with a heat vulnerability index of 4 or 5.

Hyperlocal temperature monitoring. The term “hyperlocal temperature monitoring” means monitoring and measuring of hourly average temperature on a block-by-block basis.

Neighborhood tabulation area. The term “neighborhood tabulation area” means a geographical area defined by the department of city planning for the purposes of providing neighborhood-level data.

b. The department of transportation shall, in consultation with the department of health and mental hygiene, conduct a two-year pilot project for the use of cool pavement on city streets in at least 4 neighborhood tabulation areas that are, or include, both disadvantaged communities and heat vulnerable communities. As part of such pilot project, the department shall implement the best available research methodologies to conduct hyperlocal temperature monitoring and assess the range of options for cool pavement and the technical feasibility, environmental impacts, and all anticipated costs of such options. The department shall post on its website and submit to the mayor and the speaker of the council a report on the results of the pilot project no later than 180 days after the pilot concludes.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 442

Resolution calling on the U.S. Food and Drug Administration to require chain restaurants to include added sugars information in the nutrition information available to consumers on request.

By Council Members Powers, Schulman, Gennaro and Brannan (in conjunction with the Manhattan Borough President).

Whereas, On November 17, 2023, the Council of the City of New York passed Local Law 150 for the year 2023 ("Local Law 150") to amend the administrative code of the City of New York, requiring added sugar notifications for items in chain restaurants; and

Whereas, Local Law 150 mandates that covered establishments, defined as food service establishments with 15 or more locations under the same name offering substantially the same food items, notify consumers via warning icons and statements when certain food items exceed a specified level of added sugars; and

Whereas, Local Law 150 is scheduled to go into effect on December 1, 2024, but its requirement for covered establishments to post warning icons for added sugars in non-packaged food items that are not identical to a prepackaged food item will not be implemented until federal regulations are updated to mandate that chain restaurants include added sugars in the nutrition information available to consumers on request for such non-packaged food items; and

Whereas, Under the Patient Protection and Affordable Care Act, the U.S. Food and Drug Administration (FDA) requires chain restaurants with 20 or more locations offering similar menu items to provide calorie and nutrition information for standard menu items, aligning with the information required on Nutrition Facts labels under Title 21 of the United States Code; and

Whereas, In 2016, the FDA issued a final rule requiring added sugars to be included on the Nutrition Facts label, alongside existing requirements, but has yet to harmonize federal menu labeling requirements through further rulemaking; and

Whereas, The FDA released its Edition 2 draft of the Menu Labeling Supplemental Guidance for chain restaurants on December 13, 2023, outlining voluntary labeling for added sugars without addressing any updates regarding mandatory labeling regulations; and

Whereas, Local Law 150 cannot be fully implemented until the FDA updates federal menu labeling requirements through additional rulemaking; and

Whereas, Continued delay in action by the FDA may impede New York City consumers from realizing the full benefits of Local Law 150; now, therefore, be it

Resolved, That the Council of the City of New York calls on the U.S. Food and Drug Administration to require chain restaurants to include added sugars in the nutrition information available to consumers on request for standard menu items.

Referred to the Committee on Health.

Int. No. 929

By the Public Advocate (Mr. Williams) and Council Members Gennaro, Restler and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a specification for hazard pay in solicitations for certain emergency procurements made during a state of emergency related to the outbreak of a communicable disease

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-147 to read as follows:

§ 6-147 Hazard pay in solicitations for certain emergency procurements. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Client services vendor. The term “client services vendor” means a program contracted for by the city on behalf of third-party clients, including a program to provide social services, health or medical services, housing and shelter assistance services, legal services, employment assistance services or vocational, educational or recreational programs.

Communicable disease. The term “communicable disease” means an illness caused by an infectious agent or its toxins that occurs through the direct or indirect transmission of the infectious agent or its products from an infected individual or via an animal, vector or the inanimate environment to a susceptible animal or human host.

Emergency procurement. The term “emergency procurement” means a procurement made pursuant to section 315 of the charter.

Essential entity. The term “essential entity” means an entity that is not subject to an in-person restriction issued during a state of emergency or public health emergency.

Essential worker. The term “essential worker” means any person employed or permitted to work in person at or for an essential entity. The term does not include any worker who is (i) covered by a collective bargaining agreement if such agreement expressly waives the provisions of this local law and provides comparable or superior benefits for essential workers, or (ii) covered by a program created pursuant to an emergency order issued by the governor that provides comparable or superior benefits for essential employees.

Hazard pay. The term “hazard pay” means a rate of pay, paid during a state of emergency or public health emergency, not less than time and one-half of a worker’s regular rate of pay.

Public health emergency. The term “public health emergency” means the period of time during which a declaration issued by the commissioner of health and mental hygiene, declaring a public health emergency pursuant to section 3.01 of the New York city health code, is in effect.

State of emergency. The term “state of emergency” means a period of time during which one or both of the following are in effect: (i) a proclamation issued by the mayor, declaring a local state of emergency pursuant to section 24 of the executive law; or (ii) an executive order issued by the governor, declaring a state disaster emergency and the city of New York, or some portion thereof, an affected area pursuant to section 28 of the executive law.

Vendor. The term “vendor” means an actual or potential contractor.

b. During a state of emergency or a public health emergency related to an outbreak of a communicable disease, any agency seeking an emergency procurement of a client services vendor shall include a specification in its solicitation for the provision of hazard pay to such vendor’s essential workers.

§ 2. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 930

By the Public Advocate (Mr. Williams) and Council Members Won, Gennaro, Cabán and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a task force to develop equitable responses to infectious disease related emergencies, including COVID-19

Be it enacted by the Council as follows:

Section 1. Title 30 of the administrative code of the city of New York is amended by adding a new chapter 2 to read as follows:

CHAPTER 2
INFECTIOUS DISEASE RELATED EMERGENCIES

§ 30-201 Task force to develop equitable responses to infectious disease related emergencies. a. Definitions. For purposes of this section, the term “task force” means the ensuring equity task force.

b. Task force established. There is hereby established a task force to be known as the ensuring equity task force.

c. Duties. The task force shall study racial disparities in exposure to infectious disease and related testing, treatment and outcomes citywide whenever a state disaster emergency or local state of emergency is declared in relation to an infectious disease that affects the city, and shall make recommendations for legislation and policy to mitigate and eliminate such disparities pursuant to subdivision f of this section.

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

(a) The commissioner of health and mental hygiene or such commissioner’s designee;

(b) The commissioner of emergency management or such commissioner’s designee;

(c) The commissioner of small business services or such commissioner’s designee;

(d) The director of the mayor’s office of minority and women-owned business enterprises or such director’s designee;

(e) Five members appointed by the mayor;

(f) Two members appointed by the speaker of the council; and

(g) Two members appointed by the public advocate.

2. The public advocate shall designate a chair among the members of the task force.

3. The mayor may invite officers and representatives of relevant federal, state and local agencies and authorities to participate in the work of the task force.

4. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment. All members of the task force shall serve without compensation.

e. Meetings. 1. The task force shall hold at least one meeting each week for any period of time during which an executive order of the governor declares a state disaster emergency related to an infectious disease that affects the city, or an order of the mayor declares a local state of emergency related to an infectious disease. Notwithstanding the expiration of any such order, the task force shall continue to hold at least one meeting each week until the submission of a report pursuant to subdivision f of this section in connection with the originating infectious disease related emergency.

2. The task force may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

3. Meetings may be held in person or via videoconferencing. Public access shall be granted to all meetings via videoconferencing. The minutes of such meetings shall be published on the office’s website no later than one day after each such meeting.

f. Report. 1. No later than 100 days after the task force’s first meeting after the issuance of an executive order of the governor declaring a state disaster emergency or an order of the mayor declaring a local state of emergency related to an infectious disease, the task force shall submit a report to the mayor, the speaker of the council and the public advocate setting forth its recommendations for legislation and policy relating to the mitigation and elimination of racial disparities in exposure to infectious disease and related testing, treatment and outcomes. The report shall set forth a plan to mitigate such disparities, which shall address city-provided financial support and other programs that may improve outcomes for persons affected by the disparities identified in such report. The report shall include a summary of information the task force considered in formulating its recommendations.

2. The commissioner of emergency management shall publish the task force’s report on the office’s website no later than one day after its submission to the mayor, the speaker of the council and the public advocate.

g. Agency support. Each agency shall provide appropriate staff and resources to support the work of such agency related to the task force.

h. Suspension and reinstatement. 1. The task force’s duties pursuant to subdivision c of this section and the task force’s meeting requirements pursuant to subdivision e of this section shall be suspended upon submission of a report pursuant to subdivision f of this section unless the chair of the task force determines that continued study is necessary to make further recommendations for legislation and policy to mitigate and eliminate racial disparities in infectious disease exposure and related testing, treatment and outcomes. Upon a determination by

the chair that continued study is necessary, the task force shall continue to meet for a duration of time and with such frequency as the chair determines is sufficient to perform the task force's duties, and shall prepare and submit further reports setting forth recommendations for legislation and policy as the chair determines are necessary to accomplish the task force's objectives.

2. The task force's duties and meeting requirements shall be reinstated whenever the governor issues an executive order declaring a state disaster emergency related to an infectious disease that affects the city, or whenever the mayor issues an order declaring a local state of emergency related to an infectious disease.

§ 2. This local law takes effect immediately, and all appointments required by this local law shall be made no later than 60 days after such date.

Referred to the Committee on Health.

Int. No. 931

By the Public Advocate (Mr. Williams) and Council Members Restler and Cabán.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to post quarterly reports on its website relating to the use of seat belt holds and chokeholds

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-192 to read as follows:

§14-192. Use of seat belt holds and chokeholds. a. Definitions. As used in this section, the following terms have the following meanings:

Chokehold. The term "chokehold" means to wrap an arm around or grip a person's neck in a manner that may limit or cut off either the flow of air by compressing the windpipe, or the flow of blood through the carotid arteries on each side of the neck.

Seat belt hold. The term "seat belt hold" means to wrap an arm over a person's shoulder with the other arm wrapped under the opposite armpit with hands clasped together in front of the body.

b. Reports on the use of seat belt holds and chokeholds. Beginning January 1, 2023, and quarterly thereafter, the commissioner shall submit to the mayor and the speaker of the council and post a report on the department website containing information pertaining to the use of force for the prior quarter. Such quarterly report shall include:

- 1. The total number of seat belt holds employed by department personnel; and*
- 2. The total number of seat belt holds that were deemed failed and resulted in the use of a chokehold.*

§2. This local law shall take effect immediately.

Referred to the Committee on Public Safety.

Int. No. 932

By the Public Advocate (Mr. Williams) and Council Members Ayala, Cabán and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to submit to the council reports of services provided to any private entity

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-193 to read as follows:

§14-193. Services provided to private entities.

a. Definitions. For the purpose of this section the following terms have the following meanings:

"Police services" means any action taken by a uniformed or plain-clothed off-duty member of the department on behalf of a private entity, as defined in this section, for the purpose of preventing crimes, detecting crimes, enforcing laws that are designed to maintain civil peace and order, or protecting life or property from accidental or willful injury; and

"Private entity" means any entity that is not a unit of government, including but not limited to a natural person, corporation, association, partnership, limited liability company, limited liability partnership, nonprofit organization or other legal entity.

b. Annual Report. The department shall submit to the council on annual basis a report, sorted by month, detailing police services provided in the preceding year by any member of the department to a private entity for a fee payable to the department. Such report shall include, but not be limited to, the police services provided by the department's Paid Detail Unit, or any similar or successor unit. Such report shall also include:

1. the total number of private entities receiving such police services, disaggregated by entity type, including but not limited to: (i) private citizen; (ii) corporation; (iii) partnership; and (iv) nonprofit organization;

2. a list of the private entities receiving such police services, except where disclosure of such information could compromise the safety of the public or police officers or could otherwise compromise law enforcement operations;

3. the costs, if any, to the department for administering such police services to such private entities;

4. the total number of police personnel providing such police services, disaggregated by rank; and

5. the total amount of revenue, if any, generated by providing such police services.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Preconsidered State Legislation Resolution No. 1

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Comrie, S.519, and Assembly Member Vanel, A.1186, "AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for tractor-trailer combinations that park on residential streets overnight".

By Council Members Restler and Gennaro.

Whereas, Bills have been introduced in the New York State Legislature by Senator Comrie, S.519, and Assembly Member Vanel, A.1186, "AN ACT to amend the administrative code of the city of New York and the vehicle and traffic law, in relation to increasing the fine for tractor-trailer combinations that park on residential streets overnight"; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and adopted by the Committee on Governmental Operations, State & Federal Legislation).

Preconsidered State Legislation Resolution No. 2

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.8529, and Assembly Member Pheffer Amato, A.9381, “AN ACT to amend the general municipal law, in relation to disabilities of deputy sheriffs in certain cities”.

By Council Member Restler.

Whereas, Bills have been introduced in the New York State Legislature by Senator Jackson, S.8529, and Assembly Member Pheffer Amato, A.9381 “AN ACT to amend the general municipal law, in relation to disabilities of deputy sheriffs in certain cities”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and adopted by the Committee on Governmental Operations, State & Federal Legislation).

Preconsidered State Legislation Resolution No. 3

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.8532, and Assembly Member Pheffer Amato, A.9391, “AN ACT to amend the general municipal law, in relation to disabilities of deputy sheriff members of a retirement system in certain cities”.

By Council Member Restler

Whereas, Bills have been introduced in the New York State Legislature by Senator Jackson, S.8532, and Assembly Member Pheffer Amato, A.9391 “AN ACT to amend the general municipal law, in relation to disabilities of deputy sheriff members of a retirement system in certain cities”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and adopted by the Committee on Governmental Operations, State & Federal Legislation).

Preconsidered State Legislation Resolution No. 4

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.7181-B, and Assembly Member Pheffer Amato, A.7693-A, “AN ACT to amend the retirement and social security law, in relation to permitting certain twenty-five year retirement program dispatcher members to file elections not to participate”.

By Council Member Restler.

Whereas, Bills have been introduced in the New York State Legislature by Senator Jackson, S.7181-B, and Assembly Member Pheffer Amato, A.7693-A, “AN ACT to amend the retirement and social security law, in relation to permitting certain twenty-five year retirement program dispatcher members to file elections not to participate”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and adopted by the Committee on Governmental Operations, State & Federal Legislation).

Preconsidered State Legislation Resolution No. 5

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Sepúlveda, S.9132, and Assembly Member Burgos, A.10060, “AN ACT to amend chapter 544 of the laws of 2022, authorizing the city of New York to discontinue a portion of real property in the county of the Bronx as parkland and to grant easements for improvements to the railroad right-of-way to bring Metro-North railroad service to four new stations in the Bronx and to Pennsylvania Station in the county of New York, in relation to discontinuing additional parkland and granting additional easements”.

By Council Member Restler.

Whereas, Bills have been introduced in the New York State Legislature by Senator Sepúlveda, S.9132, and Assembly Member Burgos, A.10060, “AN ACT to amend chapter 544 of the laws of 2022, authorizing the city of New York to discontinue a portion of real property in the county of the Bronx as parkland and to grant easements for improvements to the railroad right-of-way to bring Metro-North railroad service to four new stations in the Bronx and to Pennsylvania Station in the county of New York, in relation to discontinuing additional parkland and granting additional easements”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and adopted by the Committee on Governmental Operations, State & Federal Legislation).

Preconsidered State Legislation Resolution No. 6

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.7224-B, and Assembly Member Pheffer Amato, A.7563-B, “AN ACT to amend the retirement and social security law, in relation to death benefits for active New York city transit authority members”.

By Council Member Restler.

Whereas, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.7224-B, and Assembly Member Pheffer Amato, A.7563-B, “AN ACT to amend the retirement and social security law, in relation to death benefits for active New York city transit authority members”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and adopted by the Committee on Governmental Operations, State & Federal Legislation).

Preconsidered State Legislation Resolution No. 7

State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S. 8726-B, and Assembly Member Williams, A. 9521-A, “AN ACT to amend the vehicle and traffic law, in relation to abandoned vehicles”.

By Council Member Restler.

Whereas, Bills have been introduced in the New York State Legislature by Senator Jackson, S. 8726-B, and Assembly Member Williams, A. 9521-A, “AN ACT to amend the vehicle and traffic law, in relation to abandoned vehicles”; *and*

Whereas, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

Resolved, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and adopted by the Committee on Governmental Operations, State & Federal Legislation).

Int. No. 933

By Council Members Rivera, Salamanca Jr. and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to an outreach campaign on gun buy-back programs

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-317 to read as follows:

§ 10-317 Outreach on gun buy-back programs. a. Definitions. As used in this section, the following terms have the following meanings:

Department. The term “department” means the police department.

Gun. The term “gun” means a firearm, shotgun, rifle, assault weapon or antique firearm, as such terms are defined in section 10-301.

b. No later than 90 days after the effective date of the local law that added this section, the department, in consultation with the office to prevent gun violence and relevant community organizations, shall conduct an outreach campaign to inform the public about each gun buy-back program event held by the department, whereby individuals may voluntarily surrender a working or non-working unloaded gun or parts thereof to the department in exchange for monetary compensation. Such outreach campaign shall be conducted citywide, and shall prioritize the communities most at risk for gun violence, as determined by the office to prevent gun violence.

c. The department shall implement a media campaign to inform the public about the department’s gun buy-back programs. Such media campaign shall be available on the internet, television, radio and in print.

d. The department shall post on its website and update as necessary information about gun buy-back programs, which shall include, but need not be limited to, the following:

1. The dates and locations of any future gun buy-back program event to be held by the department;

2. The rules of any gun buy-back program, including that the department may not require individuals surrendering a gun or parts thereof to provide any identification or personally identifiable information, and that a person who surrenders a gun or parts thereof shall not be subject to criminal or civil penalties for unlawful possession of such gun or parts thereof surrendered, except as otherwise required by local, state or federal laws, rules or regulations; and

3. The name and contact information of any community organization working with the department to inform the public about a gun buy-back program.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 934

By Council Members Salamanca Jr., Rivera and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to a voluntary community gun buy-back program

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-317 to read as follows:

§ 10-317 Voluntary community gun buy-back program. a. Definitions. As used in this section, the following terms have the following meanings:

Department. The term “department” means the police department.

Gun. The term “gun” means a firearm, shotgun, rifle, assault weapon or antique firearm, as such terms are defined in section 10-301.

b. No later than June 1, 2023, the department shall create and implement a monthly community gun buy-back program, whereby an individual may voluntarily surrender to the department in exchange for monetary compensation a working or non-working unloaded gun or parts thereof, including a gun or parts thereof created using a three-dimensional printer. All guns or parts thereof surrendered shall be contained in an opaque bag or box, or in such form as otherwise prescribed by the department. The department shall inspect each gun or parts thereof upon surrender, and shall determine the appropriate form of and sum of money that will be provided in exchange for each gun or parts thereof. Such program shall be offered in at least one borough every month, provided that the program takes place in each borough at least once in any five month period. Such program shall be administered in accordance with all applicable federal, state and local laws, rules and regulations.

c. The department shall not require any individual surrendering a gun or parts thereof pursuant to the program established by subdivision b of this section to provide identification or personally identifiable information. A person who surrenders a gun or parts thereof pursuant to the program established by subdivision b of this section shall not be subject to criminal or civil penalties for unlawful possession of such gun or parts thereof surrendered, except as otherwise required by local, state or federal laws, rules or regulations.

d. A retired or active law enforcement officer may not receive monetary compensation for the surrender of a gun or parts thereof pursuant to the program established by subdivision b of this section.

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

Referred to the Committee on Public Safety.

Int. No. 935

By Council Members Won, Brewer, Hanif, Rivera, Gennaro and Cabán.

A Local Law to amend the administrative code of the city of New York, in relation to the collection of data regarding the destinations of individuals exiting the shelter and migrant re-ticketing systems, and to repeal such amendments upon the expiration thereof

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 21-334 to read as follows:

§ 21-334 a. *Definition.* As used in this chapter, the following term has the following meaning:

Re-ticketing center. The term “re-ticketing center” means a location run by the New York city emergency management department where migrants can be processed into a new shelter after their stay in another one runs out or obtain a ticket to a destination outside of the city of New York.

b. Collection of data regarding the destinations of migrants. No later than September 30, 2024, the commissioner of the New York city department of social services or another commissioner designated by the mayor, in consultation with the New York city emergency management department, the New York city department of housing preservation and development, the New York city health and hospitals corporation, the New York city department of citywide administrative services, the New York city office of technology and innovation, and any other city agency or mayoral office involved in providing direct services to newly arrived migrants, shall develop a survey of individuals exiting the shelter and migrant re-ticketing systems. The survey shall be voluntary and shall elicit information related to the immediate destinations of individuals exiting locations offering shelter services, including within the shelter system for migrants, and re-ticketing services for migrants.

c. No later than September 30, 2024, the commissioner of the New York city department of social services or another commissioner designated by the mayor under subdivision b shall provide to case managers and onsite staff such survey for administration to individuals seeking assistance in locations including, but not limited to, humanitarian emergency response and relief centers, emergency shelters, respite centers, asylum seeker resource navigation centers, and re-ticketing centers. Such survey shall be administered in the best language of

the individual taking the survey. The results of the surveys shall be provided to the commissioner of the New York city department of social services or another commissioner designated by the mayor under subdivision b on a weekly basis.

d. Upon request from the New York city department of education, the commissioner of the New York city department of social services or another commissioner designated by the mayor under subdivision b shall provide to the New York city department of education any available information regarding the immediate destination of an individual student who departed the shelter system or the re-ticketing system for migrants in accordance with section 23-1202 of the administrative code of the city of New York.

e. No later than June 30, 2025, and annually thereafter, the commissioner of the New York city department of social services or another commissioner designated by the mayor under subdivision b shall submit to the mayor and the speaker of the council and shall post conspicuously on its website a report regarding the results of the survey described in subdivision b. The report shall set forth the aggregated information captured in the results of the survey described in subdivision b of this section and include a data dictionary. No report required by this section shall contain personally identifiable information.

§ 2. This local law takes effect 30 days after it becomes law, and remains in effect until the latest of (1) the expiration of the state of emergency relating to the asylum seeker and migrant crisis declared in 2023 by the mayor, including any extensions thereof, (2) the expiration of the state of emergency relating to the asylum seeker and migrant crisis declared by the governor, including any extensions thereof, or (3) June 30, 2029, when it is deemed repealed.

Referred to the Committee on General Welfare.

Preconsidered L.U. No. 83

By Council Member Brannan:

Ft Greene.HUDMF.FY24: Block 1959, Lot 27; Block 2096, Lot 6; Block 2097, Lots 7 and 15, Brooklyn, Community District No. 2, Council District No. 35.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 84

By Council Member Salamanca:

Application number C 240035 MMK (Red Hook Coastal Resiliency) submitted by the New York City Department of Design and Construction, the New York City Department of Transportation, the New York City Department of Citywide Administrative Services, and the New York City Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving: the establishment of Sullivan Street between the U.S. Pierhead and Bulkhead Lines and Ferris Street; the establishment of a Park at Columbia Street south of Todd Memorial Square Public Park; the modification of grades at points within an area generally bounded by the approaches to the Hugh L. Carey (Brooklyn-Battery) Tunnel, Imlay Street, Pioneer Street, Conover Street, Beard Street, Halleck Street, Columbia Street, Bay Street, Clinton Street, Lorraine Street and the US Bulkhead Line; the adjustment of grades and block dimensions necessitated thereby; and any acquisition or disposition of real properties related thereto, in accordance with Maps No. N-2764 through ber 11, 2023, and signed by the Borough President, Borough of Brooklyn, Community District 6, Council District 38.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

L.U. No. 85

By Council Member Salamanca:

Application number C 240036 PQQ (Red Hook Coastal Resiliency) submitted by the Department of Transportation, the Department of Design and Construction, and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at (Block 514, p/o Lot 1), (Block 514, p/o Lot 40), (Block 515, p/o Lot 1), (Block 515, p/o Lot 61), (Block 573, p/o Lot 1), (Block 595, p/o Lot 9), (Block 595, p/o Lot 170), (Block 606, p/o Lot 5), (Block 606, p/o Lot 50), (Block 610, p/o Lot 24), (Block 610, p/o Lot 25), (Block 610, p/o Lot 26), (Block 610, p/o Lot 27), (Block 610, p/o Lot 28), (Block 610, p/o Lot 29), (Block 610, p/o Lot 30), (Block 611, p/o Lot 1), (Block 612, p/o Lot 1), (Block 612, p/o Lot 130), (Block 612, p/o Lot 150), for a flood protection system, Borough of Brooklyn, Community District 6, Council District 38.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

NEW YORK CITY COUNCIL**A N N O U N C E M E N T S****Wednesday, May 29, 2024**Committee on General Welfare

Diana I. Ayala, Chairperson

Oversight - Hunger and Food Insecurity in New York City.**Int 28** - By Council Members Fariás, Louis, Gutiérrez, Dinowitz and Schulman -**A Local Law** to amend the administrative code of the city of New York, in relation to establishing a system to obtain employment and income information from a third-party for the city's use in making determinations for benefits and services eligibility.**Res 25** - By Council Members Schulman, Louis, Brooks-Powers, Gutiérrez, Hudson, Hanif and Ung -**Resolution** calling on Congress to pass, and the President to sign, S.2258/H.R.3519, the "Hot Foods Act of 2023," to permit Supplemental Nutrition Assistance Program benefits to be used to purchase additional types of food items, particularly hot foods.**Proposed Res 50-A** - By Council Members Avilés, De La Rosa, Bottcher, Yeager, Brewer, Hanif, Ung, Nurse, Louis, Abreu, Ayala, Cabán, Gennaro, Sanchez, Ossé, Rivera, Hanks, Williams, Menin, Marte, Salaam, Hudson, Schulman and Fariás - **Resolution** calling upon the United States Congress to pass and the President to sign H.R. 3899, the American Family Act, which would expand the Child Tax Credit.**Res 57** - By Council Members Ayala, Louis, Restler, Hanif, Hudson, Brewer, Farias, Gutierrez and Avilés - **Resolution** calling on New York state to create a program to provide food benefits for those not eligible for existing benefits, including anyone over 55 meeting income eligibility.**Res 227** - By Council Members Brewer, Louis and Schulman - **Resolution** calling on Congress to pass, and the President to sign, a renewed Farm Bill that increases funding for life-saving food aid.**Res 237** - By Council Members Dinowitz, Hanif, Louis and Schulman - **Resolution** calling on Congress to pass, and the President to sign, S.1488/H.R.3183, the "Enhance Access to SNAP Act of 2023" (EATS Act of 2023), to remove certain eligibility disqualifications that restrict otherwise eligible students from participating in the Supplemental Nutrition Assistance Program.**Res 419** - By Council Members Sanchez, Ung, Ayala and Cabán - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign S.7823/A.4096, requiring the implementation of an electronic benefit transfer system using industry-standard commercial electronic funds transfer technology.

Council Chambers – City Hall.....10:00 a.m.

Thursday, May 30, 2024Committee on Housing and Buildings

Pierina Ana Sanchez, Chairperson

Oversight - J-51 Tax Abatement.**Int 654** - By Council Member Sanchez (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to abatement of taxation for alterations and improvements to certain multiple dwellings.

Council Chambers – City Hall.....10:00 a.m.

Committee on Transportation and Infrastructure

Selvena N. Brooks-Powers, Chairperson

Oversight - Future-Proofing the City's Public Infrastructure and Spaces.**Int 272** - By Council Members Joseph, Restler, Won, Feliz, Brewer, Abreu, Louis, Marte, Gutiérrez, Hanif, Salaam, Riley, Fariás, De La Rosa, Hudson and Avilés (by request of the Manhattan Borough President) - **A Local Law** in relation to a capital plan and timeline for installing public bathroomsInt 574 (Brewer) - **A Local**

Law to amend the administrative code of the city of New York, in relation to expanding the information provided on the open space coordination platform.

Int 574 - By Council Members Brewer, Gutiérrez and Restler - **A Local Law** to amend the administrative code of the city of New York, in relation to expanding the information provided on the open space coordination platform.

Committee Room – City Hall.....10:00 a.m.

Monday, June 3, 2024

[Committee on Sanitation and Solid Waste Management](#)

Shaun Abreu, Chairperson

Oversight - Commercial Waste Zones.

Int 352 - By Council Members Nurse, Restler, Hudson and Avilés - **A Local Law** to amend the administrative code of the city of New York, in relation to creating a commercial waste zones working group.

Int 696 - By Council Members Nurse, Gennaro, Hanif, Powers, Rivera, Schulman, Marte, Cabán, Gutiérrez, Abreu, Louis, Avilés, Brooks-Powers, Salaam, Sanchez and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing organic waste composting facilities in each borough.

Council Chambers – City Hall.....10:00 a.m.

Tuesday, June 4, 2024

[Committee on Aging](#)

Crystal Hudson, Chairperson

Oversight - Protecting, Preserving and Supporting Naturally Occurring Retirement Communities in New York City.

Res 232 - By Council Members Brewer, Bottcher, Schulman, Hanif, Won, Gennaro, Rivera, Williams, Hudson and Fariás - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, S.2960/A.5741, to provide for annual adjustment of the maximum income threshold eligibility for the Senior Citizen Rent Increase Exemption (SCRIE), Disability Rent Increase Exemption (DRIE), Senior Citizen Homeowners' Exemption (SCHE), and Disabled Homeowners' Exemption (DHE) by any increase in the Consumer Price Index.

Committee Room – 250 Broadway, 16th Floor..... 10:00 a.m.

[Committee on Contracts](#)

Julie Won, Chairperson

Oversight - Evaluating Progress of Reforms to Accelerate Nonprofit Contract Payments.

Int 243 - By Council Members Hudson, Ayala, Won, Restler and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to indirect costs of nonprofit city service contractors.

Int 508 - By Council Members Brannan, Yeger, Hanif and Louis - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to reporting of promptness of agency payments to contractors.

Int 510 - By Council Members Brannan, Yeger, Restler and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to the provision of bridge loans to contractors.

Int 514 - By Council Members Brannan, Yeger, Hanif, Brewer and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to interest to be paid on late contract payments to non-profit contractors.

Int 801 - By Council Members Won, Brooks-Powers, Louis, Stevens, Fariás, Banks and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to explanations for subcontractor denials in city contracting.

Int 802 - By Council Members Won, Menin, Fariás, Ayala, Louis, Stevens and Banks - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a standard insurance policy for food procurement vendors.

Int 803 - By Council Members Won, De La Rosa, Krishnan, Louis, Banks, Williams and Brooks-Powers - **A Local Law** to amend the New York city charter, in relation to protests of agency procurement decisions.

Int 863 - By Council Members Brannan and Louis - **A Local Law** to amend the New York city charter, in relation to expanding the application of procurement procedures for certain service contracts, and enhancing public notice requirements for changes to planned contract actions

Res 342 - By Council Members Won, Ayala, Louis, Stevens, Farías, Banks and Williams - **Resolution** calling on the New York State Assembly to pass, and the Governor to sign, S.7383/A.8864, establishing an online noticing process for public contracts as well as a time-limited comment period.

Committee Room – 250 Broadway, 14th F

loor..... 10:00 a.m.

[Subcommittee on Landmarks, Public Sitings and Dispositions](#)

Kamillah Hanks, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 14th Floor..... 12:30 p.m.

Thursday, June 6, 2024

Stated Council Meeting

Council Chambers – City Hall.....Agenda – 1:30 p.m.

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) noted that Memorial Day would be observed on the following Monday when service members who paid the ultimate sacrifice for the nation are to be honored and commemorated. She acknowledged the city's gratitude for the commitment, dedication, and sacrifice of these individuals. The Speaker (Council Member Adams) wished everyone a meaningful Memorial Day.

* * *

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Fariás) adjourned these proceedings to meet again for the Stated Meeting of Thursday June 6, 2024.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note: For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of May 23, 2024 on the New York City Council website at <https://council.nyc.gov>.

Editor's Local Law Note: Int. Nos. 129-A and 689-A, both adopted at the April 18, 2024 Stated Meeting, were returned unsigned by the Mayor on May 20, 2024. These items had become law on May 18, 2024 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 63 and 64 of 2024, respectively,

