

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING

of

Thursday, April 29, 2021, 1:39 p.m.
held remotely via video-conference

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

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Member Rose

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

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

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

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

There were 48 Council Members marked present at this Stated Meeting.

INVOCATION

The Invocation was delivered by Reverend Rashad Moore, spiritual leader of First Baptist Church of Crown Heights, located at 450 Eastern Parkway, Brooklyn, NY 11225.

Thank you and good afternoon, everyone.
Let us pause for a moment of prayer.

Eternal God, we pause for a moment
out of the daily rounds of life and leadership
to give you thanks for the gift of life and for life itself.
For just a few moments,
we wish to pause just long enough
just to hush out the noise of life's demands,
endless zooms and emails, calls and conferences
just to thank you for the simple gifts of life.
You have allowed us this awesome privilege to serve you
by serving the people of this city.
You have given us the opportunity of a lifetime
to lead and to serve the greatest city in the world.
So, we ask now for your presence in this meeting.
All that we need, you have provided
and so we ask for your spirit
to prop us up on every leaning side.
We lift before you, oh, God,
our city and its 20 million citizens.
Encourage us when we are disappointed,
strengthen us when we grow weak,
give us courage to speak truth, give us the imagination
to dream new dreams and to see new visions.
Give us, O God, a sensitive heart
to hear the cries of those who are sick, destitute,
and in need of the basic things of life.
Help us to realize that we have more power than we realize.
All that we need, you have already provided.
Now it is time for us to do the right thing.
Bless us with your power,
empower us to be steadfast, honest,
and true in all that we do.
This is our prayer in your many names,
Amen and Ase.

On behalf of Council Member Cornegy, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Johnson) acknowledged that the number of coronavirus deaths in New York City had reached 32,461 as of April 28, 2021. The Speaker (Council Member Johnson) reiterated that the deceased were mothers, fathers, sisters, uncles, cousins, friends, and co-workers. He emphasized that these daunting numbers represent actual human beings and that this fact should not be forgotten.

The Speaker (Council Member Johnson) acknowledged the death of two city workers who died during the course of their employment. The first individual was 14-year veteran NYPD Police Officer Anastasios Tsakos, 43, who was killed on April 27, 2021 by a reckless driver at the scene of a crash. On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to the late police officer's wife, his young children ages three and six, his loved ones, and the entire Police Department. The second individual was a police officer who died by suicide on April 28, 2021. The name of the 34-year old police officer had not yet been released to the public at the time of this Stated Meeting. The Speaker (Council Member Johnson) noted that this was the second officer to take have taken his own life during the month of April 2021.

The Speaker (Council Member Johnson) acknowledged the death of two more New Yorkers who died during the course of their employment: Francisco Villalva Vitinio and Lizbeth Mass. Francisco Villalva Vitinio, 29, was making deliveries in Manhattan when he was fatally shot on March 29, 2021 after a gunman demanded his electric bike. The Speaker (Council Member Johnson) noted that his tragic death was a reminder of the danger that delivery workers face every single day. Lizbeth Mass, 52, was working as a flagger at a Bronx construction site when she was fatally shot on April 14, 2021.

The Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the individuals named above and in memory of those who had lost their lives to COVID-19.

At this point, a Moment of Silence was observed.

* * *

ADOPTION OF MINUTES

Council Member Brannan moved that the Minutes of the Stated Meeting of March 25, 2021 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-300

Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2022, pursuant to Section 249 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and website at <https://www1.nyc.gov/site/omb/index.page> for the [submitted April 2021 Expense Revenue Contract for Fiscal Year 2022 PDF file](#))

Referred to the Committee of Finance.

M-301

Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2022, pursuant to Section 249 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and [OMB website publications page](#) for the [submitted April 2021 Expense Capital Budget for Fiscal Year 2022 PDF file](#))

Referred to the Committee on Finance.

M-302

Communication from the Mayor - Submitting the Proposed City Fiscal Year 2022 Community Development Program, the Proposed CFY'22 Budget, the Proposed Reallocations-the CD XLVII Funds, Proposed CD XLVIII Statement of Objectives and Budget, dated April 26, 2021.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee of Finance.

M-303

Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2022 pursuant to Section 250 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and [OMB website publications page](#) for the [submitted April 2021 Executive Budget Supporting Schedules, for Fiscal Year 2022 pursuant to Section 250 of the New York City Charter.](#))

Referred to the Committee of Finance.

M-304

Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2022, Volumes I, II, III and IV, pursuant to Section 219(d) of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and [OMB website publications page](#) at for the Capital Commitment Plan, Executive Budget, Fiscal Year 2021, Volumes [1](#), [2](#), [3](#), and [4](#), pursuant to Section 219(d) of the New York City Charter)

Referred to the Committee of Finance.

M-305

Communication from the Mayor - Submitting the Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2022.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and [OMB website publications page](#) for the [submitted April 2021 Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2022 PDF file](#))

Referred to the Committee of Finance.

M-306

Communication from the Mayor - Submitting the Budget Summary, the Message of the Mayor, and the Citywide Savings Program relative to the Executive Budget, Fiscal Year 2022, pursuant to Section 249 of the New York City Charter.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and [OMB website publications page](#) for the submitted April 2021 [Budget Summary, the Message of the Mayor](#), and the [Citywide Savings Program](#) relative to the Executive Budget, Fiscal Year 2022,, pursuant to Section 249 of the New York City Charter)

Referred to the Committee of Finance.

M-307

Communication from the Mayor - Submitting the Ten-Year Capital Strategy, Fiscal Year 2022-2031.

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007 and [OMB website publications page](#) for the [submitted April 2021 Ten-Year Capital Strategy-Fiscal Years 2022-2031](#)).

Referred to the Committee of Finance.

M-308

Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2022 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 of the New York City Charter.

April 26, 2021

Honorable Members of the Council

Honorable Scott M. Stringer, Comptroller
 Honorable Ruben Diaz, Jr., Bronx Borough President
 Honorable Eric L. Adams, Brooklyn Borough President
 Honorable Gale A. Brewer, Manhattan Borough President
 Honorable Donovan Richards, Queens Borough President
 Honorable James S. Oddo, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may

soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2022 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2022	\$10,602 Million
2023	12,262 Million
2024	12,993 Million
2025	14,197 Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2022 — 2025:

2022	\$8,665 Million
2023	10,302 Million
2024	10,899 Million
2025	11,810 Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2022 — 2025:

2022	\$1,937 Million
2023	1,960 Million
2024	2,094 Million
2025	2,387 Million

I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2022, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2022	\$14,644 Million
2023	14,357 Million
2024	15,854 Million
2025	18,437 Million

Sincerely,

Bill de Blasio
Mayor

Received, Ordered, Printed and Filed.

M-309

Communication from the Mayor – Submitting the name of Robinson Hernandez to the Council for its advice and consent regarding his appointment to the Environmental Control Board, pursuant to Sections 31 and 1049-a of the City Charter.

April 26, 2021

The Honorable Corey Johnson
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Johnson:

Pursuant to Sections 31 and 1049-a of the New York City Charter, I am pleased to present the name Robinson Hernandez to the City Council for advice and consent concerning his appointment to the Environmental Control Board (“ECB”).

When appointed to the ECB, Mr. Hernandez will fill a vacancy on the Board for a member of the public and serve for the remainder of a four-year term that will expire on March 5, 2023.

I send my thanks to you and all Council members for reviewing this ECB appointment.

Sincerely,

Bill de Blasio
Mayor

BDB: oh

cc: Robinson Hernandez
Laura Anglin, Deputy Mayor for Operations
Joni Kletter, Commissioner, Office of Administrative Trials and Hearings
Paul Antonio Ochoa, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee of Rules, Privileges and Elections.

M-310

Communication from the Mayor – Submitting the name of Matthew Schneid to the Council for its advice and consent regarding his appointment to the Environmental Control Board, pursuant to Sections 31 and 1049-a of the City Charter.

April 26, 2021

The Honorable Corey Johnson
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Johnson:

Pursuant to Sections 31 and 1049-a of the New York City Charter, I am pleased to present the name Matthew Schneid to the City Council for advice and consent concerning his appointment to the Environmental Control Board (“ECB”).

When appointed to the ECB, Mr. Schneid will fill a vacancy on the Board for the member with a background and experience in the field of real estate and serve for the remainder of a four-year term that will expire on November 24, 2021.

I send my thanks to you and all Council members for reviewing this ECB appointment.

Sincerely,

Bill de Blasio
Mayor

BDB: oh

cc: Matthew Schneid
Laura Anglin, Deputy Mayor for Operations
Joni Kletter, Commissioner, Office of Administrative Trials and Hearings
Paul Antonio Ochoa, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee of Rules, Privileges and Elections.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil Service and Labor

Report for Int. No. 888-A

Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a retirement savings program for certain self-employed individuals and employees of private entities.

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1817), respectfully

REPORTS:

INTRODUCTION

On April 29, 2021, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, held a vote Int. No. 888-A and Proposed Int. No. 901-A. Introduction No. 888-A, sponsored by Council Member Kallos, relates to establishing a retirement savings program for certain self-employed individuals and employees of private entities. Introduction No. 901-A, sponsored by Council Member Miller, relates to establishing a retirement savings board to oversee the city's retirement savings program for certain self-employed individuals and employees of private entities. The bill passed with 7 votes in the affirmative, 0 in the negative, with no abstentions.

The Committee previously held a hearing on a former version of the legislation on September 23, 2019. Witnesses invited to testify at that hearing included the Mayor's Office of Pensions, the Law Department, retirement organizations, retirement plan providers and other interested parties.

BACKGROUND

As of July 2019, there were 4,035,800 private sector jobs in New York City.¹ This represents an increase of 83,500 or 2.1 percent in jobs since July 2018, with gains greatest in educational and health services (+40,200), professional and business services (+15,400), trade, transportation, and utilities (+11,300), and leisure and hospitality (+8,300).² Notably, the city's over-the-year private sector growth rate (+2.1%) was above the comparable rates for both New York State (+1.5%), and the nation (+1.7%).³

Although there are a significant number of private sector jobs within New York City, a large number of private sector employees lack retirement coverage, which is generally automatic for public-sector employees through public sector pensions or 401(k) retirement plans. In 2016, only 33 percent of New York City's private sector workers aged 25 to 64 years old were participating in a workplace retirement plan, down from 39 percent in 2006.⁴ In addition to the decrease in private sector workers participating in a workplace retirement plan, New York City workers are particularly below the national average participation rates of 37 percent.⁵ As workplace retirement plan participation rates among private sector workers in New York City declines, so does the prospects of New Yorkers remaining financially stable during their retirement years, as declining savings levels and the

¹ New York State Department of Labor. Labor Statistics. *Labor Statistics for the New York City Region*. Available at: <https://www.labor.ny.gov/stats/nyc/>.

² *Id.*

³ *Id.*

⁴ Ghilarducci, T., Papadopoulos M., and Webb, A. The New School: Schwartz Center for Economic Policy Analysis. *Retirement Readiness of New York City's Workers*, page 2. May 2018. Available at:

https://www.economicpolicyresearch.org/images/NYC_repot_design_v4.pdf.

⁵ *Id.*

shift from traditional defined benefit pension plans to 401(k)-type plans threaten New Yorkers with the risk of lower standards of living or poverty in retirement.⁶

Since the 1980s, a decline in private sector pensions has occurred, partly due to the changes in the economy, but, mainly due to a series of laws—The Tax Equity and Fiscal Responsibility Act (1982), The Retirement Equity Act (1984), and The Tax Reform Act and Single Employer Pension Plan (1986), and The Pension Protection Act (2006).⁷ These laws essentially increased the volatility of the pension fund from year to year by making annual contributions to the pension plan less predictable, ultimately hurting the ability of the pension plan to recoup losses in the market and hurting the long-term sustainability of the fund.⁸ In addition, these laws increased the complexity and the scope of the regulatory burden facing private sector pension plans, which ultimately forced private companies to abandon their pensions.⁹

As access to workplace retirement plans in the private sector has become less common, individual retirement accounts (IRAs) are one option for workers to begin to save for retirement. An IRA is an account set up at a financial institution that allows an individual to save for retirement with tax-free growth or on a tax-deferred basis.¹⁰ The main advantage of an IRA is that one can defer paying taxes on the earnings and growth of one's savings until the time to withdraw the money comes, however, the main disadvantage is that tax law imposes penalties if one has to withdraw any of the funds before the age of 59.5.¹¹ In choosing an IRA, there are three main types, of which each come with advantages and disadvantages:

- Traditional IRAs, allow contributions to be deducted on tax returns, with any earnings potentially being tax-deferred until withdrawal in retirement;¹²
- Roth IRAs, allow contributions with money that has been taxed, with any potential money withdrawn being tax-free in retirement, provided certain conditions are met;¹³ and Rollover IRAs, allow contributions with money that has been “rolled over” from a qualified retirement plan, such as 401(k) or (403(b), to be deposited in a traditional IRA.¹⁴

Financial experts estimate that an individual may need up to 85 percent of their pre-retirement income in retirement, with an employer-sponsored savings plan, such as a 401(k), not being substantial enough to accumulate the needed savings one may need in retirement.¹⁵ Thus, an IRA allows for one to fully or partially finance retirement savings, gain access to a wide range of investment choices, and take advantage of tax-deferred or tax-free growth.¹⁶

ANALYSIS OF LEGISLATION

Analysis of Int. No. 888-A

A Local Law to amend the administrative code of the city of New York, in relation to establishing a retirement savings program for certain self-employed individuals and employees of private entities

⁶ *Id.*

⁷ Bond, Tyler. National Public Pension Coalition. *What Happened to Private Sector Pensions?* Available at: <https://protectpensions.org/2016/08/04/happened-private-sector-pensions/>.

⁸ *Id.*

⁹ *Id.*

¹⁰ Fidelity Investments. Planning & Advice. Building Savings. Learn About IRAs. *What is an IRA?* Available at: <https://www.fidelity.com/building-savings/learn-about-iras/what-is-an-ira>.

¹¹ Perez, W. Dotdash. The Balance. Retirement Decisions. Tax Tips. *Understanding Individuals Retirement Accounts-IRA*. Available at: <https://www.thebalance.com/individual-retirement-accounts-3193216>.

¹² Fidelity Investments. Planning & Advice. Building Savings. Learn About IRAs. *What is an IRA?* Available at: <https://www.fidelity.com/building-savings/learn-about-iras/what-is-an-ira>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

This bill would create a mandatory auto-enrollment payroll deduction IRA program for employees of private sector employers which do not offer a retirement plan and employ five or more employees. The default employee contribution rate would be 5%, which employees can adjust up or down, or opt-out of at any time, up to the annual IRA maximum of \$6,000 (or \$7,000 if age 50 or above). The plan would be portable so when employees switch jobs they can continue to contribute or roll over their accounts into other retirement savings plans. Employers would not contribute on behalf of employees.

The bill would take effect in 90 days, however, the retirement security board, created by Int. No. 901-A, would have up to two years after its enactment to implement the program.

Since introduction, Int. No. 888-A was amended to clarify certain definitions, the certification process, elements of the retirement savings program, and with regard to enforcement and the discontinuation of the savings program. Specifically, the definition of “covered employer” was changed from employers with no fewer than 10 employees to employers with no fewer than 5 employees. The eligible employee age was raised from 18 to 21 and only those employees who work at least 20 hours a week are now considered eligible under the new definition. There was also language added to the definitions for other eligible employers offering the program and to other eligible individuals who are not considered a covered employee.

The certification process mentioned within the original bill was modified to state that the board shall not implement the program if the state establishes a substantively similar retirement savings program or if the corporation counsel certifies there is a substantial likelihood this program conflicts with state or federal law or if the director of OMB or the Comptroller certify the program would create a material risk of substantial monetary liability for the City.

Int. 888-A also changes the elements of the retirement savings program by adjusting the default contribution rate from 3% to 5%, eliminating escrow for employees’ initial contributions, and eliminating the requirement that default investment be target date funds.

Finally, the new language modifies an eligible employees’ private right of action from 90 days of receipt of violation to within four months of receipt of violation, and authorizes the savings board to take steps to discontinue the program.

Analysis of Int. 901-A

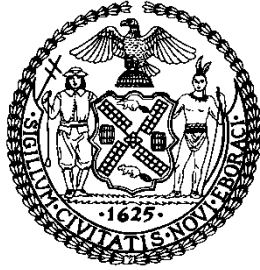
A Local Law to amend the administrative code of the city of New York, in relation to establishing a retirement savings board to oversee the city’s retirement savings program for certain self-employed individuals and employees of private entities, and setting forth powers of the comptroller and other provisions in relation to such program

This bill would establish a retirement savings board to facilitate the implementation the retirement security program created by Int. No. 888-A. The board would consist of three members, who are appointed by the Mayor. The powers of the board include determining the start date of the program, entering into contracts with financial institutions and administrators, minimizing fees and costs associated with the administration of the program, creating a process for those not employed by a covered employer to participate, and conducting education and outreach to employers and employees. The board would work with the Comptroller—who is responsible for managing trust funds held by the City, such as the pension funds—to select the investment strategies and policies. The board would be required to report annually on its activities and actions.

The bill would take effect in 90 days, however, the board would have up to two years to implement the program.

Since introduction, Int. No. 901-A has been amended to allow the retirement savings board additional responsibilities. Specifically, the amended language allows the board to phase in implementation of the program over two years from initial enrollment; to recommend an investment strategy; to establish a process by which participating employers who cease to be covered employers can discontinue participation in the program; to partner or form a consortium with other states or governmental entities; and to establish procedures to ascertain whether an employer is covered by the program. The new language also clarifies that the Comptroller may exercise their existing authority to oversee the investment of trust funds.

(The following is the text of the Fiscal Impact Statement for Int. No. 888-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 888-A

COMMITTEE: Civil Service and Labor

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing a retirement savings program for certain self-employed individuals and employees of private entities.

Sponsors: By Council Members Kallos, Miller, Lander, Rosenthal, Chin, Louis, Reynoso, Cabrera, Vallone, Dromm, Adams, Maisel, Ayala, Cornegy, Moya, Koo, Barron, Salamanca, and Gibson.

SUMMARY OF LEGISLATION: Proposed Intro. No. 888-A would create a mandatory auto-enrollment payroll deduction IRA program for employees of private sector employers which do not offer a retirement plan and employ five or more employees. The default employee contribution rate would be 5 percent, which employees can adjust up or down, or opt-out of at any time, up to the annual IRA maximum of \$6,000 (or \$7,000 if age 50 or above). The plan would be portable so when employees switch jobs they can continue to contribute or roll over their accounts into other retirement savings plans. Covered employers would not contribute on behalf of employees. Covered employers would also be required to distribute program information to employees. Additionally, the legislation would provide a complaint procedure for violations.

EFFECTIVE DATE: This local law would take effect 90 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2024

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	(\$420,000)	(\$450,000)	(\$450,000)
Net	(\$420,000)	(\$450,000)	(\$450,000)

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 costs associated with enforcing the law, including conducting investigations into potential violations, issuing fines, and settling disputes. The enforcement would be managed by an additional five staff in the Department of Consumer and Worker Protection. The salaries, fringe costs, and associated OTPS costs result in an annual cost of \$450,000.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council on May 9, 2018 as Intro. No. 888 and was referred to the Committee on Civil Service and Labor (Committee). The Committee heard the legislation on September 23, 2019, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 888-A, will be considered by the Committee at a hearing on April 29, 2021. Upon successful vote by the Committee, Proposed Intro. No. 888-A will be submitted to the full Council for a vote on April 29, 2021.

DATE PREPARED: April 28, 2021.

(For text of Int. No. 901-A and its Fiscal Impact Statement, please see the Report of the Committee on Civil Service and Labor for Int. No. 901-A, respectively, printed in these Minutes; for text of Int. No. 888-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 888-A and 901-A.

(The following is the text of Int. No. 888-A:)

Int. No. 888-A

By Council Members Kallos, Miller, Lander, Rosenthal, Chin, Louis, Reynoso, Cabrera, Vallone, Dromm, Adams, Maisel, Ayala, Cornegy, Moya, Koo, Barron, Salamanca, Gibson, Gjonaj and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a retirement savings program for certain self-employed individuals and employees of private entities

Be it enacted by the Council:

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 14 to read as follows:

CHAPTER 14
SAVINGS ACCESS NEW YORK - BOARD AND PROGRAM FOR PRIVATE SECTOR EMPLOYEE
RETIREMENT SAVINGS

§ 20-1401 Definitions.

§ 20-1402 Reserved.

§ 20-1403 Establishment of the retirement savings program.

§ 20-1404 Certification authorized.

§ 20-1405 Reserved.

§ 20-1406 Reserved.

§ 20-1407 Elements of the retirement savings program.

§ 20-1408 Reserved.

§ 20-1409 Participating employer obligations.

§ 20-1410 Reserved.

§ 20-1411 Information and disclaimers to covered employees, other eligible individuals, and participants.

§ 20-1412 Reserved.

§ 20-1413 Participating employer record retention.

§ 20-1414 Enforcement.

§ 20-1415 Discontinuation of the retirement savings program.

§ 20-1401 Definitions. For purposes of this chapter, the following terms have the following definitions:

Account. The term “account” means an individual retirement savings account established by the retirement savings program.

Administrator. The term “administrator” means any person that has entered into an agreement with the retirement savings board to implement and maintain a retirement savings program or components of such program. More than one person may perform the functions of the administrator, and duties applicable to the administrator shall also apply to persons with whom the administrator contracts to implement such program or components.

Comptroller. The term “comptroller” means the comptroller of the city of New York.

Covered employee. The term “covered employee” means any employee as defined in subdivision 2 of section 190 of the labor law: (i) who is twenty-one years of age or older; (ii) who is employed for compensation by a covered employer in a position in which he or she is regularly scheduled to work at least 20 hours per week; and (iii) whose regular duties occur in the city, consistent with any rules promulgated by the retirement savings board pursuant to section 20-1408.

Covered employer. The term “covered employer” means any employer as defined in subdivision 3 of section 190 of the labor law that (i) employs no fewer than five employees whose regular duties occur in the city, consistent with any rules promulgated by the retirement savings board pursuant to section 20-1408; (ii) has employed no fewer than five such employees without interruption for the previous calendar year; (iii) has been in continuous operation for at least two years; and (iv) has not offered or maintained in the preceding two years a retirement plan, provided that an entity described in clauses (i) through (iv) in the definition of “participating employer” shall not constitute a covered employer.

IRA. The term “IRA” means either an individual retirement account or individual retirement annuity established under section 408 (traditional) or 408A (Roth) of the internal revenue code.

Other eligible employer. The term “other eligible employer” means an employer as defined in subdivision 3 of section 190 of the labor law that is authorized to offer the retirement savings program to its employees pursuant to subdivision m of section 20-1405 or any rule promulgated by the retirement savings board pursuant to section 20-1408.

Other eligible individual. The term “other eligible individual” means a self-employed individual or an employee as defined in subdivision 2 of section 190 of the labor law who is not a covered employee: (i) who is twenty-one years of age or older; and (ii) who is permitted to enroll in the retirement savings program pursuant to subdivision l or m of section 20-1405 or pursuant to any rule promulgated by the retirement savings board pursuant to section 20-1408.

Participant. The term “participant” means a covered employee enrolled in the retirement savings program or any other eligible individual who is enrolled in the retirement savings program pursuant to subdivision l or m of section 20-1405 or pursuant to any rule promulgated by the retirement savings board pursuant to section 20-1408.

Participating employer. The term “participating employer” shall mean any covered employer and any other eligible employer that chooses to offer the retirement savings program to its employees pursuant to subdivision m of section 20-1405 or any rule promulgated by the retirement savings board pursuant to section 20-1408; provided that (i) the United States government, (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary, (iii) the city or any local government or municipality, or (iv) any public corporation as defined by section 65 of the general construction law shall not constitute a participating employer.

Person. The term “person” means a person as defined in subdivision ten of section 1-112.

Retirement plan. The term “retirement plan” means a qualified retirement plan under section 401(a) of the internal revenue code, section 403(a), section 403(b), section 408(k), or section 408(p) of the internal revenue code; or a savings incentive match plan for employees of small employers (SIMPLE IRA Plan or SIMPLE 401(k) plan); a simplified employee pension (SEP); a salary reduction simplified employee pension (SARSEP); a payroll deduction IRA; or the New York state secure choice savings program established pursuant to section 1301 of the general business law.

Retirement savings board. The terms “retirement savings board” or “board” mean the retirement savings board established by section 20-1402.

Retirement savings program. The terms “retirement savings program” or “program” mean the retirement savings program established pursuant to section 20-1403, which will also be called the “Savings Access New York Retirement Program.”

§ 20-1403 Establishment of the retirement savings program. *Subject to applicable federal and state law, the board, in coordination with the comptroller with respect to the authority described in section 20-1406, shall establish a retirement savings program as set forth by this chapter, either directly or indirectly through agreement with an administrator pursuant to section 20-1405, for the purpose of promoting greater retirement savings for individuals in the New York city private sector. The program shall be designed and operated in a manner that will cause it not to constitute an employee benefit plan within the meaning of section 3(3) of the employee retirement income security act of 1974.*

§ 20-1404 Certification authorized. *Notwithstanding any inconsistent provision of this chapter, the board shall not implement a retirement savings program as set forth by this chapter if:*

a. the board certifies to the mayor and speaker in writing that the state establishes a retirement savings program that requires a substantial portion of employers who would otherwise be covered employers to offer to their employees the opportunity to contribute to accounts through payroll deduction or other method of contribution; or

b. the corporation counsel certifies to the mayor and speaker in writing that there is a substantial likelihood that such program conflicts with, or is preempted by, state or federal law, including the employee retirement income security act of 1974, or constitutes an employee benefit plan under such act; or

c. the director of management and budget and the comptroller each certify to the mayor and speaker in writing that establishment and implementation of such program would create a material risk of a substantial additional monetary liability or obligation for, or an enforceable guarantee by, the city or its agencies, officers or employees, beyond the ordinary costs of administration.

§ 20-1407 Elements of the retirement savings program. *Subject to applicable federal and state law and except as otherwise provided in this chapter, the retirement savings program shall include the following elements:*

a. Allow covered employees and other eligible individuals to contribute to an IRA established under the retirement savings program through payroll deduction or any other method of contribution established by the retirement savings board.

b. Apply to all participating employers.

c. Require all participating employers to offer covered employees the opportunity to contribute to accounts established by the program through payroll deduction or any other method of contribution established by the retirement savings board.

d. Provide for the automatic enrollment of covered employees and allow such employees to opt out of the program.

e. Establish a default contribution rate of five percent of a covered employee’s wages, subject to any increase or decrease of such rate authorized by the board pursuant to subdivision k of section 20-1405.

f. Permit a covered employee to change his or her contribution rate and permit any other eligible individual who enrolls in the program to establish a contribution rate as a percent of his or her wages, which rate such individual may later change, or make lump-sum contributions to the program.

g. Include a process for withdrawals by, and disbursements to, participants and provide participants options for such withdrawals and disbursements, including lump-sum or periodic payments.

h. Take measures to protect the confidentiality of account and participant information.

i. Provide that employers shall not contribute to accounts of participants or endorse or otherwise promote the program in a manner that would cause the program to become an employee benefit plan under the employee retirement income security act of 1974.

j. Maintain, or require the maintenance of, separate records and accounting for each account established pursuant to this chapter.

k. Provide for reports on the status of accounts to be provided to participants no less than once per year and upon request of any participant.

l. Allow participants who have become ineligible to participate in the program to maintain or withdraw account balances or roll over such balances into other retirement accounts, subject to any applicable penalties and limitations established by federal law.

m. Allow participants to terminate participation in the program and maintain or withdraw account balances or roll over such balances into other retirement accounts, subject to any applicable penalties and limitations established by federal law.

n. Refrain from requiring any participating employer to perform any duty or offer any guarantee not otherwise authorized by this chapter. In addition, the board shall not establish any guarantee by, or duty on behalf of, the city except as otherwise required by law or authorized by this chapter.

o. Allocate administrative fees to IRAs in the program. To the extent consistent with the purpose of this chapter and practicable, all fees required for the administration of the retirement savings program shall be borne by participants or paid through funds received pursuant to subdivision j of section 20-1405.

§ 20-1409 Participating employer obligations. *a. A covered employer shall enroll each of its covered employees in the retirement savings program established by this chapter by a date to be determined by the board.*

b. A participating employer shall be required to remit funds deducted from the earnings of each participant for deposit in the retirement savings program periodically on the earliest practicable date, consistent with rules promulgated by the board pursuant to section 20-1408.

§ 20-1411 Information and disclaimers to covered employees, other eligible individuals, and participants. *In addition to any other information or disclaimers that the board deems appropriate in furtherance of this chapter, the board shall make available to covered employees, other eligible individuals, and participants:*

a. the following information in plain language and in the designated citywide languages, as defined in section 23-1101:

- 1. The benefits and risks associated with enrolling in the retirement savings program;*
- 2. Any applicable procedures regarding contributions to the retirement savings program and procedures regarding opting out of such program;*
- 3. Any applicable procedures regarding increasing or decreasing the rate or amount of contribution;*
- 4. Options and processes for withdrawing account balances;*
- 5. Any applicable procedures regarding obtaining additional information about the retirement savings program;*
- 6. Any applicable procedures regarding making complaints about non-compliance by covered employers or other concerns regarding the program;*
- 7. Information regarding the right of covered employees, other eligible individuals, and participants to seek financial advice concerning retirement savings from financial advisers, tax advisers, or other qualified individuals; and*

8. Fund profiles, including fees, for each of the available investment options; and

b. the following disclaimers in plain language and in the designated citywide languages, as defined in section 23-1101:

- 1. Participating employers, the retirement savings board and its members, the comptroller, and the city and its representatives are not authorized to provide financial advice;*
- 2. The program is not an employee benefit plan under the employee retirement income security act of 1974;*
- 3. Participating employers, the retirement savings board and its members, the comptroller, and the city and its representatives are not liable for any loss incurred by a participant, as a result of participating in the retirement savings program;*
- 4. Participating employers, the retirement savings board and its members, the comptroller, and the city and its representatives will not monitor and are not obliged to monitor any participant's eligibility under the internal revenue code to make contributions to an IRA; and*
- 5. Neither the program, the principal investment, any return on investment nor any interest rate is guaranteed by participating employers, the retirement savings board or its members, the comptroller, or the city or its representatives except as otherwise required by federal or state law.*

§ 20-1413 Participating employer record retention. *Each participating employer shall retain annual records documenting such employer's compliance with the requirements of this chapter for a period of three years unless otherwise required pursuant to any other law, rule, or regulation, and shall allow the agency or agencies designated by the mayor pursuant to section 20-1402 or 20-1414 to access such records upon request,*

provided that such access shall be obtained in accordance with applicable law. In addition, such agency or agencies may require a participating employer to provide electronic or paper copies of records upon request.

§ 20-1414 Enforcement. *a. Designated office or agency. The mayor shall designate an office or agency to enforce sections 20-1409 and 20-1413. For purposes of this section, such office or agency shall be referred to as the “enforcement agency.”*

b. Violations and penalties. 1. A participating employer who violates subdivision a or b of section 20-1409 or any rule implementing such subdivisions shall be liable for a civil penalty of not more than \$250 for such violation, provided that the civil penalty for a violation that occurs within two years of any previous violation shall be not more than \$500 for the second violation, and not more than \$1,000 for any subsequent violation within the two-year period. A violation constitutes a failure to comply with subdivision a or b of section 20-1409 with respect to each covered employee or other eligible individual.

2. Notwithstanding paragraph 1 of this subdivision, a participating employer who violates section 20-1413 or any rule implementing such section shall be liable for a civil penalty of \$100 for each such violation. A violation constitutes a failure to comply with the requirements of such section or any rule implementing such section with respect to each covered employee or other eligible individual.

3. Notwithstanding paragraphs 1 and 2 of this subdivision, an employer, whether participating or non-participating, found to be in violation of any requirement of this chapter not specified in paragraphs 1 and 2 of this subdivision, or of any rule implementing this chapter not specified in such paragraphs, shall be liable for a civil penalty of \$100 for each such violation. A violation constitutes a failure to comply with any such requirement of this chapter or any rule implementing such requirement with respect to each covered employee or other eligible individual.

c. Enforcement. 1. Any covered employee or other eligible individual alleging a violation described in subdivision b of this section may file a complaint with the enforcement agency within one year of the date such employee learned or should have learned of the alleged violation.

2. The enforcement agency may, at any time after the filing of a complaint, resolve the complaint by any method of dispute resolution, unless such complaint is withdrawn by the complainant.

3. The enforcement agency shall keep complainants reasonably notified regarding the status of their complaint.

4. If, as a result of an investigation of a complaint or an investigation conducted upon its own initiative, the enforcement agency believes that a violation has occurred, it may issue a notice of violation to the participating employer. The notice of violation shall be returnable to the office of administrative trials and hearings. Such office shall have the power to impose the penalties described by subdivision b of this section, and to order any appropriate legal and equitable relief with respect to a covered employee or other eligible individual in furtherance of the purposes of this chapter, provided that the enforcement agency may reserve to itself the power to issue final decisions, determinations and orders, after receiving the recommendation of such office, on matters other than findings of fact.

5. The enforcement agency may settle a notice of violation at any time prior to the conclusion of an adjudication, provided that any complainant who opts out of such settlement may withdraw his or her complaint and exercise a private right of action pursuant to subdivision d of this section.

d. Private Right of Action. 1. Any covered employee or other eligible individual alleging a violation described in paragraph 1 or 2 of subdivision b of this section may bring a civil action or proceeding pursuant to this section against a participating employer only when:

(A) such covered employee or other eligible individual has filed a complaint with the enforcement agency pursuant to paragraph 1 of subdivision c of this section arising out of the same facts and circumstances, the enforcement agency has not, within four months, either resolved such complaint with the consent of the complainant or issued a notice of violation, and such employee or individual has withdrawn such complaint;

(B) such covered employee or other eligible individual has filed a complaint with the enforcement agency pursuant to paragraph 1 of subdivision c of this section arising out of the same facts and circumstances, has opted out of a settlement reached by such agency, and has withdrawn such complaint; or

(C) the enforcement agency has terminated the administrative proceeding prior to a decision of the office of administrative trials and hearings on the merits of the complaint.

2. *The remedy in any civil action or proceeding undertaken pursuant to this subdivision may include any appropriate legal or equitable relief with respect to a covered employee or other eligible individual in furtherance of the purposes of this chapter, including recovery of costs and reasonable attorneys' fees.*

3. *Where the corporation counsel has brought a civil action or proceeding pursuant to subdivision e of this section against a participating employer alleging violations described in subdivision b of this section, a covered employee or other eligible individual shall not bring a civil action or proceeding pursuant to this subdivision, arising out of the same facts and circumstances, against such employer, unless such covered employee or other eligible individual has obtained the consent of the corporation counsel.*

e. The corporation counsel may bring a civil action or proceeding against any employer:

1. *to impose the civil penalties authorized by subdivision b of this section and compel compliance with this chapter or restrain or prevent any violation described in such subdivision or any continuance of any such violation, and to recover costs and reasonable attorneys' fees; and*

2. *to obtain any appropriate legal or equitable relief with respect to any covered employee or other eligible individual harmed by any violation described in subdivision b of this section.*

§ 20-1415 Discontinuation of the retirement savings program. *a. Notwithstanding any inconsistent provision of this chapter, in the event of the occurrence of the events described in subdivision b of this section and after reasonable advance notification to the mayor and speaker, the board and the comptroller shall take all necessary steps to discontinue the retirement savings program established pursuant to this chapter. Such steps shall include, but not be limited to, informing participants of available appropriate investment alternatives, allowing participants to transfer or roll over the balance of their accounts into such other appropriate investment accounts, or otherwise paying out account balances according to participants' instructions, subject to possible penalties and limitations established by federal law.*

b. Any of the following events shall serve as a basis for the discontinuation of the retirement savings program:

1. *the board certifies to the mayor and speaker in writing that the state has established a retirement savings program that requires a substantial portion of employers who would otherwise be covered employers to offer to their employees the opportunity to contribute to accounts through payroll deduction or other method of contribution; or*

2. *the corporation counsel certifies to the mayor and speaker in writing that there is a substantial likelihood that such program conflicts with, or is preempted by, state or federal law, including the employee retirement income security act of 1974, or constitutes an employee benefit plan under such act; or*

3. *the director of management and budget and the comptroller each certify to the mayor and speaker in writing that establishment and implementation of such program would create a material risk of a substantial additional monetary liability or obligation for, or an enforceable guarantee by, the city or its agencies, officers or employees, beyond the ordinary costs of administration.*

§ 2. This local law takes effect 90 days after it becomes law, provided that the mayor, the comptroller, the retirement security board, and all other affected agencies may take all actions necessary for the implementation of chapter 14 of title 20 of the administrative code of the city of New York, as added by this local law, prior to such effective date.

I. DANEEK MILLER, *Chairperson*; HELEN K. ROSENTHAL, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, FARAH N. LOUIS, ERIC DINOWITZ, ERIC A. ULRICH; Committee on Civil Service and Labor, April 27, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Kallos.*

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

Report for Int. No. 901-A

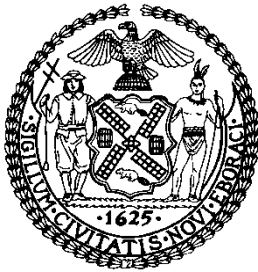
Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a retirement savings board to oversee the city's retirement savings program for certain self-employed individuals and employees of private entities, and setting forth powers of the comptroller and other provisions in relation to such program.

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1835), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Civil Service and Labor for Int. No. 888-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 901-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 901-A

COMMITTEE: Civil Service and Labor

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing a retirement savings board to oversee the city's retirement savings program for certain self-employed individuals and employees of private entities, and setting forth powers of the comptroller and other provisions in relation to such program.

Sponsors: By Council Members Miller, Kallos, Rosenthal, Chin, Louis, Lander, Reynoso, Vallone, Dromm, Adams, Maisel, Ayala, Cornegy, Moya, Koo, Barron, Cabrera, Salamanca, and Gibson.

SUMMARY OF LEGISLATION: Proposed Intro. No. 901-A would establish a retirement savings board to oversee the implementation of the retirement security program. The board would consist of three members, appointed by the Mayor, and would be responsible for directing the investment of funds contributed to the program, entering into contracts with financial institutions and administrators, minimizing fees and costs associated with the administration of the program, and conducting education and outreach to employers and employees. The board would work with the Comptroller—who is responsible for managing trust funds held by the City, such as the pension funds—to select the investment strategies and policies. The board would be required to submit an annual report describing and summarizing the activities of the board and the Comptroller.

EFFECTIVE DATE: This local law would take effect 90 days after becoming law. The board would have up to two years after enactment to implement the program.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	(\$1,130,000)	(\$1,550,000)	(\$1,550,000)
Net	(\$1,130,000)	(\$1,550,000)	(\$1,550,000)

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 an impact on expenditures resulting from the enactment of this legislation. Costs are associated with 10 new staff to oversee the administration of the program, conduct outreach, and submit the required reports. The fiscal impact includes expected salaries for the positions, associate non-personnel costs, and initial costs of startup.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council on May 9, 2018 as Intro. No. 901 and was referred to the Committee on Civil Service and Labor (Committee). The Committee heard the legislation on September 23, 2019, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 901-A, will be considered by the Committee at a hearing on April 29, 2021. Upon successful vote by the Committee, Proposed Intro. No. 901-A will be submitted to the full Council for a vote on April 29, 2021.

DATE PREPARED: April 27, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 901-A:)

Int. No. 901-A

By Council Members Miller, Kallos, Rosenthal, Chin, Louis, Lander, Reynoso, Vallone, Dromm, Adams, Maisel, Ayala, Cornegy, Moya, Koo, Barron, Cabrera, Salamanca, Gibson, Gjonaj and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a retirement savings board to oversee the city's retirement savings program for certain self-employed individuals and employees of private entities, and setting forth powers of the comptroller and other provisions in relation to such program

Be it enacted by the Council as follows:

Section 1. Chapter 14 of title 20 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to establishing a retirement savings program for certain self-employed individuals and employees of private entities, is amended by adding new sections 20-1402, 20-1405, 20-1406, 20-1408, 20-1410, and 20-1412 to read as follows:

§ 20-1402 Establishment of the retirement savings board; membership.

§ 20-1405 Powers of retirement savings board.

§ 20-1406 Powers of the comptroller

§ 20-1408 Rulemaking.

§ 20-1410 No guarantees permitted; potential losses.

§ 20-1412 Annual report and audit.

§ 20-1402 Establishment of the retirement savings board; membership. *a. There shall be a retirement savings board, which shall consist of three members. The members of the board shall be appointed by the mayor.*

b. In making such appointments, the mayor may consider factors, including, but not limited to, the following:

- 1. Experience in the field of retirement plan administration;*
- 2. Actuarial or demographics experience;*
- 3. Representation of covered employees, other eligible individuals, or participants; and*
- 4. Representation of covered employers, other eligible employers, or participating employers.*

c. The mayor shall designate one member of the board to act as the chair.

d. Board members shall serve at the pleasure of the mayor and shall not receive compensation for work on such board.

e. The board shall meet not less than once every quarter and whenever deemed necessary by at least two members of the board.

f. The mayor may designate one or more agencies to provide staffing and other administrative support to the board.

g. Within appropriations therefor, the board may appoint one or more employees, including an executive director who may assign and supervise board staff. The board may delegate powers and functions to such employees, or to staff of agencies designated by the mayor pursuant to subdivision f of this section.

§ 20-1405 Powers of the retirement savings board. *Subject to applicable federal and state law, including its duties as a fiduciary, the board may:*

a. After consultation with the comptroller, determine the date upon which the program established pursuant to this chapter shall become operational and begin accepting contributions from participants, provided that such date shall be no later than two calendar years after the effective date of this chapter, unless the board determines that a further delay is reasonably necessary to ensure the effective operation of the program. The board shall provide notice of such determination to delay the program to the mayor, comptroller, and speaker no later than 90 days prior to two calendar years after the effective date of this chapter and shall indicate what conditions contribute to such determination and an approximation of the additional time required to ensure effective operation of the program, provided, however, that such time shall not be longer than six calendar months or an additional notice shall be required prior to the end of such time indicating the present circumstances and providing an updated date for the program to become operational.

b. Delay implementation of the obligation imposed by subdivision a of section 20-1409 upon a covered employer, provided that:

- 1. such delay shall not exceed two years from the initial enrollment of covered employees;*
- 2. such delay shall be based upon the practicability of implementation using the following criteria:*
 - i. the number of covered employees;*
 - ii. the size of the covered employer; or*
 - iii. the sector or industry of the covered employer; and*
- 3. the board shall provide to the mayor and speaker and post on its website, the identity of any covered employer for whom implementation is delayed and the length of the delay granted.*

c. Enter into contracts, agreements, or arrangements with one or more administrators allowing such administrators to perform any functions of the board. Under any such contract, agreement, or arrangement, the board: (i) shall require an administrator to exercise the duties of a fiduciary in the administration of the program established by this chapter, (ii) shall require an administrator to comply with any standards concerning the receipt and safekeeping of such funds as may be issued by the comptroller pursuant to section 20-1406, (iii) shall require an administrator to incorporate and offer the investments selected by the comptroller pursuant to section 20-1406, and (iv) may require an administrator to assume legal responsibility and liability pursuant to this chapter for functions to be performed by an administrator.

d. Enter into any contracts, agreements, or arrangements with any person deemed qualified by the board and create any written instruments necessary, including, but not limited to, trust agreements, to create IRAs for participants in compliance with the internal revenue code. Under any such contracts, agreements, arrangements, or written instruments, the assets of IRAs established for participants: shall be combined for the purpose of making investments directed by the comptroller pursuant to section 20-1406; shall be managed and administered for the exclusive purposes of providing benefits to participants and defraying reasonable expenses of administering, maintaining, and managing such investments of the program, including, but not limited to, the expenses of the board and the comptroller; shall at all times be preserved, invested, and expended solely for the purposes of the program and no property rights therein shall exist in favor of the city or any participating employer; shall be received and held in compliance with standards concerning the receipt and safekeeping of such assets as may be issued by the comptroller pursuant to section 20-1406; shall not be transferred or used by the city for any purposes other than the purposes of the program or funding the expenses of operating the program; shall not constitute property of the city; and shall not be commingled with city funds, and the city shall have no claim to or against, or interest in, the trust assets. The board and any such person shall be fiduciaries with respect to the IRAs established and maintained under the program to the extent required by applicable law or any such contract, agreement, arrangement, or written instrument.

e. Enter into any other contracts, agreements, or arrangements for, and retain or employ, the services of any other person deemed qualified by the board to carry out the purposes of this chapter, subject to the authority of the comptroller pursuant to section 20-1406.

f. Allow participants to allocate assets of their IRAs among investment options and designate an investment option as a default investment for the IRAs of covered employees who do not make an investment choice.

g. Establish a default type of IRA, Roth or traditional, for covered employees and identify the types of IRA that any other eligible individual who enrolls in the program will be permitted to select.

h. Maintain fees and costs to participants at a level determined by the board to be reasonable, consistent with the purpose of this chapter.

i. Educate and provide outreach to covered employers, other eligible employers, covered employees, and other eligible individuals.

j. Seek loans, grants, or other contributions to offset or finance fees or costs for the administration of the retirement savings program on an ongoing basis from financial firms, institutions, or government entities.

k. Implement escalation or reduction of participants' default contribution rates, where applicable, from time to time, provided that the board shall notify participants at least 45 days in advance of such escalation or reduction. If such escalation or reduction is adopted, the board shall permit affected participants to opt out of such escalation or reduction.

l. Establish a process by which a covered employee or other eligible individual may voluntarily enroll in and contribute to the program.

m. Establish a process by which an employer that is not a covered employer may voluntarily offer the program to its employees and allow those employees to enroll in and contribute to the program.

n. Establish a process by which a covered employer may seek a hardship exemption from this chapter, which may be obtained by demonstrating to the board's satisfaction that participation would be unduly burdensome for the employer.

o. Establish a process by which participating employers who cease to be covered employers, for example, by offering the New York State Secure Choice Program to their employees, may discontinue their participation in the program.

p. To the extent consistent with law and the authority of the comptroller under section 20-1406, establish and maintain the program by: contracting, partnering, or forming a consortium with one or more states, local

governments, or organizations of governmental entities, in which certain aspects of each such entity's program are combined for administrative convenience and efficiency, provided that in any such case, the auto-IRA program used, the joint program or the consortium otherwise satisfies the requirements of this chapter.

q. Establish procedures and requirements, which may apply to participating employers and any other employer as defined in subdivision 3 of section 190 of the labor law, to enable the board, or the enforcement agency designated pursuant to section 20-1414, to ascertain whether such an employer is subject to the provisions of this chapter.

r. Approve an investment strategy and policy, which shall define one or more investment options that participants may choose to invest in, and any modifications to such strategy and policy pursuant to subdivision a of section 20-1406.

s. Take all other actions consistent with this chapter that are necessary and appropriate to carry out its purposes.

§ 20-1406 Powers of the comptroller. Subject to applicable federal and state law, including the comptroller's duties as a fiduciary to the extent required by applicable law, the comptroller shall:

a. Establish an investment strategy and policy, provided that such strategy and policy shall be subject to the approval of the board. The underlying investments or investment funds selected or authorized pursuant to this section to implement such strategy, policy, and investment options shall be diversified by the comptroller consistent with such strategy and policy so as to minimize the risk of large losses under the circumstances. The comptroller may, at any time, modify such strategy, policy, and investment options, subject to the approval of the board.

b. Direct the underlying investments or investment funds implementing the investment policy and strategy and investment options established pursuant to subdivision a of this section. Such underlying investments may include, without limitation, shares of mutual funds and exchange-traded funds, publicly-traded equity and fixed-income securities, and other investments available for investment by the program. When selecting and authorizing such investments, the comptroller shall consult with the board and any person retained by the board pursuant to section 20-1405 and shall, not less than once every quarter and prior to any meeting of the board that may be scheduled during such quarter pursuant to subdivision e of section 20-1402, issue a report to the board describing its activities undertaken pursuant to this section and the performance of the investments or investment funds selected or authorized pursuant to this section. The comptroller shall respond within a reasonable time to any questions raised by the board about such report.

c. Enter into any contracts, agreements, or arrangements, as the comptroller may deem appropriate, with any person deemed qualified by the comptroller to assist in the selection and authorization of investments or to provide such investments or investment management services. Under any such contract, agreement or arrangement, the comptroller shall require such person to exercise the duties of a fiduciary with respect to the selection and authorization of such investments and may require such person to assume legal responsibility and liability pursuant to this chapter for functions to be performed by such person.

d. Issue standards, as the comptroller may deem appropriate, concerning the receipt and safekeeping of any funds of participants held by the board or any person retained by the board pursuant to section 20-1405.

e. Establish, consistent with applicable law, a plan to promote the retention of the services of minority- and women-owned business enterprises for the program.

f. Conduct the annual financial audit of the retirement savings program required by subdivision a of section 20-1412 or enter into any contracts, agreements, or arrangements with any person deemed qualified by the comptroller to conduct such audit, provided that the comptroller shall take such action as may be necessary to ensure that any audit concerning subdivisions a, b, c, d, or e of this section shall be undertaken by a person independent of the comptroller.

§ 20-1408 Rulemaking. The board and the comptroller may each promulgate rules to implement the provisions of this chapter concerning their respective powers.

a. Such rules may establish variations from the requirements otherwise established by this chapter in order to ensure that this program does not conflict with, and is not otherwise preempted by, state or federal law, including the employee retirement income security act of 1974, and to ensure that this program does not constitute an employee benefit plan under such act, provided that such variations are not inconsistent with the overall purpose and policy of this chapter.

b. Such rules may include any provisions necessary to ensure exemption from the employee retirement income security act of 1974.

§ 20-1410 No guarantees permitted; potential losses. *Except as otherwise required by federal or state law, no person including, but not limited to, a participating employer, any person retained by the board pursuant to section 20-1405, a member of the retirement savings board, the board itself, the comptroller, any person retained by the comptroller pursuant to section 20-1406, the city, or any representative of any of the preceding shall guarantee a rate of return or interest for any contribution made to the retirement savings program. In addition, neither participating employers, the board, its members, the comptroller, nor the city or any representative of the board, its members or the city shall be liable for any loss incurred by a participant, or any other individual or corporation, as a result of participating in the retirement savings program; further, any liability of an administrator for any such loss shall be confined to the liability defined by this chapter or by the agreement between the board and an administrator.*

§ 20-1412 Annual report and audit. *a. The retirement savings program shall undergo an annual financial audit by or at the direction of the comptroller.*

b. No later than three months after the end of a calendar year and annually thereafter, the board, in consultation with the comptroller, shall make available on the city's website an annual report that shall describe and summarize the activities of the board and the comptroller. That report shall include but not be limited to:

- 1. the total number of participants;*
- 2. the total number of covered employees and other eligible individuals in the city;*
- 3. the total number of participants enrolled during the previous year;*
- 4. the demographics and income levels of participants, to the extent reasonably ascertainable;*
- 5. the number of covered employees who opted out of the retirement savings program during the subject year;*
- 6. the number and type of civil penalties imposed by the enforcement agency pursuant to section 20-1414, for violating the requirements of this chapter;*
- 7. the total assets under management in the retirement savings program;*
- 8. fund profiles, investment objectives, assets under management and performance measures, such as rates of return, for each of the investment options provided by the retirement savings program for the subject year; and*
- 9. the total cost of administering the program during the subject year.*

c. The data required to be included in this annual report will also be made available on the city's website in a non-proprietary format that permits automated processing.

§ 2. This local law takes effect on the same date as a local law for the year 2021 amending the administrative code of the city of New York, relating to a retirement savings program for certain self-employed individuals and employees of private entities, as proposed in introduction number 888-A, takes effect.

I. DANEEK MILLER, *Chairperson*; HELEN K. ROSENTHAL, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, FARAH N. LOUIS, ERIC DINOWITZ, ERIC A. ULRICH; Committee on Civil Service and Labor, April 27, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Kallos.*

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

Report of the Committee on Finance

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

Report for Res. No. 1617

Report of the Committee on Finance in favor of approving a Resolution concerning an amendment to the district plan of the Queens Plaza/Court Square Business Improvement District that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such change.

The Committee on Finance, to which the annexed preconsidered resolution was referred on April 29, 2021, respectfully

REPORTS:

I. INTRODUCTION

The Committee on Finance, chaired by Council Member Daniel Dromm, will vote on a resolution setting the date, time and place for the public hearing on an amendment to the District Plan of the Queens Plaza/Court Square Business Improvement District (“Queens Plaza/Court Square BID”) for May 12, 2021, in the City Council Remote Hearing, Virtual Room 1 at 9:00 a.m. On April 22, 2021, the Council had previously approved Res. 1604-2021 that set the date of the hearing as May 13, 2021. However, due to a change in the calendar, a new resolution setting May 12, 2021 as the new hearing date will be considered.

The Preconsidered Resolution is required by the existing law, Chapter 4 of Title 25 of the New York City Administrative Code, (the “BID Law”), which authorizes the City Council to establish Business Improvement Districts.

The main purpose of this Resolution is to set the public hearing date, time and place for the review of the local law which would amend the District Plan of the Queens Plaza/Court Square BID. The hearing on the local law and the Queens Plaza/Court Square BID plan, as amended, will now be held on May 12, 2021, in the City Council Remote Hearing, Virtual Room 1 at 9:00 a.m. before the Committee on Finance.

This Resolution also directs that all notices required under the BID Law be properly given by the Department of Business Services and the District Management Association of the Queens Plaza/Court Square BID. The notice of the hearing will state the proposed change in the method of assessment upon which the district charge in the Queens Plaza/Court Square BID is based.

BID’s, 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 such areas 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 BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

II. QUEENS PLAZA/COURT SQUARE BID

a. Background

Located in the Long Island City community in Queens, the Queens Plaza/Court Square BID was first established in 2005 and consists of two sub-districts: the North Sub-District (“NSD”) and the South Sub-District (“SSD”).

The NSD is the original BID area and is centered around Queens Plaza and Court Square. It generally includes all street-facing property lots extending north along Jackson Avenue on both sides of the street from 45th Avenue/Thomson Avenue (Court Square) to Queens Plaza, and extending west along Queens Plaza North and Queens Plaza South from Northern Boulevard/Jackson Avenue to 21st Street. It also includes Queens Plaza

East (the 29-00 block of Northern Boulevard) and additional properties on the 42-00 block of Crescent Street, and the 43-00 block of Queens Street.

The SSD expands south and west from the end of the NSD at 45th Avenue/Thomson Avenue. It generally includes properties facing Jackson Avenue from the terminus of NSD at 45th Avenue/Thomson Avenue south to 51st Avenue, properties facing Vernon Boulevard from Borden Avenue north to 44th Drive, including the properties facing 10th Street between 45th Avenue and 44th Drive, and properties facing 44th Drive from Vernon Boulevard east to Hunter Street.

The Queens Plaza/Court Square BID constitutes a major transportation, retail, manufacturing, and retail hub in western Queens. Much of the area accommodates a large daytime working population and, increasingly, a large residential population. Furthermore, one of New York City's largest commuter populations passes through the BID each day via the Ed Koch/Queensboro Bridge and New York City Transit subways and buses, or makes intermodal transfers within the BID.

The Queens Plaza/Court Square BID is currently requesting that the Council approve the change in method of assessment upon which the district charge is based.

b. Formula Change

The current method of assessment for the Queens Plaza/Court Square BID is based on a combination of linear front footage and assessed value. Under the amended district plan, all properties will be assessed based on a specified formula for each applicable class of property within each of the two sub-districts.

Any property identified as a Class A property devoted to commercial, industrial, or commercial parking uses, including vacant and undeveloped land, will be assessed by assessed valuation and square footage in the service area. Any vacant and undeveloped properties may be reclassified upon the issuance of a temporary certificate of occupancy from the New York City Department of Buildings and be assessed in the same manner as defined within the appropriate classes and formula, as provided in the amended district plan.

Any property identified as a Class B mixed-use property in either of the sub-districts would be assessed at 80 percent of the commercial rate, and the variables used to calculate the formula would be shifted from a combination of front footage and assessed value to a combination of building square footage and assessed value.

Under the amended district plan, all residential properties, including residential condominium units and residential parking lots, devoted in whole to residential uses within the two sub-districts would continue to be assessed at a nominal rate of \$1.00 per annum. Additionally, not-for-profit and government-owned properties devoted in full to public or not-for-profit use would continue to be exempted from assessment. Any not-for-profit or government-owned property devoted in part to commercial uses would be assigned to the appropriate class and the proportion of the property devoted to for-profit uses would be assessed in the same manner as defined within the appropriate class description and assessment formula provided in the amended district plan.

Of the 270 properties in Queens Plaza/Court Square BID, 62 properties would pay more under the new assessment method and 208 properties would pay less. For the 62 properties for which assessments would be increasing, they would increase an average of \$1,130.89 per year. For the 208 properties which assessments would be decreasing, they would decrease on average of \$3,793.96 per year. This is the intended outcome of the formula change because as more properties in the BID are built as mixed-use rentals, more of the overall assessment is borne by fewer commercial properties under the current method of assessment. Under the new proposed formula, mixed-use properties would be assessed at 80 percent of the commercial rate, and the variables used to calculate the formula would be shifted from a combination of front footage and assessed value to a combination of building square footage and assessed value.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1617:)

Preconsidered Res. No. 1617

Resolution concerning an amendment to the district plan of the Queens Plaza/Court Square Business Improvement District that provides for a change in the method of assessment upon which the district

charge is based, and setting the date, time and place for the public hearing of the local law authorizing such change.

By Council Member Dromm.

Whereas, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "BID Law"), the City established the Queens Plaza/Court Square Business Improvement District (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 relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for any change in the method of assessment upon which the district charge is based 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 change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

Whereas, the District wishes to amend the District Plan in order to provide for a change in method of assessment upon which the district charge is based; and

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; now, therefore, be it

Resolved, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

- (i) May 12, 2021 is the date and the City Council Remote Hearing, Virtual Room 1, is the place and 9:00 a.m. is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize a change in the method of assessment upon which the district charge in the Queens Plaza/Court Square Business Improvement District is based; and
- (ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Queens Plaza/Court Square Business Improvement District is hereby authorized to publish in a newspaper of 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.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, STEVEN MATTEO; Committee on Finance, *post-April 22, 2021* (Remote Hearing). *Other Council Members Attending: Council Member Perkins.*

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

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

Report for Res. No. 1618

Report of the Committee on Finance in favor of approving a Resolution concerning an amendment to the District Plan of the Flatbush Avenue Business Improvement District that authorizes additional services for the district and changes the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Flatbush Avenue Business Improvement District.

The Committee on Finance, to which the annexed preconsidered resolution was referred on April 29, 2021, respectfully

REPORTS:

I. INTRODUCTION

The Committee on Finance, chaired by Council Member Daniel Dromm, will vote on a resolution setting the date, time and place for the public hearing on an amendment to the District Plan of the Flatbush Avenue Business Improvement District (“Flatbush Avenue BID”) for May 12, 2021, in the City Council Remote Hearing, Virtual Room 1 at 9:00 a.m. On April 22, 2021, the Council had previously approved Res. 1605-2021 that set the date of the hearing as May 13, 2021. However, due to a change in the calendar, a new resolution setting May 12, 2021 as the new hearing date will be considered.

The Preconsidered Resolution is required by the existing law, Chapter 4 of Title 25 of the New York City Administrative Code, (the “BID Law”), which authorizes the City Council to establish Business Improvement Districts.

The main purpose of this Resolution is to set the public hearing date, time and place for the review of the local law which would amend the District Plan of the Flatbush Avenue BID. The hearing on the local law and the Flatbush Avenue BID plan, as amended, will now be held on May 12, 2021, in the City Council Remote Hearing, Virtual Room 1 at 9:00 a.m. before the Committee on Finance.

This Resolution also directs that all notices required under the BID Law be properly given by the Department of Business Services and the District Management Association of the Flatbush Avenue BID. The notice of the hearing will state the additional services being proposed in the Flatbush Avenue BID and the proposed change in the method of assessment upon which the district charge in the Flatbush Avenue BID is based.

BID’s, 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 such areas 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 BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

II. FLATBUSH AVENUE BID

a. Background

The Flatbush Avenue BID was first established in 1988, and is bounded by properties on both sides of Flatbush Avenue from Parkside Avenue to Cortelyou Road in Brooklyn. The BID was established primarily to address the influx of people that moved to the neighborhood, which increased the need for additional housing.

The BID is currently requesting that the Council approve the following changes to the District Plan:

1. Expanding services to include, but not be limited to: sanitation, public safety, marketing and promotions, holiday lighting, economic development, administration and advocacy; and

2. Changing in the method of assessment authorized to be calculated on a formula applicable to the class of property.

b. Service Expansion

The current district plan already authorizes a range of services required for the enjoyment and protection of the public and the promotion and enhancement of the district, which include security services, holiday and seasonal decorations, promotion services of local retail opportunities, sanitation program services, administration and other additional services.

The amended district plan would authorize the provision of additional services in the district. Such supplemental services would include, but not be limited to: sanitation, public safety, marketing and promotions, holiday lighting, economic development, administration and advocacy. According to the BID, this amendment would bring the district plan into alignment with current district plans in terms of additional services provided as the needs in the district have changed since establishment.

c. Formula Change

The current method of assessment for the Flatbush Avenue BID is based on the linear front footage for commercial properties. Under the amended district plan, all properties devoted to commercial use, including parking facilities, commercial condominiums or vacant/development sites would be assessed 60 percent on Flatbush-facing linear frontage and 40 percent based on commercial square footage.

Government- and not-for-profit-owned properties devoted to public or not-for-profit use would be exempted from an assessment. All residential properties would be assessed at one dollar (\$1.00) per year.

The amendment to the method of assessment would account changes in the district since its creation in 1988, and provide a fair assessment of district properties. When the Flatbush Avenue BID was first formed, the most prevalent building type was the three-story walk-up, with residential units or storage spaces, above ground floor retail premises, single-story buildings, four-story buildings, and a few larger bank structures and theatres. However, according to the BID, since 1988 the district has changed so that the front-footage method of assessment no longer provides fair assessment of properties.

Of the 190 properties within the Flatbush Avenue BID, 29 properties would pay more under the new assessment formula, with an average increase of \$3,025.44 per year and 161 properties would pay less, with an average decrease of \$544.96 per year. The assessment formula change would shift the burden of assessment from the majority of the small property owners toward the owners with larger commercial square footage, that is, those that have the greater potential for revenues per square footage in their commercial spaces.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1618:)

Preconsidered Res. No. 1618

Resolution concerning an amendment to the District Plan of the Flatbush Avenue Business Improvement District that authorizes additional services for the district and changes the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Flatbush Avenue Business Improvement District.

By Council Member Dromm.

Whereas, pursuant to chapter 4 of title 25 of the Administrative Code of the City of New York (the "BID Law"), the City established the Flatbush Avenue Business Improvement District in the City of New York; and

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

Whereas, pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for additional improvements or services provided or any change in the method of assessment upon which the district charge is based 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 change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

Whereas, the Flatbush Avenue Business Improvement District wishes to amend the District Plan in order to authorize additional services in the District and change the method of assessment upon which the district charge is based; and

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; now, therefore, be it

Resolved, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

- (ii) May 12, 2021 is the date and the City Council Remote Hearing, Virtual Room 1, is the place and 9:00 a.m. is the time for a public hearing (the "Public Hearing") for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize additional services in the District and a change in the method of assessment upon which the district charge in the District is based; and
- (ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Flatbush Avenue Business Improvement District is hereby authorized to publish in a newspaper of 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.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, STEVEN MATTEO; Committee on Finance, *post-April 22, 2021* (Remote Hearing). *Other Council Members Attending: Council Member Perkins.*

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

Report of the Committee on General Welfare

Report for Int. No. 1529-A

Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the office of the civil justice coordinator to work with community groups in educating tenants about their rights in housing court.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on April 18, 2019 (Minutes, page 1533), respectfully

REPORTS:

Introduction

On April 29, 2021, the Committee on General Welfare, chaired by Council Member Stephen Levin, will hold a hearing on Proposed Int. No. 1529-A and Proposed Int. No. 2050-A, sponsored by Council Member Levine. The Committee on Justice System previously held a hearing on February 24, 2020, jointly with the Committee on Housing and Buildings, chaired by Council Members Rory Lancman and Robert Cornegy respectively, on the City’s implementation and expansion of right to counsel in housing court as well as legislation including Int. 1529. At the hearing, those who testified included representatives from Office of Civil Justice (OCJ), the Office of Court Administration, legal service providers, advocates, other key stakeholders and members of the public. The Committee on General Welfare previously held a hearing on January 25, 2021, to examine the City’s plans for the impending expiration of the various eviction moratoria issued by the state and federal governments as well as legislation including Int. 2050. At the hearing, those who testified included representatives from the Department of Social Services (DSS), advocates, and members of the public.

Right to Counsel

In 2017, the City Council passed Local Law 136, known as the Universal Access to Legal Services (UA) law, which tasks the OCJ with providing free legal representation to tenants earning no more than 200% percent of the federal poverty level and who are facing either eviction in Housing Court or tenancy termination from New York City Housing Authority (NYCHA).¹ Local Law 136 also requires OCJ to provide free limited legal assistance to tenants who earn more than 200% of the federal poverty level.² The law mandates that OCJ implement these programs before Fiscal Year (FY) 2022.³

To meet the law’s mandate of providing UA to low-income tenants, OCJ is gradually expanding the program throughout the city, adding coverage to individuals in approximately five zip codes each year.⁴ In order to choose the order by which zip codes are added to the program, OCJ consulted with New York City Housing Court, legal service providers, and other tenant advocates⁵, and analyzed factors such as “shelter entries from the zip code; prevalence of rent-regulated housing; the volume of eviction proceedings; whether the area is already being served through other legal services programs; and other factors of need.”⁶

¹ *Id.*

² *Id.*

³ NYC Office of Civil Justice 2018 Annual Report and Strategic Plan, NYC Human Resources Administration (the “2018 Report”), available at <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-Annual-Report-2018.pdf>

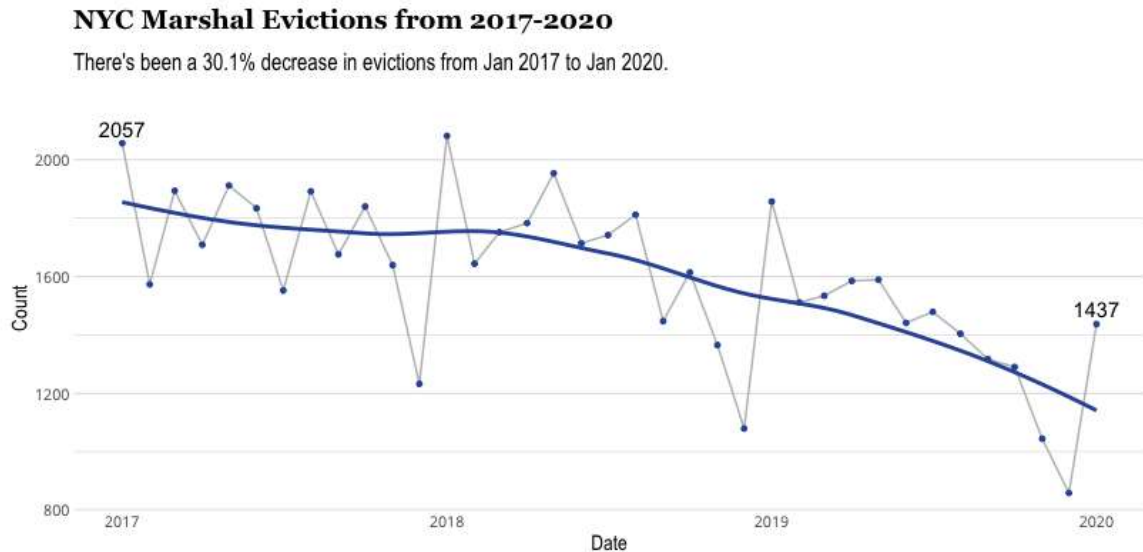
⁴ Office of Civil Justice, *Universal Access to Legal Services A Report on Year Two of Implementation in New York City*, (“The 2019 Report”) Fall 2019, available at

<https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-UA-Annual-Report-2019.pdf>

⁵ <https://furmancenter.org/files/UAC-Policy-Brief-12-11-18.pdf>

⁶ *Id.* at 7.

As UA has been phased in, evictions citywide have decreased. Data available on OpenData shows a 30% decrease in evictions from February 2019 to February 2020.⁷



However, the overall impact of UA is hard to pinpoint because of the enactment of concurrent Albany rent reforms.⁸ The Housing Stability and Tenant Protection Act of 2019, enacted by the State Legislature in June of 2019, created more legal protections for tenants.⁹ According to a study conducted by the Legal Aid Society, evictions dropped by a total of 18.3% between June 2019 to January 2020.¹⁰ That decline was also inconsistent throughout the boroughs; Queens saw a 26.4% decrease in evictions and Manhattan saw a decline of 24.4%, while evictions in the Bronx, Staten Island, and Brooklyn only dropped by 15.2%, 14% and 13%, respectively.¹¹

a. *Tenant Outreach*

Advocates and legal services providers have said that tenant outreach is an area that needs substantial improvement.¹² According to a Right to Counsel (RTC) Coalition member, many eligible tenants are unaware of their right to legal counsel and never make it to Housing Court, where legal counsel is provided, because of intimidation.¹³

A survey in Bronx Housing Court, conducted by Northwest Bronx Community and Clergy Coalition, Community Action for Safe Apartments-New Settlement, and Housing Court Answers in the fall of 2018, demonstrated that 52% of tenants living in RTC eligible zip codes did not know that the program existed before

⁷ Data available at <https://data.cityofnewyork.us/City-Government/Evictions/6z8x-wfk4>

⁸ Oksana Mironova, NYC Right to Counsel: First year results and potential for expansion, Mar. 25, 2019, Community Service Society, <https://www.cssny.org/news/entry/nyc-right-to-counsel>.

⁹ New York Session Laws 2019, Chapter 36.

¹⁰ The Legal Aid Society, Evictions Down 20 Percent Due to Housing Reform, Right to Counsel, Jan. 6, 2020,

<https://www.legalaidnyc.org/news/evictions-down-20-percent-housing-reform-right-to-counsel/>

¹¹ Gabe Herman, *Staying home: NYC evictions down nearly 20 percent after pro-tenant laws enacted*, QNS.COM, Jan. 7, 2020 available at <https://qns.com/story/2020/01/07/staying-home-nyc-evictions-down-nearly-20-after-pro-tenant-laws-enacted/>.

¹² Right to Counsel NYC Coalition, Testimony on New York City's Universal Access to Legal Services for Tenants Facing Eviction, November 15, 2018, available at <https://www1.nyc.gov/assets/hra/downloads/pdf/universal-access-hearing-nov-2018-written-statements.pdf>

¹³ Larry Wood, Goodard Law Project Testimony for NYC Office of Civil Justice Hearing on Right to Counsel Law and Implementation, November 15, 2018, available at <https://www1.nyc.gov/assets/hra/downloads/pdf/universal-access-hearing-nov-2018-written-statements.pdf>

they arrived in Housing Court.¹⁴ The survey also found a lack of organization, despite there being strong interest in it. 90% of tenants interviewed did not belong to a tenant association but more than 60% were interested in joining such an organization.¹⁵ 75% of those surveyed reported having issues getting repairs done and 30% reported feeling harassed.¹⁶

Bill Analysis

Proposed Int. 2050-A - A Local Law to amend the administrative code of the city of New York, in relation to providing legal services for tenants who are subject to eviction proceedings

The proposed legislation would amend Local Law number 136 of 2017, the housing court right-to-counsel law, by requiring the immediate implementation of access to legal services for tenants facing eviction proceedings in housing court citywide. Local Law 136 requires the Office of Civil Justice Coordinator to establish programs to provide all tenants facing eviction with access to legal services within five years. Proposed Int. 2050-A would require that all such tenants receive access to such legal representation by June 1, 2021, as opposed to no later than July 31, 2022. If passed, the bill would take effect immediately.

The proposed legislation has not been amended substantively since introduction.

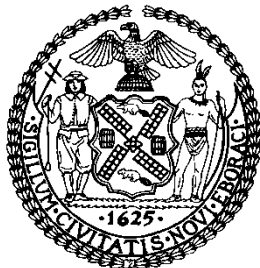
Proposed Int. 1529-A – A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of the civil justice coordinator to work with community groups in educating tenants about their rights in housing court

The proposed legislation would require the Office of the Civil Justice Coordinator to collaborate with community groups in engaging and educating tenants of their rights in Housing Court, including the creation of the right-to-counsel program. That education would have to include “know your rights” education sessions, written information, and facilitating referrals to designated community groups.

Proposed Int. 1529-A would also require that the Office of the Civil Justice Coordinator report on these outreach efforts. These reports would include the number of buildings in which outreach was conducted, the number of workshops offered, the number of attendees at those workshops, the number of people referred to nonprofits, the number of focus groups created, the number of know your rights trainings offered, the number of community forums conducted, and the number of new tenant associations formed. This bill would take effect 180 days after it becomes law.

The proposed legislation has not been amended substantively since introduction.

(The following is the text of the Fiscal Impact Statement for Int. No. 1529-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1529-A

COMMITTEE: General Welfare

¹⁴ CASA- New Settlement and the Northwest Bronx Community and Clergy Coalition “Tipping the Scales: Right to Counsel is the Moment For the Office of Court Administration to Transform Housing Courts” October 2019 available at <https://newsettlement.org/casa/wp-content/uploads/sites/7/2019/10/Report-Tipping-the-Scales-Right-to-Counsel-is-the-Moment-for-The-Office-of-Court-Administration-to-Transform-Housing-Courts.pdf> at 4

¹⁵ *Id.*

¹⁶ *Id.*

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of the civil justice coordinator to work with community groups in educating tenants about their rights in housing court.

SPONSORS: Levine, Gibson, Rosenthal, Adams, Chin, Cornegy, Ayala, Powers, Reynoso, Levin, Rivera, Constantinides, Menchaca, Brannan, Ampry-Samuel, Lander, Rose, Perkins, Grodenchik, Van Bramer, Moya, Salamanca, Koslowitz, Rodriguez, Louis, Kallos, Cumbo, Eugene, Treyger, Maisel, Cabrera, Dinowitz, Koo and the Public Advocate (Mr. Williams).

SUMMARY OF LEGISLATION: Proposed Introduction 1529-A would require the Civil Justice Coordinator to collaborate with not-for-profit organizations to educate and inform tenants about their rights in housing court. Proposed Intro. No. 1529-A would further require the Civil Justice Coordinator to submit an annual report on community engagement and education to the Speaker of the Council and make such report available online.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2023

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the Civil Justice Coordinator and Office of Civil Justice can implement the requirements of this legislation using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council

ESTIMATE PREPARED by: Jack Storey, Legislative Financial Analyst

ESTIMATED REVIEWED by: Eisha Wright, Unit Head
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on April 18, 2019 as Intro. 1529 and referred to the Committee on Housing and Buildings. On January 29, 2020, the legislation was re-referred to the Committee on Justice System. On February 24, 2020, Intro. 1529 was heard by the Committee on Justice System at a hearing held jointly with the Committee on Housing and Buildings, and the bill was laid over. On December 3, 2020, the legislation was re-referred to the Committee on General Welfare. The legislation was subsequently amended and the amended legislation Proposed Intro. No. 1529-A, will be considered by the Committee on

General Welfare at a hearing on April 29, 2021. Upon a successful vote by the Committee on General Welfare it will be submitted to the full Council for a vote on April 29, 2021.

DATE PREPARED: April 26, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1529-A:)

Int. No. 1529-A

By Council Members Levine, Gibson, Rosenthal, Adams, Chin, Cornegy, Ayala, Powers, Reynoso, Levin, Rivera, Menchaca, Brannan, Ampy-Samuel, Lander, Rose, Perkins, Grodenchik, Van Bramer, Moya, Salamanca, Koslowitz, Rodriguez, Louis, Kallos, Cumbo, Eugene, Treyger, Maisel, Cabrera, Dinowitz, Koo, Gennaro, Barron and the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of the civil justice coordinator to work with community groups in educating tenants about their rights in housing court

Be it enacted by the Council as follows:

Section 1. Section 26-1304 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. No later than December 1, 2022, and every December 1 thereafter, the coordinator shall submit to the speaker of the council, and post online, a report on community engagement and education conducted pursuant to section 26-1306 in the previous year. The report shall include metrics from designated community groups, including but not limited to the number of buildings in which outreach was conducted, the number of know your rights education sessions held, the number of attendees at those education sessions, the number of people referred to nonprofits and the number of community forums conducted.

§ 2. Chapter 13 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-1306 to read as follows:

§ 26-1306 Community engagement. a. For purposes of this section, the term “designated community group” means a not-for-profit organization that has the capacity to conduct tenant outreach, engagement, education and information provision, as determined by the civil justice coordinator.

b. Subject to appropriation, the coordinator shall work with designated community groups to make efforts to educate and inform tenants about their rights in housing court, including but not limited to holding know your rights education sessions, distributing written information to tenants and facilitating referrals of tenants to designated community groups. Such education and information shall be available in any designated citywide language as defined in section 23-1101.

§ 3. This local law takes effect 180 days after it becomes law.

STEPHEN T. LEVIN, *Chairperson*; BRADFORD S. LANDER, VANESSA L. GIBSON, MARK TREYGER, BARRY GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; OSWALD FELIZ; Committee on General Welfare, *post-April 22, 2021* (Remote Hearing). *Other Council Members Attending: Council Member Levine.*

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

Report for Int. No. 2050-A

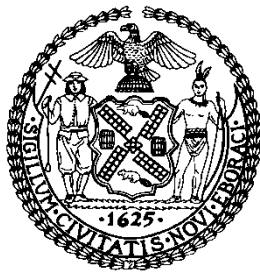
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to providing legal services for tenants who are subject to eviction proceedings.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on August 27, 2020 (Minutes, page 1722), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1529-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2050-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 2050-A

COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to providing legal services for tenants who are subject to eviction proceedings.

SPONSORS: Levine, Gibson, Kallos, Chin, Ayala, Cumbo, Van Bramer, Adams, Riley, Powers, Rivera, Rosenthal, Ampry-Samuel, Lander, D. Diaz, Menchaca, Brannan, Reynoso, Louis, Treyger, Rose, Levin, Cornegy, Salamanca, Perkins, Dinowitz, Eugene an Koo.

SUMMARY OF LEGISLATION: Proposed Intro. 2050-A would amend the housing court right-to-counsel law previously adopted by the Council in 2017 to accelerate the implementation timeline of the program to no later than June 1, 2021 instead of June 30, 2022.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the Office of Civil Justice (OCJ) would utilize existing resources to fulfill the requirements of this legislation. The legislation does not impose new legal requirements on OCJ, rather it merely changes the implementation timeline.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: Finance Division, New York City Council

ESTIMATE PREPARED BY: Jack Storey, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Eisha Wright, Unit Head
Rebecca Chasan, Senior Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on August 27, 2020, as Intro. No. 2050 and was referred to the Committee on Justice System. The legislation was re-referred to the Committee on General Welfare on December 3, 2020. On January 25, 2021, the Committee on General Welfare considered the legislation and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2050-A, will be considered by the Committee on General Welfare on April 29, 2021. Upon a successful vote by the Committee on General Welfare it will be submitted to the full Council for a vote on April 29, 2021.

DATE PREPARED: April 26, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2050-A:)

Int. No. 2050-A

By Council Members Levine, Gibson, Kallos, Chin, Ayala, Cumbo, Van Bramer, Adams, Riley, Powers, Rivera, Rosenthal, Ampry-Samuel, Lander, D. Diaz, Menchaca, Brannan, Reynoso, Louis, Treyger, Rose, Levin, Cornegy, Salamanca, Perkins, Dinowitz, Eugene, Koo, Gennaro and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to providing legal services for tenants who are subject to eviction proceedings

Be it enacted by the Council as follows:

Section 1. Subdivisions a, b, and c of section 26-1302 of the administrative code of the city of New York, as added by local law number 136 for the year 2017, are amended to read as follows:

- a. Subject to appropriation, the coordinator shall establish a program to provide access to legal services for covered individuals in covered proceedings in housing court and shall ensure that, no later than [July 31, 2022] *June 1, 2021*:

1. [all] *All* covered individuals receive access to brief legal assistance no later than their first scheduled appearance in a covered proceeding in housing court, or as soon thereafter as is practicable; and

2. [all] *All* income-eligible individuals receive access to full legal representation no later than their first scheduled appearance in a covered proceeding in housing court, or as soon thereafter as is practicable.

b. Subject to appropriation, no later than October 1, 2017, the coordinator shall establish a program to provide access to legal services in administrative proceedings of the New York city housing authority for tenants of buildings operated by the New York [City] *city* housing authority who have been served with charges in such administrative proceedings for termination of tenancy and shall ensure that, no later than [July 31, 2022] *June 1, 2021*, all such tenants receive access to such legal services *no later than their first scheduled appearance in such administrative proceedings, or as soon thereafter as is practicable.*

c. The coordinator shall estimate annually the expenditures required for each year of implementation of the programs described by subdivisions a and b of this section. Beginning [October 1, 2022] *December 1, 2021* and no later than each [October] *December 1* thereafter, the coordinator shall publish a summary of any changes to such estimates for expenditures.

§ 2. This local law takes effect immediately.

STEPHEN T. LEVIN, *Chairperson*; BRADFORD S. LANDER, VANESSA L. GIBSON, MARK TREYGER, BARRY GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; OSWALD FELIZ; Committee on General Welfare, *post-April 22, 2021* (Remote Hearing). *Other Council Members Attending: Council Member Levine.*

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

Report of the Committee on Housing and Buildings

Report for Int. No. 1760-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 tenant data privacy.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on October 17, 2019 (Minutes, page 3405), respectfully

REPORTS:

Introduction

On April 29, 2021, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., will hold a hearing on Proposed Int. No. 1760-A, in relation to tenant data privacy. This bill was

first heard on October 21, 2020. [More information about this bill along with the materials for that hearing can be found at https://go.usa.gov/xHQ47.](https://go.usa.gov/xHQ47)

Background

An increasing number of residential buildings throughout New York City have seen traditional mechanical door keys replaced with key fobs, key cards, biometric identifiers, or other digital or electronic technologies in order to grant entry into the buildings.¹ These keyless entry systems may utilize some form of electronic, electromagnetic, or Bluetooth-enabled technology, often through the use of a smartphone application, access control key fob, digital keypad, or biometric identifier recognition technology. Many keyless entry systems involve the generation, collection, and storage of data about the tenant or user, including the time when such user has entered the building or other common area using such technology and other potentially sensitive information about the user.

Proposed Int. No. 1760-A

Proposed Int. No. 1760-A would establish certain restrictions on the collection and use of data generated in connection to the use of a keyless entry system in a multiple dwelling.

First, this bill would establish certain limits on the collection of certain data that is generated, or required, in connection with the use of a keyless or “smart access” entry system in a residential building. The owner of a smart access building must receive the express consent of a tenant in order to collect certain information, including biometric identifiers if the building’s smart access system uses biometric identifiers, from that tenant for use in the building’s smart access system. The bill would limit the kinds of information a building owner would be allowed to collect for this purpose.

Second, this bill would establish certain requirements for removing or anonymizing data collected in connection with a building’s smart access system when a tenant has permanently vacated the building, when the tenant has withdrawn authorization to use their data, or has withdrawn authorization from a guest. This bill would establish additional guidelines for destroying user data that is collected solely for operating the building’s smart access system, other than information the owner or landlord would already have on record for purposes other than to enable use of the building’s smart access system. This bill would set certain exceptions for the general requirement that data be destroyed, including when necessary: to detect security incidents; to protect against certain malicious, deceptive, fraudulent, or illegal activity; to debug errors that impair functionality; when the data is protected speech; or to comply with another law.

Third, this bill would require information an owner of a multiple dwelling collects about tenants’ use of gas, electricity, or other utilities to be limited to total monthly usage, except that an owner could share this information with third parties as necessary to improve the building’s energy efficiency. This bill would additionally make it unlawful for an owner of a multiple dwelling to collect information about tenant internet usage when the owner provides internet to the tenant, unless the information is aggregated and anonymized, or for billing purposes.

Fourth, this bill would prohibit any owner of a building that utilizes a smart access system or a third party that installs, operates, or otherwise directly supports a smart access system, other than a third party that solely hosts data, from selling, leasing, or otherwise disclosing such data to another person, with a few exceptions if such disclosure is made: pursuant to any law, subpoena, or other authorized procedure; to a third party that operates or facilitates the smart access system, provided the user has given express consent; to a third party employed, retained, or contracted to improve the building’s energy efficiency and it is in regard to gas, electricity, or other utility information; to an authorized guest; or as otherwise required by law.

Fifth, this bill would establish additional restrictions on owners of such buildings and on third parties that install, operate, or otherwise directly support the smart access system, including, among other things: using the smart access system to track the location of users outside the building; collecting information about minors without the consent of a parent or legal guardian; and using data collected in connection with the smart access system to harass or evict tenants.

¹ Michelle Higgins, *New York Discovers Keyless Entry Systems*, New York Times (Jan. 1, 2016), <https://www.nytimes.com/2016/01/03/realestate/new-york-discovers-keyless-entry-systems.html>.

Sixth, this bill would require the owner of a smart access building to provide tenants with a written privacy policy regarding the building’s smart access system, and to share the privacy policy of the entity that developed or currently operates the building’s smart access system.

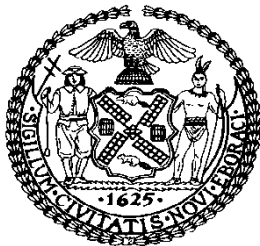
Seventh, this bill would require that a building’s smart access system implement stringent security measures and safeguards to protect the security and data of tenants and guests, including, among other minimum requirements, the use of encryption.

Eighth, this bill would establish a private right of action for the unlawful sale of data in violation of this bill’s provisions. This private right of action would not limit or abrogate any claim or cause of action a person would otherwise have under common law or by other law or rule.

Finally, this bill would require that the New York City Department of Housing Preservation and Development (HPD) inform tenants and owners about the provisions of this chapter, including by posting on its website.

This bill would take effect 60 days after it becomes law, except that no owner of a multiple dwelling with an existing smart access system would be liable for a violation of any provision of this law until January 1, 2023, in order to give such owners time to upgrade or update the existing system to bring it into compliance with this legislation.

(The following is the text of the Fiscal Impact Statement for Int. No. 1760-A:)



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

PROPOSED INTRO. NO: 1760-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to tenant data privacy.

SPONSORS: Council Members Levine, Kallos, Rivera, Brannan, Cabrera, Rosenthal, Menchaca, Reynoso, Cornegy, Chin, Ampry-Samuel, Holden, Louis, Lander, Koo, Maisel, Rose, Ayala, Gibson, Grodenchik, Powers, Moya, Adams, Koslowitz, Salamanca, Levin, and the Public Advocate (Mr. Williams).

SUMMARY OF LEGISLATION: Proposed Intro. No. 1760-A would require owners of multiple dwellings that utilize keyless entry systems, including but not limited to key fobs, biometric identifiers and electronic technologies, to provide tenants with a data retention and privacy policy. The bill would establish restrictions on the collection and use of data collected from such systems and from tenants’ usage of utilities and internet services, including, among other things, requiring consent from tenants and other users to use such information, restricting the sharing of such information with third parties, and requiring that any data collected be removed, anonymized, or destroyed within a given time. Additionally, the bill would establish a private right of action for the unlawful sale of data collected through a keyless entry system covered by the bill. The Department of Housing Preservation and Development would be required to inform tenants and owners of multiple dwellings about the provisions of this law.

EFFECTIVE DATE: This local law would take effect 60 days after it becomes law, except that owners are not liable for a violation of this law until January 1, 2023, in order to bring existing systems into compliance.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

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

ESTIMATE PREPARED BY: Luke Zangerle, Legislative Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on October 17, 2019 as Intro. No. 1760 and was referred to the Committee on Housing and Buildings (“Committee”). A hearing was held by the Committee on October 21, 2020 jointly with the Committee on Public Housing, the Committee on Criminal Justice, the Committee on Justice System, and the Committee on General Welfare, and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 1760-A, will be considered by the Committee on April 29, 2021. Following a successful Committee vote, the bill would be submitted to the full Council for a vote on April 29, 2021.

DATE PREPARED: April 27, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1760-A:)

Int. No. 1760-A

By Council Members Levine, Kallos, Rivera, Brannan, Cabrera, Rosenthal, Menchaca, Reynoso, Cornegy, Chin, Ampry-Samuel, Holden, Louis, Lander, Koo, Maisel, Rose, Ayala, Gibson, Grodenchik, Powers, Moya, Adams, Koslowitz, Salamanca, Levin, Barron and the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to tenant data privacy

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 30 to read as follows:

*CHAPTER 30
TENANT DATA PRIVACY*

§ 26-3001 Definitions.

§ 26-3002 *Data collection.*

§ 26-3003 *Prohibitions.*

§ 26-3004 *Privacy policies.*

§ 26-3005 *Security measures and safeguards.*

§ 26-3006 *Private right of action.*

§ 26-3007 *Education efforts.*

§ 26-3001 *Definitions.* As used in this chapter, the following terms have the following meanings:

Authentication data. The term “authentication data” means the data generated or collected at the point of authentication in connection with granting a user entry to a smart access building, common area or dwelling unit through such building’s smart access system, except that it does not include data generated through or collected by a video or camera system that is used to monitor entrances but not grant entry.

Biometric identifier information. The term “biometric identifier information” means a physiological, biological or behavioral characteristic that is used to identify, or assist in identifying, an individual, including, but not limited to: (i) a retina or iris scan; (ii) a fingerprint; (iii) a voiceprint; (iv) a scan or record of a palm, hand or face geometry; (v) gait or movement patterns; or (vi) any other similar identifying characteristic.

Dwelling unit. The term “dwelling unit” has the same meaning as in section 27-2004 of the housing maintenance code.

Minor. The term “minor” means a person under the age of 18 years, except a person over the age of 15 years who is married, a parent, serving in the military, or has been found financially independent by a court order.

Multiple dwelling. The term “multiple dwelling” has the same meaning as in section 27-2004 of the housing maintenance code.

Owner. The term “owner” has the same meaning as in section 27-2004 of the housing maintenance code.

Reference data. The term “reference data” means the information against which authentication data is verified at the point of authentication by a smart access system in order to grant a user entry to a smart access building, dwelling unit of such building or a common area of such building.

Smart access building. The term “smart access building” means a class A multiple dwelling, as such term is defined in section 27-2004 of the housing maintenance code, that utilizes a smart access system.

Smart access system. The term “smart access system” means any system that uses electronic or computerized technology, a radio frequency identification card, a mobile phone application, biometric identifier information, or any other digital technology in order to grant entry to a class A multiple dwelling, common areas in such multiple dwelling or to an individual dwelling unit in such multiple dwelling.

Third party. The term “third party” means an entity that installs, operates or otherwise directly supports a smart access system, and has ongoing access to user data, excluding any entity that solely hosts such data.

User. The term “user” means a tenant of a smart access building, and any person a tenant has requested, in writing or through a mobile application, be granted access to such tenant’s dwelling unit and such building’s smart access system.

§ 26-3002 *Data collection.* a. An owner of a smart access building or third party may not collect reference data from a user for use in a smart access system except where such user has expressly consented, in writing or through a mobile application, to the use of such smart access building’s smart access system. Such owner or third party may collect only the minimum amount of authentication data and reference data necessary to enable the use of such smart access system in such building, and may not collect additional biometric identifier information from any users. Such smart access system may only collect, generate or utilize the following information:

1. the user’s name;
2. the dwelling unit number and other doors or common areas to which the user has access using such smart access system in such building;
3. the user’s preferred method of contact;
4. the user’s biometric identifier information if such smart access system utilizes biometric identifier information;
5. the identification card number or any identifier associated with the physical hardware used to facilitate building entry, including radio frequency identification card, bluetooth or other similar technical protocols;

6. passwords, passcodes, user names and contact information used singly or in conjunction with other reference data to grant a user entry to a smart access building, dwelling unit of such building or common area of such building through such building's smart access system, or to access any online tools used to manage user accounts related to such building;

7. lease information, including move-in and, if available, move-out dates; and

8. the time and method of access, solely for security purposes.

b. An owner of a smart access building and any third party shall destroy any authentication data collected from or generated by such smart access system in their possession no later than 90 days after such data has been collected or generated, except for authentication data that is retained in an anonymized format.

c. Reference data for any tenant who has permanently vacated a smart access building shall be removed, or anonymized where removal of such data would render the smart access system inoperable, from the smart access system no later than 90 days after such tenant has permanently vacated such building. Reference data for any user that has been granted access to such tenant's dwelling unit and is not a tenant of such smart access building shall be removed, or anonymized where removal of such data would render the smart access system inoperable, from the smart access system no later than 90 days after access expires. Reference data for any user who has withdrawn authorization from an owner or third party who had previously been given access to such reference data pursuant to subdivision a shall be removed, or anonymized where removal of such data would render the smart access system inoperable, from the smart access system no later than 90 days after such authorization has been withdrawn. The same time frame shall apply when a tenant withdraws a request that a guest be granted access to such tenant's dwelling unit via the smart access system, if such guest is not also a tenant of such smart access building.

d. Reference data collected solely for the operation of such smart access system for a tenant who has permanently vacated a smart access building shall be destroyed no later than 90 days after a tenant has permanently vacated a smart access building or has withdrawn authorization from the owner of such smart access building or a third party. Reference data collected solely for use of such smart access system for any user that has been granted access to such tenant's dwelling unit and is not a tenant of such smart access building shall be destroyed within the same timeframe, following such user's withdrawal of authorization, such tenant's withdrawal of the request that such user be granted access to such tenant's dwelling unit via the smart access system or such tenant's permanent vacation. Any data collected in violation of the prohibitions set forth in paragraphs 3, 4, 5 and 6 of subdivision a of section 26-3003 shall be destroyed immediately.

e. An owner of a smart access building and any third party that has an obligation to destroy data pursuant to this section shall not be required to destroy any data that:

1. is necessary to detect security incidents, protect against malicious, deceptive, fraudulent, or illegal activity, or prosecute those responsible for that activity;

2. is necessary to debug to identify and repair errors that impair existing intended functionality;

3. is protected speech under the United States or New York state constitution; or

4. is necessary to comply with another law or legal obligation.

f. Any information that an owner of a multiple dwelling collects about a tenant's use of gas, electricity or any other utility shall be limited to such tenant's total monthly usage, unless otherwise required by law. It shall be unlawful for an owner of a multiple dwelling to collect any information about a tenant's use of internet service, except that in a multiple dwelling in which internet service is provided directly from an owner to tenants, the landlord may collect such information if such information is aggregated and anonymized, or necessary for billing purposes. g. Notwithstanding the provisions of subdivision a, an owner may retain, separate from the smart access system, a record of the unique identification number or other unique identifier associated with the physical hardware used to facilitate building entry, including key cards or other similar technical protocols, and the dwelling unit number associated with such unique identifier, solely for the purpose of deactivating or activating the key card or other hardware associated with such unique identifier.

h. Notwithstanding any other provision of this section, reference data may be retained and utilized by a smart access system pursuant to a user request, in writing or through a mobile application, that such user's reference data be retained for longer than 90 days.

§ 26-3003 Prohibitions. a. It shall be unlawful for any owner of a smart access building or third party that collects reference data or authentication data pursuant to section 26-3002 to:

1. sell, lease or otherwise disclose such data to another person except:

(a) pursuant to any law, subpoena, court ordered warrant, other authorized court ordered process or active law enforcement investigation;

(b) to a third party that operates or facilitates the operation of such building's smart access system, provided that the user has given express authorization, in writing or through a mobile application, and has received in writing, in advance of such authorization: (i) the name of the third party, (ii) the intended use of such data by such third party, and (iii) any privacy policy of such third party;

(c) for data collected pursuant to subdivision f of section 26-3002, to an entity employed, retained or contracted by the owner to improve the energy efficiency of such building;

(d) to a guest as expressly authorized, in writing or through a mobile application, by a tenant; or

(e) as otherwise required by law;

2. utilize any satellite navigation system or other similar system in the equipment or software of a smart access system to track the location of any user of a smart access system outside of the building using such smart access system;

3. use a smart access system to capture the reference data of any minor, except as authorized in writing by such minor's parent or legal guardian;

4. use a smart access system to deliberately collect information on or track the relationship status of tenants and their guests, except as otherwise required by law;

5. use a smart access system to collect or track information about the frequency and time of use of such system by a tenant and their guests to harass or evict a tenant;

6. use a smart access system to collect reference data from a person who is not a tenant in such smart access building who has not given express consent, in writing or through a mobile application, provided that reference data may be collected for any employee or agent of an owner in a smart access building, and

7. share any data that may be collected from a smart access system regarding any minor, unless such entity has received the written authorization of such minor's parent or legal guardian.

b. It shall additionally be unlawful for any owner of a smart access building, or an agent thereof, to:

1. utilize data collected through a smart access system for any purpose other than: (i) to grant access to and monitor entrances and exits to the smart access building, and to common areas in such building, including but not limited to laundry rooms, mail rooms, and the like, and (ii) to grant access to dwelling units in such buildings that use a smart access system to grant entry into dwelling units;

2. use a smart access system to limit the time of entry into the building by any user except as requested by a tenant;

3. require a tenant to use a smart access system to gain entry to such tenant's dwelling unit; and

4. use any information collected through a smart access system to harass or evict a tenant.

§ 26-3004 Privacy policies. a. The owner of a smart access building, or an agent thereof, must provide to tenants a written policy in plain language that describes, at a minimum, the following information if it is not included in the privacy policy described in subdivision b:

1. the data elements to be collected by the smart access system;

2. the names of any entities or third parties the owner will share such data elements with, and the privacy policies of any such entities or third parties;

3. the protocols and safeguards the owner will provide for protecting such data elements;

4. the retention schedule of such data;

5. the protocols the owner will follow to address any suspected or actual unauthorized access to or disclosure of such data elements, including notification of users;

6. guidelines for permanently destroying or anonymizing such data or removing such data from the smart access system; and

7. the process used to add and remove persons who have provided written consent on a temporary basis to the smart access system.

b. The owner of a smart access building, or an agent thereof, shall make available to tenants any written privacy policy of the entity that developed the smart access system utilized in such building, or any written privacy policy of the entity that currently operates the smart access system utilized in such building.

§ 26-3005 Security measures and safeguards. A smart access system must implement stringent security measures and safeguards to protect the security and data of tenants, guests and other individuals in smart access buildings. Such security measures and safeguards must, at a minimum, include data encryption, the ability of

the user to change the password if the system uses a password and firmware that is regularly updated to enable the remediation of any security or vulnerability issues.

§ 26-3006 Private right of action. a. A lawful occupant of a dwelling unit, or a group of such occupants, in a smart access building may bring an action alleging an unlawful sale of data in violation of paragraph one of subdivision a of section 26-3003 in any court of competent jurisdiction. If such court finds that a person is in violation of such paragraph for the unlawful sale of data, such court shall, in addition to any other relief such court determines to be appropriate:

1. Award to each such occupant per each unlawful sale of such occupant's data: (i) compensatory damages and, in such court's discretion, punitive damages, or (ii) at the election of each occupant, damages ranging from \$200 to \$1,000; and

2. Award to such occupants reasonable attorneys' fees and court costs.

b. Nothing in this section shall relieve any such occupant or occupants from any obligation to pay rent or any other charge for which such occupant or occupants are otherwise liable to a person found to be in violation of this chapter. Nothing in this section shall affect any other right or responsibility of an occupant or owner afforded to such person pursuant to a lawful lease.

c. This section does not limit or abrogate any claim or cause of action a person has under common law or by other law or rule. The provisions of this section are in addition to any other remedies that may be provided for under common law or by other law or rule.

§ 26-3007 Education efforts. The department of housing preservation and development shall inform tenants and owners about the provisions of this chapter by, at a minimum, including information about this chapter on its website and in the housing information guide for tenants and owners described in section 26-1102.

§ 2. This local law takes effect 60 days after it becomes law, except that no owner of an existing smart access building shall be liable for a violation of chapter 30 of title 26 of the administrative code of the city of New York, as added by section one of this local law, until January 1, 2023, in order to allow such owner to replace or upgrade such building's smart access system to comply with the provisions of this local law.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, FARAH N. LOUIS; Committee on Housing and Buildings, April 29, 2021 (Remote Hearing).

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

Report of the Committee on Land Use

Report for L.U. No. 752

Report of the Committee on Land Use in favor of approving Application Number C 200356 PPK (69 Adams Street) submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the disposition pursuant to zoning of city- owned property located on the west side of Pearl Street between York and Front streets (Block 52, Lots 15 and 17), Borough of Brooklyn, Community District 2, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on March 18, 2021 (Minutes, page 607) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2

C 200356 PPK

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the disposition of City-owned property located on the west side of Pearl Street between York and Front streets (Block 52, Lots 15 and 17) pursuant to zoning.

INTENT

To approve the disposition of the City-owned property, to allow the transfer of development rights to an adjacent privately-owned site to facilitate the construction of a 25-story, mixed-use building with residential and commercial uses located at 69 Adams Street in the DUMBO neighborhood of Brooklyn, Community District 2.

PUBLIC HEARING

DATE: March 22, 2021

Witnesses in Favor: Eight

Witnesses Against: Seventeen

SUBCOMMITTEE RECOMMENDATION

DATE: April 21, 2021

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

In Favor:

Riley, Koo, Miller, Treyger.

Against:

Barron

Abstain:

None

COMMITTEE ACTION**DATE:** April 27, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Deutsch, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

Barron

Abstain:

None.

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

Res. No. 1620

Resolution approving the decision of the City Planning Commission on Application No. C 200356 PPK, for the disposition of city-owned property, pursuant to zoning (L.U. No. 752).

By Council Members Salamanca and Riley.

WHEREAS, the Department of Citywide Administrative Services (DCAS), filed an application pursuant to Section 197-c of the New York City Charter for the disposition of city-owned property located on the west side of Pearl Street between York and Front Streets (Block 52, Lots 15 and 17), pursuant to zoning to facilitate the construction of a 25-story, mixed-use building with residential and commercial uses located at 69 Adams Street in the DUMBO neighborhood of Brooklyn, Community District 2 (Application No. C 200356 PPK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on March 11, 2021, its decision dated March 3, 2021 (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 March 22, 2021;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 2nd, 2020 (CEQR No. 20DME004K) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200356 PPK,

incorporated by reference herein, and the record before the Council, the Council approves the Decision for the disposition of the City-owned property located at Block 52, Lots 15 and 17, pursuant to zoning.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, April 27, 2021 (Remote Hearing).

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

Report for L.U. No. 757

Report of the Committee on Land Use in favor of approving Application No. C 210109 HAK (New Penn Development I) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State and 197 c of the New York City Charter for the designation of an Urban Development Action Area and an Urban Development Action Area Project for such area, and the disposition of such property to a developer to be selected by HPD, for property located at 306 Pennsylvania Avenue (Block 3754, Lot 31), 392 Wyona Street (Block 3774, Lot 138), and 426 Wyona Street – 467 Vermont Street (Block 3791, Lot 25), Borough of Brooklyn, Community District 5, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 951) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 5

C 210109 HAK

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 306 Pennsylvania Avenue (Block 3754, Lot 31), 392 Wyona Street (Block 3774, Lot 138), and 467 Vermont Street and 426 Wyona Street (Block 3791, Lot 25) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of three new buildings containing approximately 46 affordable housing units, Borough of Brooklyn, Community District 5.

INTENT

To approve the urban development action area designation, project approval, and disposition of city-owned property pursuant to Article 16 of the General Municipal Law to facilitate the development of three new buildings with 46 affordable rental units, eight of which would be Affordable Independent Residences for Seniors (AIRS) units, in East New York, Brooklyn, Community District 5.

PUBLIC HEARING

DATE: April 6, 2021

Witnesses in Favor: Nine

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 21, 2021

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

In Favor:

Riley, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: April 27, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1621

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 210109 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 306 Pennsylvania Avenue (Block 3754, Lot 31), 392 Wyona Street (Block 3774, Lot 138), and 467 Vermont Street and 426 Wyona Street (Block 3791, Lot 25), Borough of Brooklyn, Community District 5, to a developer selected by HPD (Preconsidered L.U. No. 757; C 210109 HAK).

By Council Members Salamanca and Riley.

WHEREAS, the City Planning Commission filed with the Council on March 26, 2021 its decision dated March 17, 2021 (the "Decision"), on the application submitted by New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 306 Pennsylvania Avenue (Block 3754, Lot 31), 392 Wyona Street (Block 3774, Lot 138), and 467 Vermont Street and 426 Wyona Street (Block 3791, Lot 25), (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

to facilitate the development of three new buildings with 46 affordable rental units, eight of which would be Affordable Independent Residences for Seniors (AIRS) units, in East New York, Brooklyn, Community District 5 (ULURP No. C 210109 HAK) (the “Application”);

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

WHEREAS, by letter dated April 16, 2021 and submitted to the Council on April 16, 2021, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on April 6, 2021;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 30th, 2020 (CEQR No. 19HPD131K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Article 16 of the General Municipal Law of the New York State and Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 210109 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area pursuant to Section 197-d of the New York City Charter, to a developer to be selected by HPD for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

- | | | | |
|---------------------------------------|---|-------------|----------------------------|
| 1. PROGRAM: | NEIGHBORHOOD CONSTRUCTION PROGRAM | | |
| 2. PROJECT: | New Penn Development I | | |
| 3. LOCATION: | | | |
| a. BOROUGH: | Brooklyn | | |
| b. COMMUNITY DISTRICT: | 5 | | |
| c. COUNCIL DISTRICT: | 42 | | |
| d. DISPOSITION AREA: | <u>BLOCKS</u> | <u>LOTS</u> | <u>ADDRESSES</u> |
| | 3754 | 31 | 306 Pennsylvania Avenue |
| | 3774 | 138 | 392 Wyona Street |
| | 3791 | 25 | 426 Wyona – 467 Vermont St |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, | | |

the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 3
7. **APPROXIMATE NUMBER OF UNITS:** 46 dwelling units, plus one superintendent unit
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families with incomes between 30% and 80% of area median income (AMI). Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All units will be subject to rent stabilization.
10. **INCOME TARGETS** Up to 80% of AMI.
11. **PROPOSED FACILITIES:** None
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Negative Declaration
14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, April 27, 2021 (Remote Hearing).

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

Report for L.U. No. 758

Report of the Committee on Land Use in favor of approving Application No. 20215019 HAK (New Penn Development II – UDAAP) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project, and waiver of the area designation requirements and Sections 197-c and 197-d of the New York City Charter for property located at 791 Saratoga Avenue (Block 3583, Lot 27), 792 Rockaway Avenue (Block 3602, Lot 44), 429 Newport Street (Block 3833, Lot 47), 303 Hinsdale Street (Block 3767, Lot 5), 461 New Jersey Avenue (Block 3773, Lot 56), 432 Wyona Street (Block 3791, Lot 28), and 510 Vermont Street (Block 3790, Lot 49), Borough of Brooklyn, Community Districts 5 and 16, Council District 42.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 951) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CBs - 5 and 16

20215019 HAK

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project, and waiver of the area designation requirements and Sections 197-c and 197-d of the New York City Charter for property located at 791 Saratoga Avenue (Block 3583, Lot 27), 792 Rockaway Avenue (Block 3602, Lot 44), 429 Newport Street (Block 3833, Lot 47), 303 Hinsdale Street (Block 3767, Lot 5), 461 New Jersey Avenue (Block 3773, Lot 56), 432 Wyona Street (Block 3791, Lot 28), and 510 Vermont Street (Block 3790, Lot 49), Borough of Brooklyn, Community Districts 5 and 16, Council District 42.

INTENT

To approve the Project as an Urban Development Action Area Project at 791 Saratoga Avenue (Block 3583, Lot 27), 792 Rockaway Avenue (Block 3602, Lot 44), 429 Newport Street (Block 3833, Lot 47), 303 Hinsdale Street (Block 3767, Lot 5), 461 New Jersey Avenue (Block 3773, Lot 56), 432 Wyona Street (Block 3791, Lot 28), and 510 Vermont Street (Block 3790, Lot 49) to construct seven buildings containing a total of approximately twenty-five (25) rental dwelling units and one (1) superintendent unit.

PUBLIC HEARING

DATE: April 6, 2021

Witnesses in Favor: Nine

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 21, 2021

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:

Riley, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** April 27, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1622

Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law for property located at 791 Saratoga Avenue (Block 3583, Lot 27), 792 Rockaway Avenue (Block 3602, Lot 44), 429 Newport Street (Block 3833, Lot 47), 303 Hinsdale Street (Block 3767, Lot 5), 461 New Jersey Avenue (Block 3773, Lot 56), 432 Wyona Street (Block 3791, Lot 28), and 510 Vermont Street (Block 3790, Lot 49), Borough of Brooklyn; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community Districts 5 and 16, Borough of Brooklyn (Preconsidered L.U. No. 758; 20215019 HAK).

By Council Members Salamanca and Riley.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 31, 2021 its request dated March 31, 2021 that the Council approve an Urban Development Action Area Project (the "Project") located at 791 Saratoga Avenue (Block 3583, Lot 27), 792 Rockaway Avenue (Block 3602, Lot 44), 429 Newport Street (Block 3833, Lot 47), 303 Hinsdale Street (Block 3767, Lot 5), 461 New Jersey Avenue (Block 3773, Lot 56), 432 Wyona Street (Block 3791, Lot 28), and 510 Vermont Street (Block 3790, Lot 49), Community Districts 5 and 16, Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law; and
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, the Council held a public hearing on the Project on April 6, 2021.

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

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the designation requirement of the Disposition Area as an Urban Development Action Area pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on March 31, 2021, a copy of which is attached hereto.

ATTACHMENT:

PROJECT SUMMARY

- | | | | |
|-------------------------------|-----------------------------------|-------------|-----------------------|
| 1. PROGRAM: | NEIGHBORHOOD CONSTRUCTION PROGRAM | | |
| 2. PROJECT: | New Penn Development II | | |
| 3. LOCATION: | | | |
| a. BOROUGH: | Brooklyn | | |
| b. COMMUNITY DISTRICT: | 5 & 16 | | |
| c. COUNCIL DISTRICT: | 42 | | |
| d. DISPOSITION AREA: | | | |
| | BLOCKS | LOTS | ADDRESSES |
| | 3583 | 27 | 791 Saratoga Avenue |
| | 3602 | 44 | 792 Rockaway Avenue |
| | 3833 | 47 | 429 Newport Street |
| | 3767 | 5 | 303 Hinsdale Street |
| | 3773 | 56 | 461 New Jersey Avenue |

3791	28	432 Wyona Street
3790	49	510 Vermont Street

- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

- 5. **TYPE OF PROJECT:** New Construction

- 6. **APPROXIMATE NUMBER OF BUILDINGS:** Seven

- 7. **APPROXIMATE NUMBER OF UNITS:** 25 dwelling units, plus one super’s unit
- 8. **HOUSING TYPE:** Rental

- 9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families with incomes between 30% and 80% of area median income (AMI). Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All units will be subject to rent stabilization.

- 10. **INCOME TARGETS** Up to 80% of AMI.

- 11. **PROPOSED FACILITIES:** None

- 12. **PROPOSED CODES/ORDINANCES:** None

- 13. **ENVIRONMENTAL STATUS:** Negative Declaration

- 14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, April 27, 2021 (Remote Hearing).

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

Report for L.U. No. 764

Report of the Committee on Land Use in favor of approving Application No. C 210043 ZMK (135-137 Bedford Avenue) submitted by Dixon Advisory USA Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13a, establishing within an existing R6A District a C1-4 District and establishing within an existing R6B District a C1-4 District, Borough of Brooklyn, Community District 1, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 951) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 1****C 210043 ZMK**

City Planning Commission decision approving an application submitted by Dixon Advisory USA Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13a:

1. establishing within an existing R6A District a C1-4 District bounded by Bedford Avenue, North 10th Street, a line 100 feet southeasterly of Bedford Avenue, and a line midway between North 10th Street and North 9th Street; and
2. establishing within an existing R6B District a C1-4 District bounded by Bedford Avenue, a line midway between North 10th Street and North 9th Street, a line 100 feet southeasterly of Bedford Avenue, and North 9th Street;

as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-587.

INTENT

To approve the amendment to establish a C1-4 commercial overlay district over an existing R6A and R6B zoning districts to facilitate ground floor commercial use in a new five-story mixed-use building located at 135-137 Bedford Avenue (Block 2305, Lots 5 and 6) in Williamsburg, Community District 1, Brooklyn.

PUBLIC HEARING**DATE:** April 5, 2021**Witnesses in Favor:** Two**Witnesses Against:** One

SUBCOMMITTEE RECOMMENDATION**DATE:** April 20, 2021

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

In Favor:

Moya, Levin, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** April 27, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Brooks, Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1623

Resolution approving the decision of the City Planning Commission on ULURP No. C 210043 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 764).

By Council Members Salamanca and Moya.

WHEREAS, Dixon Advisory USA Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13a, establishing within an existing R6A District a C1-4 District and establishing within an existing R6B District a C1-4 District, Borough of Brooklyn, Community District 1 (ULURP No. C 210043 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on March 26, 2021, its decision dated March 17, 2021 (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 5, 2021;

WHEREAS, the Council has considered the land use and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued November 2nd, 2020 (CEQR No. 20DCP067K), which include an (E) Designation related to hazardous materials (E-587) (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-587) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210043 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 13a:

1. establishing within an existing R6A District a C1-4 District bounded by Bedford Avenue, North 10th Street, a line 100 feet southeasterly of Bedford Avenue, and a line midway between North 10th Street and North 9th Street; and
2. establishing within an existing R6B District a C1-4 District bounded by Bedford Avenue, a line midway between North 10th Street and North 9th Street, a line 100 feet southeasterly of Bedford Avenue, and North 9th Street;

as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-587, Community District 1, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, April 27, 2021 (Remote Hearing).

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

Report for L.U. No. 765

Report of the Committee on Land Use in favor of approving Application No. N 210095 ZRY (Zoning for Coastal Flood Resiliency) 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, to modify the flood resiliency provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), and related Sections, Citywide.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 953), respectfully

REPORTS:**SUBJECT****CITYWIDE****N 210095 ZRY**

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, to modify the flood resiliency provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), and related Sections.

INTENT

To approve the amendment of Article VI, Chapter 4 and related Sections of the text of the Zoning Resolution, to update and make permanent the provisions in the Flood Resilience Zoning Text adopted in 2013 and Special Regulations for Neighborhood Recovery adopted in 2015.

PUBLIC HEARING**DATE:** April 5, 2021**Witnesses in Favor:** Eight**Witnesses Against:** Two**SUBCOMMITTEE RECOMMENDATION****DATE:** April 20, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 765.

In Favor:

Moya, Levin, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** April 27, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, April 27, 2021 (Remote Hearing).

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

Report for L.U. No. 766

Report of the Committee on Land Use in favor of approving Application No. C 210130 ZMK (Resilient Neighborhoods: Gerritsen Beach) submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 29a, eliminating from within an existing R4 District a C1-2 District, eliminating from within an existing R4 District a C2-2 District, changing from an R4 District to an R4-1 District, changing from a C3 District to an R4-1 District, changing from an R4 District to a C3A District, changing from a C3 District to an C3A District, establishing within an existing R4 District a C2-3 District, and establishing a Special Coastal Risk District, Borough of Brooklyn, Community District 15, Council District 46.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 953) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT**

BROOKLYN CB-15 - TWO APPLICATIONS RELATED TO RESILIENT NEIGHBORHOODS: GERRITSEN BEACH

C 210130 ZMK (Pre. L.U. No. 766)

City Planning Commission decision approving an application submitted by New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29A:

1. eliminating from within an existing R4 District a C1-2 District bounded by:
 - a. Gerritsen Avenue, Bijou Avenue, Aster Court, and Allen Avenue;
 - b. Gerritsen Avenue, Devon Avenue, Aster Court, and Channel Avenue; and
 - c. Gerritsen Avenue, Bartlett Place, a line 100 feet southwesterly of Gerritsen Avenue, Florence Avenue, Aster Court, and Everett Avenue;
2. eliminating from within an existing R4 District a C2-2 District bounded by Gerritsen Avenue, Everett Avenue, Aster Court, and Devon Avenue;
3. changing from an R4 District to an R4-1 District property bounded by Aster Court, Florence Avenue, a line 100 feet southwesterly of Gerritsen Avenue, Bartlett Place, Abbey Court, Seba Avenue and its northeasterly centerline prolongation, a southwesterly and northerly boundary line of Brooklyn Marine Park, the centerline of Shell Bank Creek and its southeasterly prolongation, the centerline of Canal and its southwesterly prolongation, Knight Court and its southeasterly centerline prolongation, Everett Avenue, a line midway between Ira Court and Joval Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Devon Avenue, a line midway between Fane Court and Garland Court, a line midway between Channel Avenue and Devon Avenue, a line midway between Ebony Court and Fane Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Channel Avenue, Dictum Court, Bijou Avenue, Ebony Court, and Allen Avenue;
4. changing from a C3 District to an R4-1 District property bounded by:
 - a. Dictum Court, Channel Avenue, a line midway between Dictum Court and Ebony Court, and Bijou Avenue;
 - b. Channel Avenue, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, and a line midway between Ebony Court and Fane Court; and
 - c. Devon Avenue, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, and a line midway between Ira Court and Joval Court;
5. changing from an R4 District to a C3A District property bounded by:
 - a. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Ebony Court and Fane Court, and a line midway between Channel Avenue and Devon Avenue;
 - b. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Fane Court and Garland Court, and Devon Avenue; and

- c. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Ira Court and Joval Court, and Everett Avenue;
6. changing from a C3 District to an C3A District property bounded by Allen Avenue, Ebony Court, Bijou Avenue, a line midway between Dictum Court and Ebony Court, Channel Avenue, a line midway between Ebony Court and Fane Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Devon Avenue, a line midway between Ira Court and Joval Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Knight Court and its southeasterly centerline prolongation, the centerline of Canal and its southwesterly prolongation, the centerline of Shell Bank Creek and its northerly prolongation, Avenue X, Knapp Street, and Allen Avenue;
 7. establishing within an existing R4 District a C2-3 District bounded by:
 - a. Gerritsen Avenue, Bijou Avenue, a line midway between Gerritsen Avenue and Aster Court, and Allen Avenue; and
 - b. Gerritsen Avenue, Bartlett Place, a line 50 feet southwesterly of Gerritsen Avenue, Florence Avenue, a line midway between Gerritsen Avenue and Aster Court, and Channel Avenue; and
 8. establishing a Special Coastal Risk District bounded by Aster Court, Florence Avenue, a line 100 feet southwesterly of Gerritsen Avenue, Bartlett Place, Abbey Court, Seba Avenue and its northeasterly centerline prolongation, a southwesterly and northerly boundary line of Brooklyn Marine Park, the centerline of Shell Bank Creek and its southeasterly and northerly prolongations, Avenue X, Knapp Street and Allen Avenue;

as shown on a diagram (for illustrative purposes only) dated October 19, 2020, Community District 15, Borough of Brooklyn.

N 210131 ZRK (Pre. L.U. No. 767)

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XIII, Chapter 7 (Special Coastal Risk District) to establish the Gerritsen Beach Special Coastal Risk District.

INTENT

To approve zoning map amendment to eliminate from within an existing R4 District a C1-2 District, eliminate from within an existing R4 District a C2-2 District, change from an R4 District to an R4-1 District, change from a C3 District to an R4-1 District, change from an R4 District to a C3A District, change from a C3 District to an C3A District, establish within an existing R4 District a C2-3 District, and amend zoning text to establish a Special Coastal Risk District designation to improve flood resiliency that will limit the scale of future

development and allow for adaptation over time, affecting all or portions of 20 blocks of the Gerritsen Beach neighborhood in Community District 15, Brooklyn.

PUBLIC HEARING

DATE: April 5, 2021

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 20, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. Nos. 766 and 767.

In Favor:

Moya, Levin, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: April 27, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1624

Resolution approving the decision of the City Planning Commission on ULURP No. C 210130 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 766).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Department of City Planning filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, eliminating from within an existing R4 District a C1-2 District, eliminating from within an existing R4 District a C2-2 District, changing from an R4 District to an R4-1 District, changing from a C3 District to an R4-1 District, changing from an R4 District to a C3A District, changing from a C3 District to an C3A District, establishing within an existing R4 District a C2-3 District, and establishing a Special Coastal Risk District, which in conjunction with the related action which will affect all or portions of 20 blocks in the neighborhood of Gerritsen Beach in Brooklyn, Community District 15 (ULURP No. C 210130 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on March 26, 2021 its decision dated March 17, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210131 ZRK (Pre. L.U. No. 767), a zoning text amendment (Article XIII, Chapter 7) to designate a new Special Coastal Risk District;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 5, 2021;

WHEREAS, the Council has considered the land use and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 19th, 2020 (CEQR No. 21DCP051K) (the "Negative Declaration");

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210130 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 29a:

1. eliminating from within an existing R4 District a C1-2 District bounded by:
 - a. Gerritsen Avenue, Bijou Avenue, Aster Court, and Allen Avenue;
 - b. Gerritsen Avenue, Devon Avenue, Aster Court, and Channel Avenue; and
 - c. Gerritsen Avenue, Bartlett Place, a line 100 feet southwesterly of Gerritsen Avenue, Florence Avenue, Aster Court, and Everett Avenue;

2. eliminating from within an existing R4 District a C2-2 District bounded by Gerritsen Avenue, Everett Avenue, Aster Court, and Devon Avenue;
3. changing from an R4 District to an R4-1 District property bounded by Aster Court, Florence Avenue, a line 100 feet southwesterly of Gerritsen Avenue, Bartlett Place, Abbey Court, Seba Avenue and its northeasterly centerline prolongation, a southwesterly and northerly boundary line of Brooklyn Marine Park, the centerline of Shell Bank Creek and its southeasterly prolongation, the centerline of Canal and its southwesterly prolongation, Knight Court and its southeasterly centerline prolongation, Everett Avenue, a line midway between Ira Court and Joval Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Devon Avenue, a line midway between Fane Court and Garland Court, a line midway between Channel Avenue and Devon Avenue, a line midway between Ebony Court and Fane Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Channel Avenue, Dictum Court, Bijou Avenue, Ebony Court, and Allen Avenue;
4. changing from a C3 District to an R4-1 District property bounded by:
 - a. Dictum Court, Channel Avenue, a line midway between Dictum Court and Ebony Court, and Bijou Avenue;
 - b. Channel Avenue, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, and a line midway between Ebony Court and Fane Court; and
 - c. Devon Avenue, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, and a line midway between Ira Court and Joval Court;
7. changing from an R4 District to a C3A District property bounded by:
 - a. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Ebony Court and Fane Court, and a line midway between Channel Avenue and Devon Avenue;
 - b. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Fane Court and Garland Court, and Devon Avenue; and
 - c. a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, a line midway between Ira Court and Joval Court, and Everett Avenue;
8. changing from a C3 District to an C3A District property bounded by Allen Avenue, Ebony Court, Bijou Avenue, a line midway between Dictum Court and Ebony Court, Channel Avenue, a line midway between Ebony Court and Fane Court, a line connecting two points- the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection

of Ebony Court and Channel Avenue, Devon Avenue, a line midway between Ira Court and Joval Court, a line connecting two points - the first at the midpoint of the intersection of Everett Avenue and Knight Court and the second at the midpoint of the intersection of Ebony Court and Channel Avenue, Knight Court and its southeasterly centerline prolongation, the centerline of Canal and its southwesterly prolongation, the centerline of Shell Bank Creek and its northerly prolongation, Avenue X, Knapp Street, and Allen Avenue;

9. establishing within an existing R4 District a C2-3 District bounded by:
 - a. Gerritsen Avenue, Bijou Avenue, a line midway between Gerritsen Avenue and Aster Court, and Allen Avenue; and
 - b. Gerritsen Avenue, Bartlett Place, a line 50 feet southwesterly of Gerritsen Avenue, Florence Avenue, a line midway between Gerritsen Avenue and Aster Court, and Channel Avenue; and
10. establishing a Special Coastal Risk District bounded by Aster Court, Florence Avenue, a line 100 feet southwesterly of Gerritsen Avenue, Bartlett Place, Abbey Court, Seba Avenue and its northeasterly centerline prolongation, a southwesterly and northerly boundary line of Brooklyn Marine Park, the centerline of Shell Bank Creek and its southeasterly and northerly prolongations, Avenue X, Knapp Street and Allen Avenue;

as shown on a diagram (for illustrative purposes only) dated October 19, 2020, Community District 15, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, April 27, 2021 (Remote Hearing).

Laid Over by the Council.

Report for L.U. No. 767

Report of the Committee on Land Use in favor of approving Application No. N 210131 ZRK (Resilient Neighborhoods: Gerritsen Beach) submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XIII, Chapter 7 (Special Coastal Risk District) to establish the Gerritsen Beach Special Coastal Risk District, Borough of Brooklyn, Community District 15, Council District 46.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 953) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 766 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1625

Resolution approving the decision of the City Planning Commission on Application No. N 210131 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 767).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Department of City Planning filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article XIII, Chapter 7 (Special Coastal Risk District) to establish the Gerritsen Beach Special Coastal Risk District, which in conjunction with the related action which will affect all or portions of 20 blocks in the neighborhood of Gerritsen Beach in Brooklyn, Community District 15 (ULURP No. N 210131 ZRK), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on March 26, 2021, its decision dated March 17, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 210130 ZMK (Pre. L.U. No. 766), a zoning map amendment to rezone all or portions of 20 blocks;

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 5, 2021;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 19th, 2020 (CEQR No. 21DCP051K) (the “Negative Declaration”);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210131 ZRK, 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 XIII
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 7
Special Coastal Risk District (CR)**

* * *

**137-11
District Plan and Maps**

The District Maps are located in the Appendix to this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

- Map 1 #Special Coastal Risk District# 1 (CR-1), in Broad Channel, Community District 14, Borough of Queens
- Map 2 #Special Coastal Risk District# 2 (CR-2), in Hamilton Beach, Community District 10, Borough of Queens
- Map 3 #Special Coastal Risk District# 3 (CR-3), encompassing New York State Enhanced Buyout Areas in Graham Beach and Ocean Breeze, Community District 2, Borough of Staten Island
- Map 4 #Special Coastal Risk District# 3 (CR-3), encompassing New York State Enhanced Buyout Areas in Oakwood Beach, Community District 3, Borough of Staten Island.
- Map 5 #Special Coastal Risk District# 4 (CR-4), in Gerritsen Beach, Community District 15, Borough of Brooklyn.

**137-12
Applicability of Special Regulations**

The special #use# and #bulk# regulations of this Chapter shall apply in the #Special Coastal Risk District# as set forth in the following table:

SPECIAL REGULATIONS

#Special Coastal Risk District#	#Residential Use# (137-21)	#Community Facility Use# (137-22)	Modified #Bulk# Requirements (137-31)	Modifications to Article V (137-40)	Special Requirements (137-50)
CR-1 (Broad Channel, Queens)	x	x			
CR-2 (Hamilton Beach, Queens)	x	x	x		
CR-3 (buyout)	x	x		x	x

areas, Staten Island)					
<u>CR-4 (Gerritsen Beach, Brooklyn)</u>	<u>x</u>	<u>x</u>	<u>x</u>		

137-20

SPECIAL USE REGULATIONS

The special #use# regulations of this Section 137-20, inclusive, shall apply in the #Special Coastal Risk Districts# as set forth in the table in Section 137-12 (Applicability of Special Regulations).

137-21

Residential Use

In #Special Coastal Risk Districts# 1 and 3, #residential uses# shall be limited to #single-family detached residences# and #accessory uses# as set forth in Section 22-11 (Use Group 1).

In #Special Coastal Risk District# 2, #residential uses# shall be limited to #single-# or #two-family detached residences# and #accessory uses# as set forth in paragraphs A. and B. of Section 22-12 (Use Group 2).

In #Special Coastal Risk District# 4, #residential uses# shall be permitted as follows:

- a) for #zoning lots# with a #lot area# of less than 3,000 square feet, #residential uses# shall be limited to #detached# or #semi-detached single-family residences#; and
- b) for #zoning lots# with a #lot area# of 3,000 square feet or more, #residential uses# shall be limited to #detached# or #semi-detached# #single-# or #two-family residences#.

The inclusion of #accessory residential uses# shall not be precluded by the provisions of this Section.

* * *

137-30

SPECIAL BULK REGULATIONS

* * *

137-32

Height and Setback Regulations

[Note: Proposed Section 64-333 is part of a separate land use application: Zoning for Coastal Flood Resiliency (N 210095 ZRY)]

In #Special Coastal Risk District# 4, all #detached# or #semi-detached# #single-# or #two-family residences# shall be subject to the height and setback provisions set forth in Section 64-333 (Height and setback regulations for cottage envelope buildings).

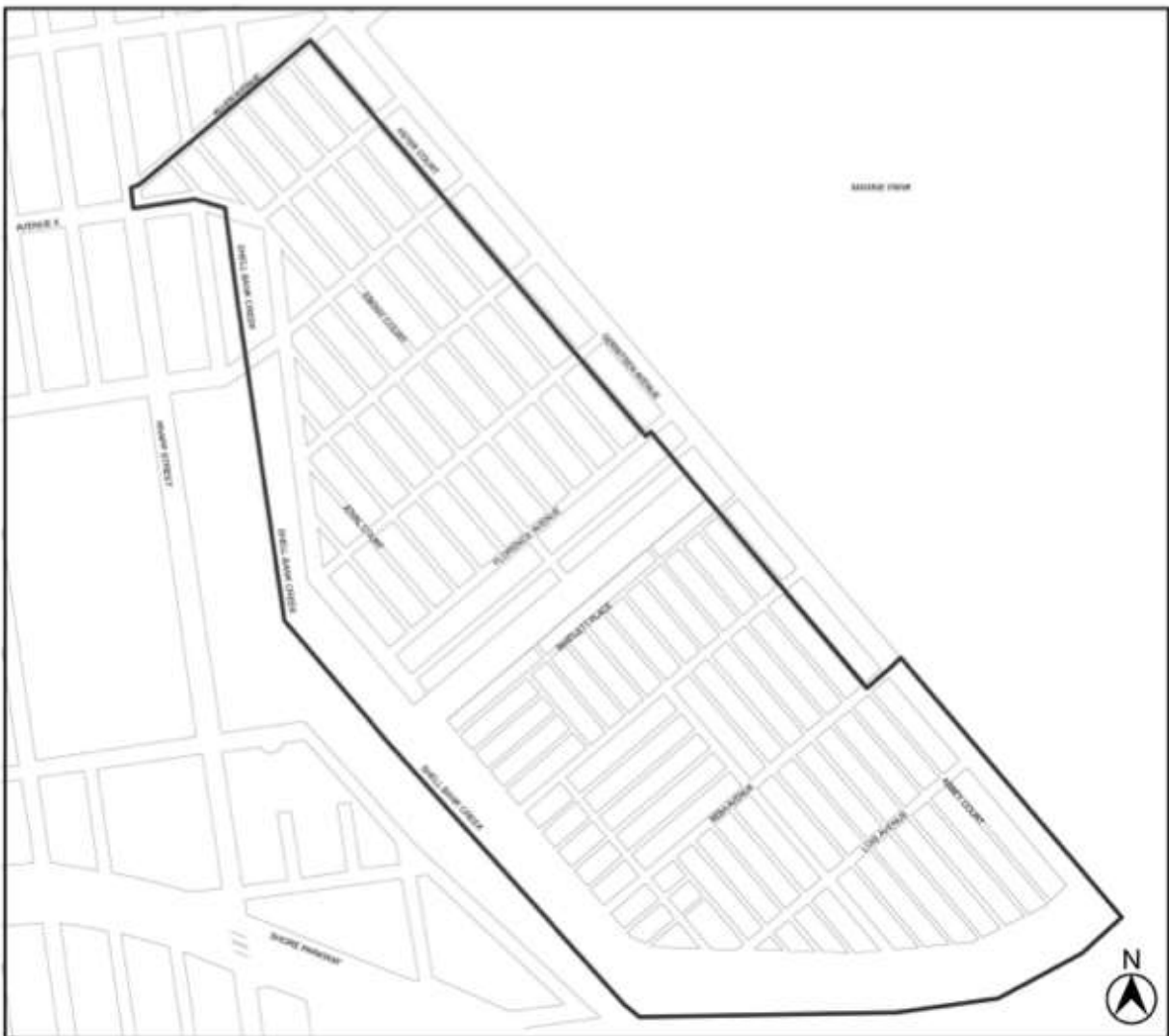
137-40
SPECIAL APPLICABILITY OF ARTICLE V

* * *

APPENDIX
Special Coastal Risk District Plan

Map 5 – Special Coastal Risk District 4, in Gerritsen Beach, Community District 15, Borough of Brooklyn
[date of adoption]

[PROPOSED MAP]



 District boundary

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, April 27, 2021 (Remote Hearing).

Laid Over by the Council.

Report for L.U. No. 768

Report of the Committee on Land Use in favor of approving Application No. N 210132 ZRK (Resilient Neighborhoods: Special Sheepshead Bay District) submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article IX, Chapter 4 (Special Sheepshead Bay District) to facilitate flood-resilient construction and open space design, Borough of Brooklyn, Community District 15, Council District 48.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 954) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 15N 210132 ZRK

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article IX, Chapter 4 (Special Sheepshead Bay District) to facilitate flood-resilient construction and open space design.

INTENT

To approve an amendment of the zoning text to establish design requirements for plazas that help activate the public realm, such as planting, seating, and maintenance standards, while incorporating resilient design features, such as salt-tolerant planting; eliminate the Arcade Bonus; and eliminate the sidewalk widening requirement for developments that provide a plaza, as such requirement is onerous and unnecessary given the width of Emmons Avenue, to improve resiliency in Special Sheepshead Bay District (SSBD) public open spaces through flood-resilient and quality open space design standards, which will affect all or portions of 21 blocks in the Sheepshead Bay neighborhood of Brooklyn, Community District 15.

PUBLIC HEARING

DATE: April 5, 2021

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** April 20, 2021

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

In Favor:

Moya, Levin, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** April 27, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1626

Resolution approving the decision of the City Planning Commission on Application No. N 210132 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 768).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Department of City Planning filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article IX, Chapter 4 (Special Sheepshead Bay District) to facilitate flood-resilient construction and open space design, in the Sheepshead Bay neighborhood of Brooklyn Community District 15 (Application No. N 210132 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on March 26, 2021, its decision dated March 17, 2021 (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 5, 2021;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 19th, 2020 (CEQR No. 21DCP050K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210132 ZRK, 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 4
Special Sheepshead Bay District (SB)**

**94-00
GENERAL PURPOSES**

The “Special Sheepshead Bay District,” established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to promote and strengthen the unique character of the “Special Sheepshead Bay District” area as a prime location for waterfront-related commercial and recreational development and to help attract a useful cluster of shops, restaurants and related activities, which will complement and enhance the area as presently existing;

- (b) to encourage the provision of housing with appropriate amenities in areas suitable for residential development;
- (c) to improve vehicular and pedestrian circulation patterns by requiring limited curb cuts and uniform sidewalk widening, and encouraging the provision of public open space and other amenities as a related part of new development;
- (d) to provide an incentive for redevelopment of the area in a manner consistent with the foregoing objectives which are integral elements of the Comprehensive Plan of the City of New York; ~~and~~
- (e) to facilitate flood-resilient construction and open space design to reduce the potential for property damage and disruption from regular flood events; and
- ~~(e)~~(f) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenues.

* * *

94-07
Mandatory Provisions

* * *

94-071
Sidewalk extension area

All #developments# which are located on a #zoning lot# with frontage along Emmons Avenue, Sheepshead Bay Road, Ocean Avenue, Bedford Avenue or Nostrand Avenue shall contain a sidewalk extension area, which complies with the following requirements:

- (a) has a minimum depth of five feet, measured perpendicular to such #street lines#;
- (b) extends the full length of the #zoning lot# along such #street lines#, except for existing #buildings# within five feet of the #street line#;
- (c) is open and unobstructed from its lowest level to the sky;
- (d) maintains continuity with the established sidewalk, to which it shall be immediately adjacent throughout its entire length;
- (e) is available for public use at all times; and
- (f) has a paved surface which complies with standards as established by the New York City Department of Transportation.

No sidewalk extension area shall be required along any portion of a #street line# where a plaza is provided in accordance with the provisions of Sections 94-072 (Special plaza provisions) or 94-081 (Plaza bonus).

94-072
Special plaza provisions

In Areas A, C and E, all #development# that are located on a #zoning lot# with frontage along Emmons Avenue, except for a #zoning lot# of less than 8,000 square feet that was in existence as of November 1, 1972, shall provide and maintain a plaza for public use which complies with the following requirements:

- (a) The plaza shall #abut# the Emmons Avenue #street line# along the full length of such #lot line# or for a distance of at least 50 feet, whichever is less.
- (b) The plaza shall be directly accessible to the public at all times from Emmons Avenue ~~or an #arcade# or a plaza.~~
- (c) The size of the plaza shall be at least 4,000 square feet in one location ~~and shall not at any point be more than two feet below or five feet above #street# level,~~ with a minimum dimension of 35 feet, and shall comply with the provisions of Section 94-20 (DESIGN REQUIREMENTS FOR PLAZAS). ~~At least 15 percent of the plaza area shall be landscaped and planted with trees, except, when a #zoning lot abutting# both Dooley Street and Emmons Avenue is #developed#, such landscaping shall be at least 75 percent of the total plaza area provided with such #development#.~~
- (d) ~~The plaza shall contain lighting, pedestrian walks and sitting areas.~~
- (e) ~~No portion of a plaza area shall be used for parking or driveways.~~
- (f) ~~A plaza may include as permitted obstructions, sculptures, kiosks, or open cafes occupying in the aggregate not more than 30 percent of the total plaza area. Ice skating rinks are also allowed as permitted obstructions within such plazas only for the months from October through March, provided the minimum area of such plaza is 7,500 square feet. Exterior wall thickness, awnings and other sun control devices, pursuant to Section 37-726, shall also be allowed as permitted obstructions.~~

94-08 Special Floor Area Bonus Provisions

* * *

94-081 Plaza bonus

In Areas A, C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet which complies with the mandatory provisions of Section 94-07 (Mandatory Provisions) shall be eligible for a #floor area# bonus at the rate of 3.5 square feet of #floor area# for every square foot of plaza area.

In Areas A, C, D, E and F, any #development# on a #zoning lot# which provides and maintains a plaza for public use shall be eligible for a #floor area# bonus, in accordance with the following provisions:

- (a) the #development# shall contain a minimum area of 20,000 square feet;
- (b) the plaza shall comply with the following minimum area requirements:
 - (1) in Areas A, C, D and E, the plaza shall be at least 4,000 square feet in one location, with a minimum dimension of 35 feet;
 - (2) in Area F, the plaza shall be at least 5,000 square feet in one location, with a minimum dimension of 50 feet;

- (c) the plaza shall not be located within 30 feet of the Leif Ericson Drive service road;
- (d) the plaza shall comply with the provisions of Section 94-20 (DESIGN REQUIREMENTS FOR PLAZAS); and
- (e) the #development# shall be eligible for a #floor area# bonus as follows:
 - (1) in Areas A, C, D, and E, the #floor area# bonus shall be at a rate of 3.5 square feet of #floor area# for every square foot of plaza area;
 - (2) in Area F, the #floor area# bonus shall be at a rate of one square foot of #floor area# for every two square feet of plaza area.

94-082**~~Arcade bonus~~****Special parking bonus**

[Note: Existing text to be deleted]

~~In Areas A, C, D or E, any #development# located on a #zoning lot# with a #lot line# which coincides with any of the following #street lines#: Sheepshead Bay Road, Ocean Avenue or Emmons Avenue, shall be eligible for a #floor area# bonus at the rate of three square feet of #floor area# for every square foot of #arcade# space, as defined in Section 12-10, except that:~~

- ~~(a) #arcades# shall be allowed only along the #street lines# described above and plazas;~~
- ~~(b) the #arcade# may project or set back from the facade of a #building#;~~
- ~~(c) the #arcade# shall not be less than 10 feet or more than 15 feet in depth;~~
- ~~(d) the #arcade# shall be suitably heated for the months from October through March; and~~
- ~~(e) no #signs# may be affixed to any part of the #arcade# or #building# columns, except on a parallel to the #building# wall projecting no more than 12 inches therefrom.~~

[Note: Text moved from Section 94-083]

In Areas C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for every square foot of #accessory commercial# parking space above the minimum amount required by the underlying district regulations and made available for daily long-term parking.

To be eligible for a #floor area# bonus under the provisions of this Section, there shall be at least five additional parking spaces provided and the size of each parking space shall be at least 300 square feet. In no event shall the dimension of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

94-083**Special parking bonus**

[Note: Existing text moved to Section 94-082]

~~In Areas C, D or E, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for every square foot of #accessory commercial# parking space above the minimum amount required by the underlying district regulations and made available for daily long term parking.~~

~~To be eligible for a #floor area# bonus under the provisions of this Section, there shall be at least five additional parking spaces provided and the size of each parking space shall be at least 300 square feet. In no event shall the dimension of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.~~

94-084
Usable open space bonus

[Note: Existing text moved to Section 94-081 and modified]

~~In Area F, any #development# on a #zoning lot# with a minimum area of 20,000 square feet shall be eligible for a #floor area# bonus at the rate of one square foot of #floor area# for every two square feet of usable open space. The minimum size of such usable open space on a #zoning lot# shall be 5,000 square feet with a minimum dimension of 50 feet. The usable open space shall be suitably maintained and shall contain landscaping, planting, lighting, sitting areas and, where appropriate, play areas for children. Such usable space shall be located no more than two feet below or five feet above the #curb level#. No portion of the usable open space shall be provided within 30 feet of the Leif Ericson Drive service road, and no portion of the usable open space shall be used for parking or driveways.~~

* * *

94-11
Special Parking Provisions

* * *

94-113
Treatment of parking areas

Any parking facilities in the Special District that are not completely enclosed shall be screened by shrubbery at least three feet high at the time of planting and expected to form a year-round dense screen at least five feet high within three years. When roof parking is provided, it shall be screened where it is visible from a #street#, or plaza ~~or public usable open space~~.

* * *

94-115
Location of commercial parking spaces

In Area F, #accessory# off-street parking spaces for #commercial uses# may be located outside the commercially zoned area but within 600 feet of the #building# to which it is #accessory#, only if an area equal

to the #lot area# occupied by the parking in the #residential# area is provided as a #public plaza# plaza in the commercially zoned area to which the parking is #accessory#.

* * *

94-20
DESIGN REQUIREMENTS FOR PLAZAS

Where a plaza within the #Special Sheepshead Bay District# is provided in accordance with the provisions of this Chapter, such plaza shall comply with the applicable minimum design standards set forth in this Section.

(a) Design criteria

(1) Basic design criteria

Plazas shall comply with the standards set forth in paragraphs (a) and (b) of Sections 37-715 (Requirements for major portions of public plazas), 37-716 (Requirements for minor portions of public plazas), and 37-718 (Paving).

(2) Access and circulation

Plazas shall meet the requirements set forth in Section 37-721 (Sidewalk frontage), and Sections 37-723 (Circulation paths) through 37-726 (Permitted obstructions), inclusive. Hours of access shall be governed by Section 37-727 (Hours of access). Accessibility for persons with disabilities shall be provided in compliance with Section 37-728 (Standards of accessibility for persons with disabilities).

Plazas shall be located no lower than #curb level#.

(3) Kiosks and open air cafes

Kiosks or open air cafes shall meet the operational and service requirements as set forth in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes), as applicable. In addition, kiosks may be placed on plazas upon certification by the Chairperson of the City Planning Commission as set forth in paragraph (c) of Section 37-73.

(4) Seating

Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating).

(5) Planting and trees

Plazas shall provide planting areas in compliance with Section 37-742 (Planting and trees). All planted areas shall consist of salt-tolerant species recommended by the Department of Parks and Recreation.

(6) Lighting and electrical power

All plazas shall provide lighting and electrical power pursuant to the standards set forth in Section 37-743 (Lighting and electrical power).

(7) Litter receptacles

All plazas shall provide litter receptacles pursuant to the standards set forth in Section 37-744 (Litter receptacles).

(8) Bicycle parking

All plazas shall provide bicycle parking pursuant to the standards set forth in Section 37-745 (Bicycle parking).

(9) Drinking fountains

A minimum of one drinking fountain shall be provided in all plazas.

(10) Signs

All plazas shall provide entry and information plaques that contain the words “Open to the public” and information regarding the hours of access. Prohibition and accessory signage may be provided pursuant to the standards set forth in Sections 37-752 (Prohibition signs) and 37-753 (Accessory signs).

(b) Maintenance

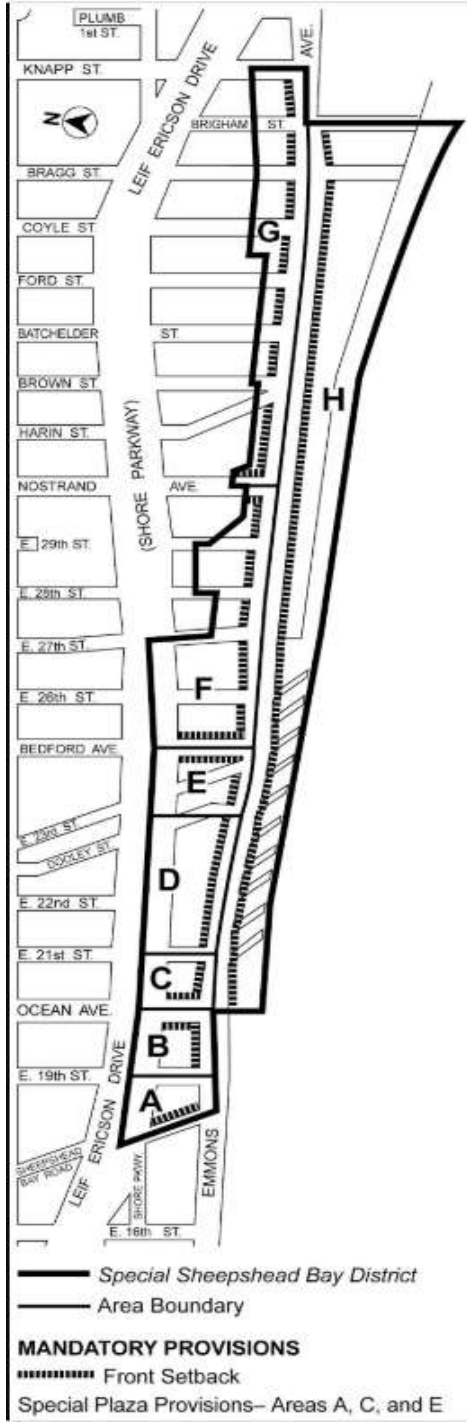
The owner shall be responsible for the maintenance of all plazas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation within the #zoning lot#.

(c) Compliance

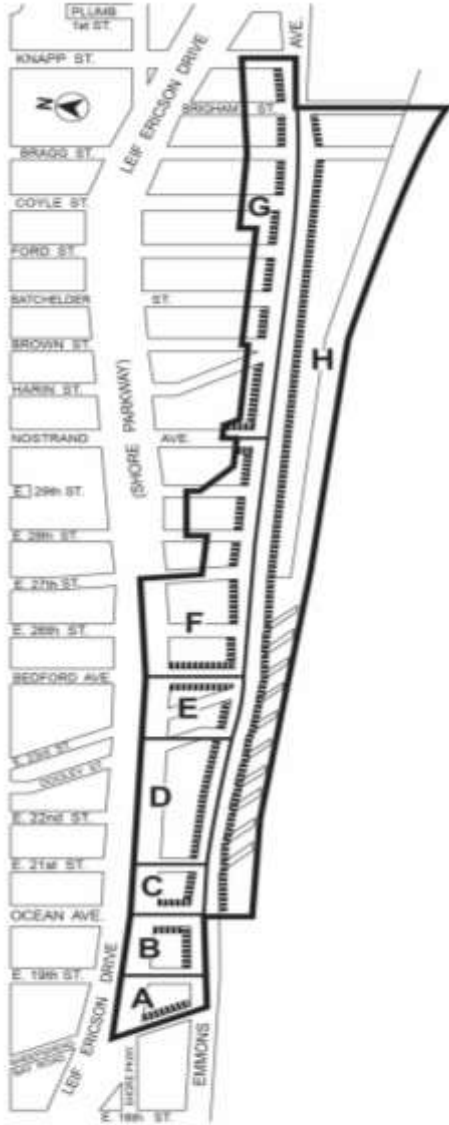
Plazas shall be governed by the compliance requirements of Section 94-13 (Certification).



**Appendix A
Special Sheepshead Bay District Map**


[EXISTING MAP]



[PROPOSED MAP]



 *Special Sheephead Bay District*
 *Area Boundary*

MANDATORY PROVISIONS
 Sidewalk Extension Area
 Special Plaza Provisions – Areas A, C and E

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, April 27, 2021 (Remote Hearing).

Laid Over by the Council.

Report for L.U. No. 769

Report of the Committee on Land Use in favor of approving Application No. C 210133 ZMQ (Resilient Neighborhoods: Old Howard Beach) submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 18b, changing from an R3-1 District to a R3X District, changing from an R3-2 District to an R3X District, and changing from an R3-2 District to an R3-1 District, Borough of Queens, Community District 10, Council District 32.

The Committee on Land Use, to which the annexed Land Use item was referred on April 22, 2021 (Minutes, page 954) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 10

C 210133 ZMQ

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18b, by:

1. changing from an R3-1 District to a R3X District property bounded by:
 - a. 157th Avenue, a southwesterly boundary line of the NYC Transit Authority Railroad Right-Of-Way (Rockaway Beach Division), 159th Avenue, 102nd Street, a line 370 feet northerly of 160th Avenue, a line midway between 101st Street and 102nd Street, 160th Avenue, 102nd Street, a line 100 feet southerly of 160th Avenue, the northerly prolongation of the U.S. Pierhead and Bulkhead Line of Hawtree Basin (westerly portion), 160th Avenue, 95th Street, 164th Avenue, the U.S. Pierhead and Bulkhead Line of Shellbank Basin (easterly and northerly portions), and the southerly prolongation of the westerly street line of 94th Street; and
 - b. 164th Avenue, the U.S. Pierhead and Bulkhead line of Hawtree Basin (westerly portion), the northerly boundary line of a park (F.M. Charles Memorial Park), the U.S. Pierhead and Bulkhead line of Shellbank Basin (easterly portion), 165th Avenue, and a line midway between 95th Street and 96th Street;
2. changing from an R3-2 District to an R3X District property bounded by 155th Avenue and its northwesterly centerline prolongation, a line midway between Lahn Street and Huron Street, 156th Avenue, a line midway between Huron Street and Bridgeton Street, 155th Avenue, a southwesterly boundary line of the NYC Transit Authority Railroad Right-of-Way (Rockaway Beach Division), 157th Avenue, 94th Street, 156th Avenue, and a line 100 feet northwesterly of Killarney Street; and

- 3. changing from an R3-2 District to an R3-1 District property bounded by 155th Avenue, a line midway between Huron Street and Bridgeton Street, 156th Avenue, and a line midway between Lahn Street and Huron Street;

as shown on a diagram (for illustrative purposes only) dated October 19, 2020.

INTENT

To approve the zoning amendment to replace the project area from R3-1 and R3-2 to R3X and R3-2 to R3-1 zoning districts to bolster resiliency in a flood-prone area by limiting future development to detached and semi-detached buildings in the Old Howard Beach neighborhood of Queens, Community District 10.

PUBLIC HEARING

DATE: April 5, 2021

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: April 20, 2021

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

In Favor:

Moya, Levin, Grodenchik, Ayala, Rivera, Borelli.

Against:
None

Abstain:
None

COMMITTEE ACTION

DATE: April 27, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

Against:
None

Abstain:
None

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

Res. No. 1627

Resolution approving the decision of the City Planning Commission on ULURP No. C 210133 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 769).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Department of City Planning filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18b, changing from an R3-1 District to a R3X District, changing from an R3-2 District to an R3X District, and changing from an R3-2 District to an R3-1 District, in the Old Howard Beach neighborhood of Queens, Community District 10 (ULURP No. C 210133 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on March 26, 2021, its decision dated March 17, 2021 (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 5, 2021;

WHEREAS, the Council has considered the land use and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 19th, 2020 (CEQR No. 21DCP052Q);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210133 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 18b:

1. changing from an R3-1 District to a R3X District property bounded by:
 - a. 157th Avenue, a southwesterly boundary line of the NYC Transit Authority Railroad Right-Of-Way (Rockaway Beach Division), 159th Avenue, 102nd Street, a line 370 feet northerly of 160th Avenue, a line midway between 101st Street and 102nd Street, 160th Avenue, 102nd Street, a line 100 feet southerly of 160th Avenue, the northerly prolongation of the U.S. Pierhead and Bulkhead Line of Hawtree Basin (westerly portion), 160th Avenue, 95th Street,

164th Avenue, the U.S. Pierhead and Bulkhead Line of Shellbank Basin (easterly and northerly portions), and the southerly prolongation of the westerly street line of 94th Street; and

- b. 164th Avenue, the U.S. Pierhead and Bulkhead line of Hawtree Basin (westerly portion), the northerly boundary line of a park (F.M. Charles Memorial Park), the U.S. Pierhead and Bulkhead line of Shellbank Basin (easterly portion), 165th Avenue, and a line midway between 95th Street and 96th Street;
2. changing from an R3-2 District to an R3X District property bounded by 155th Avenue and its northwesterly centerline prolongation, a line midway between Lahn Street and Huron Street, 156th Avenue, a line midway between Huron Street and Bridgeton Street, 155th Avenue, a southwesterly boundary line of the NYC Transit Authority Railroad Right-of-Way (Rockaway Beach Division), 157th Avenue, 94th Street, 156th Avenue, and a line 100 feet northwesterly of Killarney Street; and
3. changing from an R3-2 District to an R3-1 District property bounded by 155th Avenue, a line midway between Huron Street and Bridgeton Street, 156th Avenue, and a line midway between Lahn Street and Huron Street;

as shown on a diagram (for illustrative purposes only) dated October 19, 2020, Community District 10, Borough of Queens.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, April 27, 2021 (Remote Hearing).

Laid Over by the Council.

Report of the Committee on Transportation

Report for Int. No. 1933-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the open streets program.

The Committee on Transportation to which the annexed proposed amended local law was referred on April 22, 2020 (Minutes, page 855), respectfully

REPORTS:

INTRODUCTION

On April 29, 2021, the Committee on Transportation, Chaired by Council Member Ydanis Rodriguez, will hold a hearing to vote on Proposed Int. No. 1933-A, a Local Law to amend the administrative code of the city of New York, in relation to the open streets program. Proposed Int. No. 1933-A has been amended from its

original version, and would require that the DOT operate an open streets program, which would provide street space to pedestrians and other non-vehicle street users. The proposed legislation would create a process for community organizations to apply to operate an open street, with DOT annually evaluating open streets to determine further design changes.

The legislation was originally introduced in response to the novel coronavirus (“COVID-19”) pandemic that has/is impacting New York City (NYC) and the world. A previous hearing on this legislation was held on April 24, 2020. At this hearing, the Committee heard from representatives of the NYC Department of Transportation (“DOT”), the NYC Police Department (“NYPD”), the NYC Fire Department (“FDNY”), transportation advocates, and other stakeholders.

BACKGROUND

COVID-19

COVID-19, named by the World Health Organization (WHO), is the infectious disease caused by the most recently identified coronavirus, SARS-CoV-2.³⁴ It is part of a larger family of viruses named coronaviruses that cause illness in animals and humans.³⁵ In humans, a number of coronaviruses are known to cause respiratory infections, ranging in severity from a mild common cold to more harsh diseases, such as the Middle East Respiratory Syndrome, known as “MERS,” or the Severe Acute Respiratory Syndrome, known as “SARS.”³⁶ In 2019, COVID-19 was identified in an outbreak of respiratory illness that began in Wuhan, Hubei Province, China.³⁷ Since its initial identification, COVID-19 has had a monumental effect on the world, rapidly spreading across the globe. As a result of this impact and the number of countries affected, on March 11, 2020, WHO declared COVID-19 a pandemic.³⁸

While the initial transmission of COVID-19 may possibly have been from animal-to-person, it began to rapidly spread from person-to-person, largely thought to spread via respiratory droplets from those infected and through surface areas touched by a person infected with the virus.³⁹ As a result, the number of cases increased on a daily basis, drastically impacting the number of hospitalizations, rate of infection, deaths, number of individuals recovered and more. Symptoms may be mild to severe based on the specific individual that has contracted the illness, with individuals commonly showing symptoms such as a fever, cough, and difficulty breathing, along with muscle aches/pains, fatigue, and a decrease in appetite.⁴⁰ Less common symptoms include headache, rhinorrhea, sore throat, vomiting, and diarrhea.⁴¹

Information suggests that older adults and people with underlying health conditions or compromised immune systems are at a higher risk of severe illness from the virus, however people in communities where high transmission rates of COVID-19 have been reported included travelers returning from communities with ongoing spread, and those in close contact with persons with COVID-19, like healthcare workers.⁴² As symptoms can vary in severity, there still have been deaths among younger adults with no known serious medical conditions.⁴³

In an effort to stem the spread of COVID-19 in the United States (U.S.), the Center for Disease Control and Prevention (CDC) issued guidelines that promote social distancing, quarantine, and isolation. Social distancing

³⁴ New York State. Department of Health. *COVID-19 Frequently Asked Questions*. Available at: https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_faqs_updated_041720_2.pdf.

³⁵ World Health Organization. Newsroom. Q&A Detail. Q&A on coronaviruses (COVID-19). Available at: <https://www.who.int/news-room/q-a-detail/q-a-coronaviruses>.

³⁶ *Id.*

³⁷ New York State. Department of Health. *COVID-19 Frequently Asked Questions*. Available at: https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_faqs_updated_041720_2.pdf.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

is the practice of people keeping a safe space between themselves and other people who live outside of their home.⁴⁴ The CDC guidelines recommend that people take the following social distancing steps:

- Stay at least 6 feet (2 meters) from other people;
- Do not gather in groups;
- Stay out of crowded places and avoid mass gatherings.⁴⁵

Quarantine is the practice of keeping people who might have been exposed to COVID-19 away and separated from other individuals.⁴⁶ Isolation is when sick people separate themselves from healthy people by staying in a specific location, usually at their home, in order to limit contact with others.⁴⁷

Although more than a year since the COVID-19 pandemic began, the CDC has still maintained a number of guidelines that promote social distancing, quarantine, and isolation. Notably, a number of vaccines have been created in an effort to increase immunity among people. Vaccines made by Pfizer-BioNTech, Moderna and Johnson & Johnson⁴⁸ have received federal emergency use authorization to be administered.⁴⁹ As of April 19, 2021, the CDC has reported that about 132.3 million people in the U.S. have received at least one dose of a COVID-19 vaccine, including about 85.4 million people who have been fully vaccinated by Johnson & Johnson's single-dose vaccine or the two-dose series made by Pfizer-BioNTech and Moderna.⁵⁰ About 3.13 million doses per day are being administered.⁵¹

New York City during the COVID-19 Pandemic

In the U.S., cases have been reported in all fifty states, with New York State and NYC being particularly impacted by COVID-19.⁵² For the U.S., as of April 15, 2021, Johns Hopkins University & Medicine Coronavirus Resource Center indicates that there were 31,423,436 total confirmed cases of COVID-19, with 564,387 people dying from the disease.⁵³ For New York State, as of April 15, 2021, there were 1,977,861 total confirmed cases of COVID-19, with 51,369 deaths from COVID-19.⁵⁴ To date, New York State has the second largest number of deaths from COVID-19 in the United States, behind only California.⁵⁵ As of April 19, 2021, 43.2% of New York State's population has received at least one dose of a vaccine, with 29% of the population being fully vaccinated.⁵⁶

In NYC, COVID-19 spread rapidly throughout the five boroughs. The NYC Department of Health and Mental Hygiene reports that as of April 14, 2021, there were 738,665 total confirmed cases of COVID-19, with 26,860 confirmed deaths related to COVID-19 and an additional 5,097 probable deaths related to COVID-19.⁵⁷ As a result of this, and the impact that the pandemic has had on the world, and NYC, there was, and still is, a

⁴⁴ CDC. Guidelines. *Social Distancing, Quarantine, and Isolation*. Available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Until April 13, 2021, the single-dose Johnson & Johnson vaccine was federally approved and administered, however, it has since been paused in use due to reports of blood clots in a small number of patients. See: The New York Times. The Coronavirus Outbreak. *See How the Vaccine Rollout Is Going in Your County and State*. Updated April 19, 2021. Available at: <https://www.nytimes.com/interactive/2020/us/covid-19-vaccine-doses.html>.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² New York State. Department of Health. *COVID-19 Frequently Asked Questions*. Available at: https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_faqs_updated_041720_2.pdf.

⁵³ Johns Hopkins University & Medicine. Coronavirus Resource Center. *U.S. Map*. Available at: <https://coronavirus.jhu.edu/us-map>.

⁵⁴ Johns Hopkins University & Medicine. Coronavirus Resource Center. *U.S. Map*. New York. Available at: <https://coronavirus.jhu.edu/us-map>.

⁵⁵ *Id.*

⁵⁶ The New York Times. The Coronavirus Outbreak. *See How the Vaccine Rollout Is Going in Your County and State*. Updated April 19, 2021. Available at: <https://www.nytimes.com/interactive/2020/us/covid-19-vaccine-doses.html>.

⁵⁷ NYC Department of Health. COVID-19. *Data, Cases, Hospitalizations and Deaths*. Available at: <https://www1.nyc.gov/site/doh/covid/covid-19-data.page>.

need to implement strategies that aim to encourage social distancing measures and decrease infection rates, and ultimately, ensure that the people of New York are safe and able to effectively continue in life. Notably, 21% of those living in the Bronx, 27% of those in the Queens, 21% of those in Brooklyn, 27% of those in Staten Island, and 33% of those in Manhattan have been fully vaccinated.⁵⁸

Transportation-related Strategies to Combatting COVID-19

As cities across the world collaborate/have collaborated with transit agencies to accomplish reductions in the number of total confirmed cases of COVID-19, related deaths, and the rate of infection, as well as ensuring that essential workers and services continue to work/operate, calls for social distancing have increased. Cities have come up with a number of innovative strategies to ensure social distancing measures are taken, while also ensuring that transportation options are available for essential workers and that those workers are not contributing to the spread of COVID-19.⁵⁹

In considering effective transit strategies, cities must take into account whether strategies, such as those to: allow for the movement of essential workers and goods effectively via transportation systems; address immediate delivery and pick-up needs; relieve crowded areas, like parks and narrow sidewalks, to promote social distancing measures; make transportation for COVID-19 testing and medical care accessible and available; and ensure unsheltered and vulnerable populations are supported and adequately provided for.⁶⁰

In addition to what cities have done, the National Association of City Transportation Officials released an evolving toolkit⁶¹ of 22 emergency response strategies designed to protect road users and keep cities operational during the COVID-19 pandemic, of which notably included: building pop-up bike lanes; classifying bike shops as essential services; providing free or reduced bike share access; establishing dedicated delivery/loading zones for restaurants, commercial businesses and school lunch pick up; closing streets that go through parks; and using Open Streets/Ciclovía⁶² routes to create more space.⁶³

Open Streets to Encourage Social Distancing During COVID-19

As stay at home orders were issued and social distancing measures implemented, some municipalities began to close their streets to vehicular traffic in order to create additional walking or cycling space for their residents. The city of Oakland, California announced in 2020 that they were closing a total of 74 miles of roads to through traffic as part of their “Oakland Slow Streets” program.⁶⁴ While Oakland’s program didn’t fully close these streets to traffic, it allowed about ten percent of the city’s roads to be prioritized for cyclists and pedestrians.⁶⁵ Other cities including Boston, Philadelphia, Minneapolis and Denver have also implemented similar types of programs that close streets to vehicular traffic.⁶⁶ In 2020, the city of San Francisco also announced that they were temporarily closing twelve streets to cars in order to facilitate social distancing practices for their residents.⁶⁷

⁵⁸ The New York Times. The Coronavirus Outbreak. See How the Vaccine Rollout Is Going in Your County and State. Updated April 19, 2021. Available at: <https://www.nytimes.com/interactive/2020/us/covid-19-vaccine-doses.html>.

⁵⁹ National League of Cities. NLC Staff. *City Transportation Changes as COVID-19 Pandemic Continues*. Available at: <https://citiesspeak.org/2020/04/07/city-transportation-changes-as-covid-19-pandemic-continues/>.

⁶⁰ National Association of City Transportation Officials. Programs and Initiatives. *COVID-19: Transportation Response Center. Rapid Response: Tools for Cities*. Available at: https://nacto.org/program/covid19/?mc_cid=bfd658d538&mc_eid=41c37ce48a.

⁶¹ National Association of City Transportation Officials. Programs and Initiatives. *COVID-19: Transportation Response Center. Rapid Response: Tools for Cities*. Available at: https://nacto.org/program/covid19/?mc_cid=bfd658d538&mc_eid=41c37ce48a.

⁶² Ciclovía translates to “bike path” in Spanish. A Ciclovía is an event that temporarily closes streets to automobiles to provide safe space for walking, bicycling, and social activities. See: IndustryDive. SmartCitiesDive. Project for Public Spaces. *Using Ciclovía to Plan Your Streets*. Available at: <https://www.smartcitiesdive.com/ex/sustainablecitiescollective/using-ciclovía-plan-your-streets/23538/>.

⁶³ StreetsBlog USA. Kea Wilson. *Ten Ways Every City Should Respond to COVID-19 On Its Streets, Compiled by NACTO*. Available at: <https://usa.streetsblog.org/2020/03/31/ten-nacto-endorsed-ways-every-city-should-respond-to-covid-19-on-its-streets/>.

⁶⁴ The Mercury News. Evan Webeck. *Coronavirus: Oakland banishing cars from 74 miles of city streets*. Available at: <https://www.mercurynews.com/2020/04/10/coronavirus-oakland-banishes-cars-from-74-miles-of-city-streets/>.

⁶⁵ *Id.*

⁶⁶ New York Post. David Meyer. *Manhattan borough president says de Blasio can pedestrianize streets without cops*. Available at: <https://nypost.com/2020/04/10/manhattan-borough-president-says-de-blasio-can-pedestrianize-streets-without-cops/>.

⁶⁷ CNN. Alexandra Meeks. *San Francisco closes some streets to allow more space for social distancing*. Available at: https://www.cnn.com/us/live-news/us-coronavirus-update-04-21-20/h_222ece020115054ac8b88a680ff2f5b.

In NYC, the Mayor announced that a pilot to temporarily close certain streets to become pedestrian-only corridors from 10 am to 7 pm would begin on March 27, 2020.⁶⁸ The street closures totaled approximately 1.6 miles in the boroughs of Brooklyn, Queens, The Bronx and Manhattan and included the following stretches of streets:⁶⁹

- Bushwick Avenue, between Johnson Avenue and Flushing Avenue, Brooklyn;
- 34th Avenue, from 73rd Street to 80th Street, Queens;
- Grand Concourse, between East Burnside Avenue and 184th Street, The Bronx;
- Park Avenue, between 28th Street and 34th Street, Manhattan.

After less than two weeks of testing the open streets pilot, the Mayor's Office announced that the pilot would be suspended due to low utilization rate and because NYPD officers, who were needed to enforce the street closures, were falling ill in large numbers.⁷⁰

Although the pilot was suspended, on April 27, 2020, shortly after the original hearing on Int. No. 1933, the NYC Council Speaker Corey Johnson and Mayor Bill de Blasio announced plans to implement at least 40 miles of street closures, sidewalk widening, and additional bike lanes, with an end-goal of implementing 100 miles of street closures.⁷¹ The program has since been named NYC Open Streets and allows communities to embrace new public space and support small businesses, while prioritizing safety and access for pedestrians and cyclists.⁷² The program has been managed by DOT, and as of March 9, 2021, DOT has implemented 83 miles of Open Streets.⁷³ The Open Streets program, since its inception, has expanded to include: Open Restaurants, to provide meaningful outside space for restaurants, as for much of the pandemic restaurants were forced to reduce or completely close indoor dining; Open Storefronts, a way to increase shopping space and exposure to residents on the streets; and an Open Culture program, a way to promote theatre, musicians, dancers, and other artists.⁷⁴ Ultimately, Mayor de Blasio, due to the success and popularity of the Open Streets program, announced that it would be a permanent and year-round program, with 2021's program including many of the Open Streets from 2020, as well as an opportunity to create new streets with a focus on local partner management and support.⁷⁵ The Mayor also announced that the city will work to improve the signage, install new barriers and provide additional support to community partners.⁷⁶

One of the criticisms that is often heard about the current program is the lack of open streets in under-resourced neighborhoods, which are mostly in communities of color.⁷⁷ Proposed Int. No. 1933-A seeks to make equity a priority for the Open Streets program by ensuring that a minimum number of Open Streets are located in under-resourced areas and across all five boroughs.

ANALYSIS OF PROPOSED INT. NO. 1933-A

Proposed Int. No. 1933-A, introduced by Council Member Rivera and the Speaker (Council Member Johnson), would require DOT to operate an open streets program to provide safe street space to pedestrians and non-vehicular street users. Under this program, open streets could be managed and operated by DOT or community organizations, but would require that DOT manage or provide resources to at least 20 sites in areas

⁶⁸ New York Post. Julia Marsh and Vincent Barone. *NYC outlines street closures to promote 'social distancing' during coronavirus shutdown*. Available at <https://nypost.com/2020/03/26/nyc-outlines-street-closures-to-promote-social-distancing-during-coronavirus-shutdown/>.

⁶⁹ *Id.*

⁷⁰ Commercial Observer. Rebecca Baird-Remba. *Mayor's Office Cancels Street Closure Pilot, Citing NYPD Concerns*. Available at: <https://commercialobserver.com/2020/04/de-blasio-says-no-more-open-streets-for-social-distancing-nyc/>.

⁷¹ NYC Council. Press. *New York City Council and Mayor de Blasio Announce Plans to Implement up to 100 Miles of Safe Streets*. April 27, 2020. Available at: <https://council.nyc.gov/press/2020/04/27/1943/>.

⁷² NYC DOT. Pedestrians. *Open Streets*. Available at: <https://www1.nyc.gov/html/dot/html/pedestrians/openstreets.shtml>.

⁷³ NYC DOT. *FY22 Preliminary Budget Hearing*. March 9, 2021.

⁷⁴ Gothamist. Ben Yakas. *How Will NYC's Next Mayor Improve Our Open Streets Program?* April 13, 2021. Available at: <https://gothamist.com/news/how-will-nycs-next-mayor-improve-our-open-streets-program>.

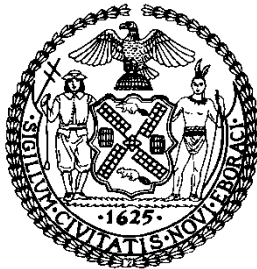
⁷⁵ NYC DOT. *FY22 Preliminary Budget Hearing*. March 9, 2021.

⁷⁶ Mayor's Daily Media Availability of March 25, 2021.

⁷⁷ StreetsBlog. Gersh Kuntzman. *Open Streets Coalition to Mayor: Give Us a Real Program (And Some Help)!* April 1, 2021. Available at <https://nyc.streetsblog.org/2021/04/01/open-streets-coalition-to-mayor-give-us-a-real-program-and-some-help/>.

that would be otherwise underserved by the program. When designating an open street, DOT would be required to consider factors including the equitable distribution of open streets throughout the City; the safety of all street users; the presence and use of existing parks, open streets and open spaces; access for commercial deliveries and emergency vehicles; presence of bus or truck routes or medical facilities; and existing access and proximity to bicycle and pedestrian infrastructure. DOT would annually evaluate existing open streets to determine whether to make permanent design changes, including conversion into a shared street or pedestrian plaza. Before designating an open street, DOT would notify the affected council members, community boards and community organizations. Additionally, DOT would be required to submit to the Mayor and Speaker of the Council, and post on the DOT website, an annual report evaluating the open streets program.

(The following is the text of the Fiscal Impact Statement for Int. No. 1933-A:)



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

PROPOSED INTRO. NO: 1933-A

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the open streets program.

SPONSORS: Council Members Rivera and the Speaker (Council Member Johnson), Rodriguez, Menchaca, Kallos, Reynoso, Levin, Cabrera, Constantinides, Van Bramer, Powers, Koo, Levine, Lander, Chin, Dromm, Rosenthal and Ayala.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1933-A would require the Department of Transportation (“DOT”) to operate an open streets program, which would provide street space to pedestrians and other non-vehicular street users. Under this program, an open street could be managed by DOT or by community organizations. The bill would create a process by which community organizations could apply to operate an open street, require that DOT manage or provide resources to at least 20 open streets sites in areas that would be otherwise underserved by the program, and require that DOT provide resources to other open streets as available. Open streets could be operated for up to 24 hours per day and up to 366 days per year. Prior to the designation of an open street, DOT would be required to provide notice to affected Council Members, Community Boards, and community organizations. Open streets would be required to be maintained in a manner that allows for emergency vehicles access at all times. Lastly, DOT would be required to evaluate open streets annually to determine whether to apply further design changes, such as a conversion to a shared street or pedestrian plaza, and submit to the Mayor and the Speaker of the Council and post on the Department’s website a report evaluating the open streets program, including any recommendations for modification or expansion.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law, except that the Department could provide for the implementation of such local law including the promulgation of rules prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$462,500	\$705,000	\$705,000
Net	\$462,500	\$705,000	\$705,000

IMPACT ON REVENUES: It is estimated that this legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that the enactment of this legislation would result in increased expenditures of approximately \$462,500 of City tax-levy in Fiscal 2022, including \$62,500 in prorated Personal Services (PS) costs for one headcount position and \$3.3 million in Other Than Personal Services (OTPS) costs, of which \$2.8 million would be federally funded as part of the City’s “Clean-Up Corps” program and approximately \$470,000 would be funded with City tax-levy funds. Since the federally-funded Clean-Up Corps may only be utilized in Fiscal 2022 and majority of the Fiscal 2022 spending is for a one-time OTPS costs for signage and barriers, it is estimated that beginning in Fiscal 2023, the annual impact of this legislation on expenditures would be \$705,000 in Fiscal 2023, growing to \$836,000 by Fiscal 2025 and beyond.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

ESTIMATE REVIEWED BY: Nathaniel Toth, Deputy Director
Chima Obichere, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 1933 on April 22, 2020 and referred to the Committee on Transportation (Committee). A hearing was held by the Committee on April 24, 2020 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1933-A, will be considered by the Committee on April 29, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1933-A will be submitted to the full Council for a vote on April 29, 2021.

DATE PREPARED: April 28, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1933-A:)

Int. No. 1933-A

By Council Members Rivera and the Speaker (Council Member Johnson), Rodriguez, Menchaca, Kallos, Reynoso, Levin, Cabrera, Van Bramer, Powers, Koo, Levine, Lander, Chin, Dromm, Rosenthal, Ayala and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to the open streets program.

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-107.1 to read as follows:

§ 19-107.1 Open streets. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Community organization. The term “community organization” means any formal or informal group of people or businesses with ties to the community who collaborate to manage or participate in the operations of an open street.

Open street. The term “open street” means a street or segment of a street designated by the department as such, on which motor vehicle access is controlled by barriers and signage or other traffic calming measures, and on which priority is given to pedestrians, individuals using bicycles, and other non-vehicular street users.

b. The department shall designate and manage open streets in accordance with this section and rules of the department.

c. 1. An open street may be managed by the department or by a community organization designated by the department, provided that the department shall manage or provide resources for community organizations to manage no fewer than 20 open streets in areas underserved by open streets. At minimum, 10 of such open streets shall be no fewer than five blocks in length.

2. *The department shall provide signage, street furniture and other equipment to any community organizations for the purpose of an open street, as available.*

d. *Applications. 1. A community organization may submit to the department a proposal for designation of a street as an open street in accordance with this section and the rules of the department. A proposal may include an application to manage such street in accordance with this section and the rules of the department or to provide volunteers to assist with such management. Such application shall, at minimum, include:*

(a) Geographic bounds of the requested street or segment of a street;

(b) Proposed duration and daily hours of operation;

(c) Space on the roadway designated for use in the management of such proposed open street, including parking spaces;

(d) Resources, if any, such organization proposes to contribute to the operation of the proposed open street or any other open street;

(e) Resources, if any, requested from the department for the operation of such proposed open street;

(f) Description of measures to facilitate use of the open street by people with disabilities; and

(g) Proposed plan for how to maintain emergency vehicle access and any staffing plans.

2. *The department shall offer a short-form application to renew the management of an open street. Such short-form application shall include an opportunity for an applicant to request any of the following: additional resources, traffic calming measures as specified in subdivision i, street furniture, accessibility improvements, or consideration of conversion of such street to a shared street.*

3. *A management agreement with a community organization shall not be required where the department provides for the management of an open street and such community organization provides volunteers to assist in such management.*

e. *Selection. In exercising its discretion to designate an open street, the department shall consider the following factors:*

1. Equitable distribution of open streets throughout the city;

2. The safety of all street users;

3. Existing parks, open streets or other open spaces and their current utilization;

4. The presence of bus routes, truck routes or medical facilities;

5. Access for commercial deliveries and emergency vehicles;

6. Existing access to public transportation and bicycle and pedestrian infrastructure; and

7. Proximity to existing pedestrian and bicycle infrastructure or parks.

f. *Outreach. The department shall conduct community outreach regarding the open streets application process, including applicant development, with priority given to neighborhoods with few community organization applicants or other measures of equity as determined by the department.*

g. *Operation. Open streets shall be managed and operated in accordance with this section and rules of the department. In addition to any other requirement, such rules shall provide:*

1. Open streets must be maintained in a manner that allows for emergency vehicle access at all times;

2. Subject to applicant interest and applicant or department resources, open streets may be operated for up to 24 hours per day and up to 366 days per year;

3. Procedures for the temporary suspension of an open street as necessary, including for safety, severe weather events, or any other purpose for which the department determines a suspension will benefit the community;

4. Proposed operational and maintenance plan for the open street, including how to maintain emergency vehicle access and any other staffing plans;

5. *Procedures for the staffing of open streets, to include that the department may choose not to require staffing of open streets with sufficient traffic calming measures;*

6. *Procedures by which community organizations may create their own barriers, signage and street furniture that encourage sustainability and welcoming design, subject to the review and approval of the department; and*

7. *Procedures by which community organizations may expeditiously obtain permits related to programming on open streets.*

h. The department may, in accordance with its rules, provide for the closure of an open street to all motor vehicle traffic except as required for emergency access, where the department determines that such closure would benefit the community.

i. Streetscape elements and design changes. On an annual basis, the department shall evaluate existing open streets to determine whether any such open streets could benefit from additional traffic calming measures and streetscape elements, including but not limited to conversion into a shared street or pedestrian plaza, bicycle parking, signage, street markings, bollards or street barriers, tree plantings, parking removal, street furniture and accessibility improvements, to include raising of the street grade. Any shared streets or pedestrian plazas created pursuant to this section shall satisfy the pedestrian space requirements in section 19-199.1.

j. Prior to the designation of an open street, the department shall provide notice to affected council members, community boards and community organizations.

k. Section 19-107 shall not apply to the designation of a street or segment of a street as an open street pursuant to this section.

l. Reporting. On an annual basis, the department shall submit to the mayor and the speaker of the council and post on the department's website a report evaluating the open streets program, including any recommendations for modifications or expansion. In addition, the department shall regularly post on the department's website an updated list of open streets, hours of operation and any temporary suspension.

§ 2. This local law takes effect 120 days after it becomes law, except that the department may provide for the implementation of such local law including the promulgation of rules prior to such effective date.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN, SELVENA N. BROOKS-POWERS; Committee on Transportation, April 29, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rivera.*

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

GENERAL ORDER CALENDAR

There were no additional items listed on the General Order Calendar.

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

- | | |
|---------------------------------------|---|
| (1) Int 888-A - | Establishing a retirement savings program for certain self-employed individuals and employees of private entities. |
| (2) Int 901-A - | Establishing a retirement savings board to oversee the city's retirement savings program |
| (3) Int 1933-A - | Open streets program. |
| (4) Int 1529-A - | Requiring the Office of the Civil Justice Coordinator to work with community groups in educating tenants about their rights in housing court. |
| (5) Int 1760-A - | Tenant data privacy. |
| (6) Int 2050-A - | To providing legal services for tenants who are subject to eviction proceedings. |
| (7) Res 1617 - | District Plan of the Queens Plaza/Court Square Business Improvement District that provides for a change in the method of assessment. |
| (8) Res 1618 - | District Plan of the Flatbush Avenue Business Improvement District that authorizes additional services for the district and changes the method of assessment. |
| (9) L.U. 752 & Res 1620 - | App. C 200356 PPK (69 Adams Street) Borough of Brooklyn, Community District 2, Council District 33. |
| (10) L.U. 757 & Res 1621 - | App. C 210109 HAK (New Penn Development I) Borough of Brooklyn, Community District 5, Council District 42. |
| (11) L.U. 758 & Res 1622 - | App. 20215019 HAK (New Penn Development II – UDAAP) Borough of Brooklyn, Community Districts 5 and 16, Council District 42 |

- (12) **L.U. 764 & Res 1623 - App. C 210043 ZMK (135-137 Bedford Avenue)** Borough of Brooklyn, Community District 1, Council District 33.

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

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

The following was the vote recorded for **Int. No. 888-A and Int. No. 901-A:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

Negative – Borelli, Yeger, and the Minority Leader (Council Member Matteo) – **3**.

The following was the vote recorded for **Int. No. 1933-A:**

Affirmative – Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **40**.

Negative – Adams, Borelli, Gjonaj, Grodenchik, Miller, Moya, Yeger and the Minority Leader (Council Member Matteo) – **8**.

The following was the vote recorded for **Int. No. 1529-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

Negative – Borelli and the Minority Leader (Council Member Matteo) – **2**

Abstention – Brooks-Powers – **1**.

The following was the vote recorded for **Int. No. 2050-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – Borelli, Miller, and the Minority Leader (Council Member Matteo) – **3**.

Abstention – Brooks-Powers – **1**.

The following was the vote recorded for **L.U. No. 752 & Res. No. 1620**:

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Negative – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 888-A, 901-A, 1529-A, 1760-A, 1933-A, and 2050-A.*

RESOLUTIONS

presented for voice-vote

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

Report for voice-vote item Res No 1229

Report of the Committee on Immigration in favor of approving a Resolution calling on the United States Congress to pass, and the President to sign, the Adoptee Citizenship Act of 2021 (H.R. 1593 / S. 967), in order to secure U.S. citizenship of internationally adopted children who are now adults or aging into adulthood.

The Committee on Immigration, to which the annexed resolution was referred on January 23, 2020 (Minutes, page 134), respectfully

REPORTS:

I. INTRODUCTION

On April 29, 2021, the Committee on Immigration, chaired by Council Member Menchaca, will hold a second hearing and vote on Res. No. 1229, sponsored by Council Member Koo, in relation to the Adoptee Citizenship Act of 2021 (H.R. 1593 / S. 967). The committee first heard Res. No. 1229 on January 25, 2021, at which point the committee received testimony from the Mayor's Office of Immigrant Affairs ('MOIA'), advocates, legal and social services providers, and members of the public.

II. LEGISLATIVE ANALYSIS OF RES. NO. 1229

Res. No. 1229, sponsored by Council Member Koo, calls on the United States Congress to pass and the President to sign legislation that would extend United States citizenship, without exception, to all internationally adopted children, upon entry into the United States. In April 2021, U.S. Representative Smith (D-WA) and U.S. Senator Blunt (R-MO) introduced the Adoptee Citizenship Act of 2021 (H.R. 1593 / S. 967), which would extend citizenship to all internationally adopted children.

Current laws do not grant automatic citizenship to all children brought to the United States for the purposes of adoption. Rather, it is currently the responsibility of adopted parents to ensure that adoptions are finalized within the United States and citizenship separately sought for those adopted children who entered the country under visa categories ineligible for automatic citizenship. The Child Citizenship Act of 2000 attempted to address the existing gap by granting automatic citizenship to certain categories of internationally adopted children, however it excluded: (1) adopted children who were 18 years of age, or older, at the time of the Act's passage; (2) children adopted after the Act's passage, whose adoptions were not finalized in the countries of their birth and thus did not enter the U.S. on specific visas; and (3) children who entered the U.S. on non-immigrant or humanitarian visas. Unfortunately, failure to finalize adoption and naturalization filings can result in the depriving the adopted child of citizenship. Often, the cost alone of filing for citizenship can be prohibitive to adoptive parents. Legislation like the Adoptee Citizenship Act of 2021 would ensure that all internationally adopted children are bestowed the rights of United States citizenship.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1229:)

Res. No. 1229

Resolution calling on the United States Congress to pass, and the President to sign, the Adoptee Citizenship Act of 2021 (H.R. 1593 / S. 967), in order to secure U.S. citizenship of internationally adopted children who are now adults or aging into adulthood.

By Council Members Koo, Koslowitz, Gjonaj, Chin, Louis, Rosenthal, Riley, Ayala, Eugene, Cornegy, Gennaro, Rivera and Vallone.

Whereas, Current laws do not guarantee United States ('U.S.') citizenship to all children brought to the U.S. for the purposes of adoption; and

Whereas, The Child Citizenship Act of 2000 guaranteed automatic citizenship to adoptees under the age of 18 who were born outside the U.S. and adopted by U.S. citizens, as long as their adoptions are considered final in the countries of their birth; and

Whereas, The Child Citizenship Act excluded three categories of adopted children from automatic citizenship: (1) adopted children who were 18 years of age, or older, at the time of the Act's passage; (2) children adopted after the Act's passage, whose adoptions were not finalized in the countries of their birth and thus did not enter the U.S. on specific visas; and (3) children who entered the U.S. on non-immigrant or humanitarian visas; and

Whereas, It is the responsibility of adopted parents to ensure that adoptions are finalized within the U.S. and citizenship separately sought for those adopted children who entered the U.S. under visa categories ineligible for automatic citizenship; and

Whereas, Information related to the immigration of adoptees is unevenly distributed by adoption agencies, often resulting in adoptive parents being unaware of the implications of failing to finalizing adoptions in the U.S. and filing for the naturalization of their adoptive children; and

Whereas, In other instances, adoptive parents neglect to complete adoption or naturalization filings, resulting in the deprivation of citizenship; and

Whereas, The cost of filing for naturalization can be prohibitive in addition to the high cost of intercountry adoptions; and

Whereas, A bipartisan effort to close the adoptee-citizenship loophole has been ongoing, the most recent iteration of which is the Adoptee Citizenship Act of 2021 (H.R. 1593 / S. 967), sponsored by U.S. Representative Smith (D-WA) and U.S. Senator Blunt (R-MO); and

Whereas, The Adoptee Citizenship Act of 2021 would grant automatic citizenship to any adoptee of a U.S. citizen parent upon entry to the U.S., subject to a criminal background check, and waive all grounds of inadmissibility outlined in section 212(a) of the Immigration and Nationality Act; and

Whereas, Federal data does not track the naturalizations of intercountry adoptees, however U.S. Department of State data shows that at least 27 percent of all intercountry adoptions between 1999 and 2016 were of children entering the U.S. under visa categories ineligible for automatic citizenship; and

Whereas, Adoptees at risk of U.S. citizenship deprivation were born in Argentina, Brazil, Cambodia, China, Colombia, Costa Rica, Dominican Republic, El Salvador, Germany, Great Britain, Guatemala, Haiti, India, Iran, Ireland, Japan, Mexico, Panama, the Philippines, Russia, Samoa, South Korea, St. Kitts, Thailand, the Ukraine, and Vietnam; and

Whereas, National advocacy organization, the Adoptee Rights Campaign ('ARC') estimates that between 25,000 and 49,000 children adopted between 1945 and 1998 reached adulthood without naturalizing; and

Whereas, ARC estimates that an additional 7,321 to 14,643 children, could enter adulthood without guaranteed U.S. citizenship; and

Whereas, These estimates do not account for children who entered the U.S. on non-immigrant or humanitarian visas and could therefore be much higher; and

Whereas, The state of New York has the second highest population of intercountry adopted children in the nation, and could see more than 4,000 adopted residents deprived of the protections granted by U.S. citizenship; and

Whereas, Without U.S. citizenship, these adoptees are not protected from deportation, which has occurred in a least 12 cases according to ARC; and

Whereas, The well-documented rise in immigration enforcement could lead to additional deportations of adoptees if the current statute is not amended; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, the Adoptee Citizenship Act of 2021 (H.R. 1593 / S. 967), in order to secure U.S. citizenship of internationally adopted children who are now adults or aging into adulthood.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, MARGARET S. CHIN, DANIEL DROMM, FRANCISCO P. MOYA, SELVENA N. BROOKS-POWERS, OSWALD FELIZ; Committee on Immigration, b (Remote Hearing). *Other Council Members Attending: Council Member Koo.*

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

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 2288

By Council Members Brannan, Rivera, Chin, Louis, Ayala and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain businesses using bicycles for commercial purposes to provide bicycle operators with insulated food delivery bags

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 10-157 of the administrative code of the city of New York, as amended by local law number 91 for the year 2017, is amended by adding a new definition of “third-party food delivery service” in alphabetical order to read as follows:

Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 food service establishments located in the city that are owned and operated by different persons.

§ 2. Section 10-157 of the administrative code of the city of New York, as amended by local law number 91 for the year 2017, is amended by adding a new subdivision l to read as follows:

l. A business using a bicycle for commercial purposes, where that business is a third-party food delivery service, shall provide at its own expense or ensure the availability of an insulated food delivery bag for each of its bicycle operators. Such business may not require any of its bicycle operators to provide an insulated food delivery bag at such operator’s expense. Such insulated food delivery bag must be designed for use in accordance with section 1235 of the vehicle and traffic law.

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

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 2289

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

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

Be it enacted by the Council as follows:

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

*Subchapter 8
Delivery Workers*

§ 20-1281 *Definitions. For the purposes of this subchapter, the following terms have the following meanings:*

Food service establishment. The term “food service establishment” has the same meaning as provided in subdivision s of section 81.03 of the health code of the city of New York.

Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and

the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 separately owned and operated food service establishments.

Third-party food delivery worker. The term “third-party food delivery worker” means any person engaged by a third-party food delivery service to carry out deliveries.

Trip. For purposes of this section, the term “trip” means the entirety of the process by which a worker is engaged to provide food delivery services to a customer through a third-party delivery service, to include travel to a food service establishment, picking up prepared food for delivery, and taking and depositing such delivery at a different location as requested.

§ 20-1282 Delivery distance and route. All third-party food delivery services shall provide each third-party food delivery worker with an option to specify:

- 1. The maximum distance that such worker will travel on trips;*
- 2. That such worker will not accept trips that require travel over any bridge or over particular bridges chosen by such worker; and*
- 3. That such worker will not accept trips that require travel through any tunnel or through particular tunnels chosen by such worker.*

b. All third-party food delivery services shall allow each third-party food delivery worker to directly modify, at any time, the parameters set by such worker pursuant to subdivision a.

c. A third-party food delivery service shall not offer any third-party food delivery worker any trip that is inconsistent with the parameters set by such worker.

d. A third-party food delivery service shall not impose any negative consequence on any third-party food delivery worker as a result of such’s workers choice of parameters for trips, including, without limitation:

- 1. Reducing or downgrading any public or internal rating of such worker;*
- 2. Refusing or limiting access to the third-party food delivery service; or*
- 3. Decreasing the number of trips offered to such worker that are consistent with the parameters set by such worker.*

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

§ 20-1283 Penalties and enforcement. Any person who violates, or causes another person to violate, a provision of this subchapter or any rule promulgated pursuant to this subchapter, shall be liable for civil penalties in amounts equivalent to those set forth in section 20-1209.

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

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 2290

By Council Members Cabrera and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to an online portal to request press credentials

Be it enacted by the Council as follows:

Section 1. Chapter 8 of Title 23 of the administrative code of the city of New York is amended to add a new section 23-806 to read as follows:

§ 23-806 Press Credentials. a. Definitions. For purposes of this section, the following terms have the following meanings:

Press card. The term “press card” means a press credential that is issued to an individual member of the press and which may be used at multiple events during the period that the press card is valid.

Press credential. The term “press credential” means a document that entitles the bearer, subject to safety and evidence preservation concerns or space limitations, to cross police lines, fire lines or other restrictions, limitations or barriers established by the city at emergency, spot, or breaking news events and public events of a non-emergency nature where police lines, fire lines or other restrictions, limitations or barriers established by the city have been set up for security or crowd control purposes and to attend events sponsored by the city which are open to members of the press.

Reserve press card. The term “reserve press card” means a press credential that is issued to a news organization for use by individuals retained by such news organization.

Single event press card. The term “single event press card” means a press credential that is issued to an individual member of the press for use at a single event only.

b. The department of information technology and telecommunications, in consultation with the issuing agency, shall create and maintain an online portal on the city’s website through which applicants may submit requests, along with documentation, for the issuance or renewal of press credentials including, but not limited to press cards, reserve press cards, and single event press cards.

§ 2. This local law takes effect in 180 days.

Referred to the Committee on Technology.

Int. No. 2291

By Council Member Dromm (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in the Madison/23rd/ Flatiron/ Chelsea business improvement district, an extension of the Madison/23rd/Flatiron/Chelsea business improvement district, and a change in the method of assessment upon which the district charge in Madison/23rd/Flatiron/Chelsea business improvement district is based

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-463.1 of the administrative code of the city of New York, as amended by local law number 223 for the year 2018, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Madison/23rd/Flatiron/Chelsea business improvement district beginning on July 1, [2018] 2021, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [three million two hundred fifty thousand dollars (\$3,250,000)] *six million dollars (\$6,000,000).*

§ 2. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-463.2 to read as follows:

§ 25-263.2 *Madison/23rd/Flatiron/Chelsea business improvement district; extension of district. a. The city council having determined, pursuant to section 25-407 of chapter four of this title: that notice of hearing for all hearings required to be held was published and mailed as required by law and was otherwise sufficient; that, except as otherwise provided in section 25-403 of chapter four of this title, all the real property within the boundaries of the district will benefit from the extension of the district; that all the real property benefited is included within the limits of the district; and that the extension of the district is in the public interest; and the council having determined further that the requisite number of owners have not objected as provided in section 25-406 of chapter four of this title, the Madison/23rd/Flatiron/Chelsea business improvement district in the borough of Manhattan is hereby extended. Such district is extended in accordance with the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. Immediately upon adoption of this local law by the council, the council shall file with the city clerk the amended district plan upon which the Madison/23rd/Flatiron/Chelsea business improvement district, and the extension thereof, is based.

c. The amended district plan shall not be further amended except in accordance with chapter four of this title.

§ 3. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-463.3 to read as follows:

§ 25-463.3 *Madison/23rd/Flatiron/Chelsea business improvement district; amendment of the district plan.* *a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Madison/23rd Flatiron/Chelsea business improvement district is based, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan containing the change in the method of assessment authorized by subdivision a of this section.

§ 4. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of June 30, 2021; provided that section two of this local law takes effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and is retroactive to and deemed to have been in full force and effect as of June 30, 2021.

Referred to the Committee on Finance.

Res. No. 1616

Resolution authorizing an increase in the amount to be expended annually in the Madison/23rd/Flatiron/Chelsea Business Improvement District in the Borough of Manhattan, an extension of the boundaries of such district, and a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Madison/23rd/Flatiron/Chelsea Business Improvement District.

By Council Member Dromm.

WHEREAS, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the “BID Law”), the Mayor, by authorization dated September 30, 2020, provided for the preparation of an amended district plan for the Madison/23rd/Flatiron/Chelsea Business Improvement District (the “District”) in the Borough of Manhattan; and

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

WHEREAS, pursuant to authority granted by the BID Law, the District was established by Local Law No. 112 for the year 2005; and

WHEREAS, pursuant to Section 25-410(b) of the BID 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 BID 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 \$6,000,000, beginning on June 30, 2021, to extend the District's boundaries, and to change the method of assessment upon which the district charge is based; and

WHEREAS, pursuant to section 25-405(c) of the BID Law, the New York City Department of Small Business Services ("SBS") submitted an amended District Plan (the "Amended Plan") for the District to the City Planning Commission (the "CPC") on November 30, 2020; and

WHEREAS, pursuant to section 25-405(c) of the BID Law, the CPC submitted the Amended Plan to the City Council on December 4, 2020; and

WHEREAS, pursuant to section 25-405(c) of the BID Law, the CPC submitted the Amended Plan to the Council Members representing the council districts in which the District is located on December 4, 2020; and

WHEREAS, pursuant to section 25-405(c) of the BID Law, the CPC submitted the Amended Plan to Manhattan Community Boards 4 & 5 (the "Community Boards"), in which the proposed extended district is located, on December 4, 2020; and

WHEREAS, pursuant to section 25-405(c) of the BID Law, the CPC submitted the Amended Plan to the Manhattan Borough President on December 4, 2020; and

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

WHEREAS, on December 15, 2020, Community Board 5 voted to approve the extension of the District; and

WHEREAS, on December 21, 2020, Community Board 4 voted to approve the extension of the District; and

WHEREAS, pursuant to section 25-405(c) of the BID Law, the CPC reviewed the Amended Plan, held a public hearing on January 20, 2021, and prepared a report certifying its unqualified approval of the Amended Plan; and

WHEREAS, pursuant to section 25-405(c) of the BID Law, the CPC submitted its report to the Mayor, to the Manhattan 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 BID Law, a copy of the CPC's report, the original district plan and the Amended Plan were transmitted for filing with the City Clerk on February 24, 2021; and

WHEREAS, pursuant to section 25-406(a) of the BID Law, a copy of the Amended Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

WHEREAS, pursuant to section 25-406(a) of the BID Law, the Amended Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

WHEREAS, pursuant to Section 25-406(b) of the BID Law, any owner of real property, deemed benefited and therefore within the proposed extended district, objecting to the Amended Plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

WHEREAS, pursuant to Section 25-406(b) of the BID 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 extension, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed for extension, file objections to the Amended Plan with the City Clerk within the thirty-day objection period, the District will not be extended; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-406 of the BID Law, hereby directs that:

(i) is the date and the City Council Remote Hearing, Virtual Room _____, is the place and _____ is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize an increase in the amount to be expended annually in the District, an extension of the District's boundaries, and a change in the method of assessment upon which the district charge in the District is based;

(ii) the Flatiron/23rd Street Partnership 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 Flatiron/23rd Street Partnership 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 BID Law; and

(v) on behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the Flatiron/23rd Street Partnership District Management Association is hereby authorized to publish in a newspaper having general circulation in the District, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the increase in the amount to be expended annually in the District.

Referred to the Committee on Finance.

Preconsidered Res. No. 1617

Resolution concerning an amendment to the district plan of the Queens Plaza/Court Square Business Improvement District that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such change.

By Council Member Dromm.

Whereas, pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "BID Law"), the City established the Queens Plaza/Court Square Business Improvement District (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 relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for any change in the method of assessment upon which the district charge is based 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 change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

Whereas, the District wishes to amend the District Plan in order to provide for a change in method of assessment upon which the district charge is based; and

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; now, therefore, be it

Resolved, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

- (iii) May 12, 2021 is the date and the City Council Remote Hearing, Virtual Room 1, is the place and 9:00 a.m. is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize a change in the method of assessment upon which the district charge in the Queens Plaza/Court Square Business Improvement District is based; and
- (ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Queens Plaza/Court Square Business Improvement District is hereby authorized to publish in a newspaper of 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.

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

Preconsidered Res. No. 1618

Resolution concerning an amendment to the District Plan of the Flatbush Avenue Business Improvement District that authorizes additional services for the district and changes the method of assessment upon which the district charge is based, and setting the date, time and place for the public hearing of the local law authorizing such changes as set forth in the amended District Plan of the Flatbush Avenue Business Improvement District.

By Council Member Dromm.

Whereas, pursuant to chapter 4 of title 25 of the Administrative Code of the City of New York (the "BID Law"), the City established the Flatbush Avenue Business Improvement District in the City of New York; and

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

Whereas, pursuant to Section 25-410(b) of the BID Law, an amendment to the District Plan that provides for additional improvements or services provided or any change in the method of assessment upon which the district charge is based 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 change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

Whereas, the Flatbush Avenue Business Improvement District wishes to amend the District Plan in order to authorize additional services in the District and change the method of assessment upon which the district charge is based; and

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; now, therefore, be it

Resolved, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

- (i) May 12, 2021 is the date and the City Council Remote Hearing, Virtual Room 1, is the place and 9:00 a.m. is the time for a public hearing (the "Public Hearing") for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize additional services in the District and a change in the method of assessment upon which the district charge in the District is based; and
- (ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Flatbush Avenue Business Improvement District is hereby authorized to publish in a newspaper of 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.

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

Int. No. 2292

By Council Member Gibson.

A Local Law to amend the administrative code of the city of New York, in relation to the reporting of information pertaining to allegations of misconduct made under section 12-113 and the development of web applications to track City agency and contractor compliance with certain investigations and recommendations

Be it enacted by the Council as follows:

Section 1. Section 12-113 of the administrative code of the city of New York is amended by adding a new subdivision k to read as follows:

k. The report required by subdivision i of this section shall include the following information in a searchable, machine-readable format for each report of information concerning conduct allegedly involving corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority, or conduct allegedly presenting a substantial and specific risk of harm to the health, safety or educational welfare of a child, as described in subdivision b of this section; provided that such information shall only be included if such conduct report was received by the commissioner, special commissioner of investigation or corporation counsel, whether directly or upon referral, (i) in the preceding year or (ii) in an earlier year and an investigation or inquiry by such official with respect to such conduct report remained open at the end of the preceding year:

- 1. The year in which such conduct report was received by the commissioner, special commissioner of investigation or corporation counsel, whether directly or upon referral;*
- 2. The agency to which such conduct report relates;*

3. Whether such conduct report arose under paragraph 1 of subdivision b of this section, paragraph 2 of such subdivision or paragraph 5 of such subdivision;

4. Whether an investigation or inquiry has been initiated by the commissioner, special commissioner of investigation or corporation counsel with respect to such conduct report and, if so, whether at the end of such fiscal year, such investigation or inquiry was (i) closed, (ii) open for 90 or more days, but fewer than 180 days, (iii) open for 180 or more days, but fewer than 365 days, (iv) open for 365 or more days, but fewer than 730 days, or (v) open for 730 or more days; and

5. If an investigation or inquiry was initiated by such official with respect to such conduct report and closed, a summary of the outcome of such investigation or inquiry, including any recommended personnel action and recommended changes to agency, covered contractor or covered subcontractor policy or procedure resulting from such investigation or inquiry; provided that the commissioner shall redact any personal identifying information, as such term is defined in subdivision a of section 10-501, relating to any recommended personnel action.

§ 2. Section 33-201 of the administrative code of the city of New York, as added by local law number 43 for the year 2020, is amended to read as follows:

§ 33-201 Website and reporting. a. *Definitions.* For purposes of this section, the terms “covered contractor” and “covered subcontractor” have the meanings ascribed to such terms in subdivision a of section 12-113.

b. The commissioner and the special commissioner of investigation shall develop and maintain web applications on their respective websites for the purposes of tracking and assessing [agency] cooperation and compliance by agencies, covered contractors and covered subcontractors with investigations and recommendations. For each agency, covered contractor or covered subcontractor investigated, the web applications shall set forth:

1. Any recommendation made to the agency, covered contractor or covered subcontractor and any relevant context for the recommendation;

2. Whether any such recommendation was accepted or rejected by the agency, covered contractor or covered subcontractor to which it was made; and

3. For each recommendation accepted by an agency, covered contractor or covered subcontractor, whether such agency, covered contractor or covered subcontractor implemented the recommendation.

[b.] c. The web application required by this section to be developed by the commissioner shall include all recommendations issued with respect to agencies on and after January 1, 2014 and all recommendations issued with respect to covered contractors and covered subcontractors on and after January 1, 2021. The web application required by this section to be developed by the special commissioner of investigation shall include all recommendations issued with respect to agencies on and after the effective date of [the] local law [that added this section] number 43 for the year 2020 and all recommendations issued with respect to covered contractors and covered subcontractors on and after the effective date of local law number 9 for the year 2021. Both web applications shall be updated as necessary to reflect the current status of [each agency’s] cooperation and compliance by each agency, covered contractor or covered subcontractor.

[c.] d. The web applications required by this section shall be made available to the public no later than July 1, 2020. When such web applications required by this section are available to the public, the web applications maintained by the commissioner and by the special commissioner of investigation shall include a link to each other.

§ 3. This local law takes effect immediately.

Referred to the Committee on Oversight and Investigations.

Int. No. 2293

By Council Member Holden

A Local Law to amend the administrative code of the city of New York, in relation to procurement opportunities for veteran owned business enterprises*Be it enacted by the Council as follows:*

Section 1. Section 6-138 of the administrative code of the city of New York, as added by local law number 144 for the year 2013, is amended to read as follows:

§ 6-138 Participation by veteran owned business enterprises in city procurement. *a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Commissioner. The term “commissioner” means the commissioner of small business services.

Veteran owned business enterprise. The term “veteran owned business enterprise” means a business enterprise authorized to do business in this state, including sole proprietorships, partnerships and corporations, in which (i) at least 51 percent of the ownership interest is held by United States citizens or lawful permanent residents who are veterans, as defined in section 3101 of the charter; (ii) the ownership interest of such individuals is real, substantial and continuing; and (iii) such individuals have and exercise the authority to control independently the day to day business decisions of the enterprise. Veteran owned business enterprise includes a business enterprise that is licensed by or located in the city of New York and that has been verified as a service-disabled veteran-owned small business or a veteran-owned small business pursuant to part 74 of title 38 of the code of federal regulations, or certified as a service-disabled veteran-owned business enterprise pursuant to subdivision 5 of section 369-i of the executive law.

b. Report. The commissioner [of the department of small business services], in consultation with the city chief procurement officer, shall analyze veteran owned business enterprises and opportunities for such business enterprises in city procurements and shall, by December 1, 2014, determine the need for a citywide program to promote opportunities in city procurement for veterans. At such time, the commissioner shall submit to the council a report on such analysis including the basis for such determination. If the commissioner determines that there is a need for such a citywide program, such report shall also contain recommendations concerning measures to enhance the opportunities of such businesses with respect to city procurement, which shall include but need not be limited to, outreach and notification of contract opportunities, certification of veteran owned business enterprises, recommendations regarding the establishment of participation goals, and tracking and reporting the utilization of such business enterprises. The commissioner shall periodically review opportunities for veterans in city procurement and, if the commissioner determines necessary, prepare and submit an updated report to the council with recommendations for additional city procurement opportunities for veteran owned business enterprises.

c. Registration as veteran owned business enterprise. The commissioner, in consultation with the city chief procurement officer, shall include a mechanism wherever businesses register to conduct business with the city, including on the city website and any other means of registration, for veteran owned business enterprises to identify as a veteran owned business enterprise.

d. Veteran leadership advisory program. The commissioner, in consultation with the department of veterans’ services, shall establish a veteran leadership advisory program to educate veteran owned business enterprises about federal, state and city procurement opportunities and to support veteran owned business enterprises when applying for such procurement opportunities. The veteran leadership advisory program shall be located within the department of small business services and shall coordinate and facilitate technical assistance and educational programs, including but not limited to procurement workshops and mentorship programs, to enhance participation in city procurement for veteran owned business enterprises.

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

Referred to the Committee on Veterans.

Res. No. 1619

Resolution calling upon the United States Congress to pass, and the President to sign, the COVID-19 Hate Crimes Act (H.R. 1843/S.937), which would facilitate the expedited review of COVID-19 hate crimes.

By Council Members Koo, Chin, Cornegy, Levin, Salamanca, Rivera, Lander, Ayala, Van Bramer, Treyger, Brannan, Vallone, Adams, Powers, Brooks-Powers, Moya, Ampy-Samuel, Dromm, Reynoso, Menchaca, Maisel, Cumbo, Miller, Gjonaj, Holden, Yeger, Cabrera, Feliz, Louis, Koslowitz, D. Diaz, Levine, Gennaro, Rose, Grodenchik, Dinowitz and Ulrich.

Whereas, The COVID-19 pandemic has seen a sharp increase in the number of reported hate crimes and bias incidents against Asian Americans in New York City and nationwide; and

Whereas, According to a recent *New York Times* article, activists and police officials believe many potential hate crimes and bias incidents against Asian Americans in New York City have gone underreported or were not classified as hate crimes; and

Whereas, This underreporting and lack of recognition is due to various reasons, including the way hate crimes and bias incidents are designated; and

Whereas, Even with the underreporting, New York City has seen 35 anti-Asian crimes reported so far this year—including a recent attack against a 65-year-old Filipino woman near Times Square—compared to 28 during all of 2020, which itself was a jump from just 3 in 2019, according to New York Police Department (“NYPD”) statistics; and

Whereas, The spike in crimes against Asian Americans in New York City mirrors a nationwide increase, with Stop AAPI Hate—an initiative that tracks violence and harassment against Asian-Americans and Pacific Islanders—recording more than 3,000 reported incidents in the United States since the start of the pandemic, with at least 260 placed in New York City; and

Whereas, While the NYPD has created an Anti-Asian Hate Crimes Task Force to address this increase in bias-based crimes, the COVID-19 Hate Crimes Act, (H.R. 1843/S.937), sponsored by U.S. Representative Grace Meng and Senator Mazie Hirono, respectively, would enhance such efforts at the federal level by: (1) designating an officer or employee of the Justice Department to facilitate expedited review of COVID-19 hate crimes reported to federal, state, and/or local law enforcement; (2) issue guidance for state and local law enforcement agencies to establish online reporting of hate crimes/incidents available in multiple languages, and expand culturally competent and linguistically appropriate public education campaigns, and collection of data and public reporting of hate crimes; and (3) issue guidance describing best practices to mitigate racially discriminatory language in describing the COVID-19 pandemic; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, the COVID-19 Hate Crimes Act, (H.R. 1843/S.937), which would facilitate the expedited review of COVID-19 hate crimes.

Referred to the Committee on Public Safety.

Int. No. 2294

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

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

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-565.6 to read as follows:

§ 20-565.6 *Minimum per trip payments. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Food service establishment. The term “food service establishment” has the same meaning as provided in subdivision s of section 81.03 of the health code of the city of New York.

Gratuity. The term “gratuity” means a voluntary payment from a customer to a third party delivery worker made in addition to the total cost of the delivery service, food and any other taxes, fees or surcharges.

Third party food delivery service. The term “third party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 separately owned and operated food service establishments.

Third party food delivery worker. The term “third party food delivery worker” means any person engaged by a third party food delivery service to carry out deliveries.

Trip. For purposes of this section, the term “trip” means the entirety of the process by which a worker is engaged to provide food delivery services to a customer through a third party delivery service, to include travel to a food service establishment, picking up prepared food for delivery, taking and depositing such delivery at a different location as requested, and any associated waiting time.

b. Minimum payments. 1. In the nine months following the effective date of this law, the department shall study the working conditions for third party food delivery workers. In conducting such study, the department may coordinate with any other agency, office, or organization deemed relevant. Such study shall include, at minimum, per trip pay and the methods by which such pay is determined, total income, expenses and required equipment, hours worked, trip mileage, mode of travel, safety, and any other topics relevant to third party food delivery workers, as determined by the department.

2. Following the study required by this subdivision, the department shall by rule establish a method for determining the minimum payment that must be made to a third party food delivery worker for any trip dispatched by a third party food delivery service. In establishing such method, the department shall, at minimum, consider the duration and distance of the trip, the mode of transportation used by the worker and the associated expenses of operation, the type of trip, including the number of separate deliveries made along a route, the adequacy of third party delivery worker income considered in relation to expenses, and any other relevant factors, as determined by the department. Minimum per trip payments shall not include any taxes, fees or surcharges imposed on the purchase of food or food deliveries. Any rules promulgated by the department pursuant to this subdivision shall not prevent payments to third party delivery workers from being calculated on an hourly or weekly basis, or by any other method, provided that the actual payments made to such drivers are no less than the minimum payments determined by the department.

c. Gratuities. Minimum payments determined by the department pursuant to this section shall not include gratuities. Third party delivery services shall not use gratuities to offset minimum payments required by this section.

d. Review. No less than once annually, the department shall review the minimum payments established pursuant to this section to determine whether any amendment of such payments is warranted or necessary. If the department determines that such an amendment is warranted or necessary, it is hereby authorized to promulgate such amendment by rule.

e. Report. In conjunction with the review required by subdivision d of this section, the department shall, at least once annually, submit to the council and the mayor a report on the minimum payment standards, any changes to such standards, and the effect of such minimum payment standards on food delivery workers and the food delivery industry.

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 2295

By Council Members Maisel and Louis.

A Local Law in relation to the provision of information to young adults and college students regarding recent tenant protection reforms

Be it enacted by the Council as follows:

Section 1. Provision of information about tenant rights for young adults and college students. a. The department of housing preservation and development shall publish on its website and publicly distribute pamphlets containing information on residential tenants' rights tailored to first-time tenants, individuals aged 17 to 24, and individuals currently enrolled in college or vocational training programs. The information provided shall concern the housing stability and tenant protection act of 2019, the covid-19 emergency eviction and foreclosure prevention act of 2020, and the protections and rights provided under both statutes that are likely to affect first-time residential tenants, individuals aged 17 to 24 and those enrolled in college.

b. The information shall be published on the department of housing preservation and development's website and distributed as pamphlets no later than 45 days after the effective date of this local law, and shall be made available in English and in each of the designated citywide languages, as defined in section 23-1101 of the administrative code of the city of New York. Such pamphlets shall be distributed and made available at, but not limited to, shelters, public libraries, community centers, and college campuses.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 2296

By Council Members Menchaca, Rivera, Louis, Ayala and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to establishing standards for payment of third-party service platform workers and a navigation program to aid such workers

Be it enacted by the Council as follows:

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

*Subchapter 8
Third-party service platforms*

§ 20-1281 *Definitions.* For the purposes of this subchapter, the following terms have the following meanings:

Third-party service platform. The term "third-party service platform" means any entity that offers prearranged services for compensation using an online-enabled application or platform to connect customers with workers.

Third-party service platform worker. The term "third-party service platform worker" means any person engaged by a third-party service platform to provide services except an employee, as defined in section 190 of the labor law, of such third-party service platform.

§ 20-1282 *Payment to workers.* a. The commissioner shall promulgate rules establishing standards for payments made by third-party service platforms to third-party service platform workers. Such rules shall, at a minimum:

1. Prohibit third-party service platforms from charging any fee for any form of payment used by such a platform to pay a third-party service platform worker for work performed;

2. Require that all third-party service platforms offer at least one form of payment that can be accessed by third-party service platform workers who do not have bank accounts; and

3. Ensure that all third-party service platform workers can receive payments due to them from third-party service platforms no less frequently than once a week.

b. The commissioner shall establish a navigation program that provides information and assistance to third-party service platform workers relating to issues with or disputes about payments from third-party service platforms. Such information shall be provided in English and each of the designated citywide languages, as defined in section 23-1101. Such program shall include assistance by a natural person by phone and e-mail and shall also include online information. The navigation program shall, at a minimum, provide the following:

1. Information regarding the rights of third-party service platform workers pursuant to this section;

2. Assistance in understanding payment options;

3. Assistance in setting up accounts to receive payments, including connecting bank accounts to third-party service platform accounts; and

4. Assistance in troubleshooting problems with receipt of payment.

§ 20-1283 Penalties and enforcement. a. Any person who violates, or causes another person to violate, a provision of this subchapter or any rule promulgated pursuant to such subchapter, shall be liable for civil penalties in amounts equivalent to those set forth in section 20-1209.

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 2297

By Council Member Moya, the Public Advocate (Mr. Williams), the Speaker (Council Member Johnson) and Council Member Louis.

A Local Law to amend the administrative code of the city of New York, in relation to qualification for service with the police department

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 14-109 of chapter 1 of title 14 of the administrative code of the city of New York, as amended by local law 23 for the year 1998, is amended to read as follows:

a. Only persons shall be appointed or reappointed to membership in the police force or continue to hold membership therein, who are citizens of the United and who have never been convicted of a felony, and who can read and write understandably the English language. Skilled officers of experience may be appointed for temporary detective duty who are not residents of the city. Only persons shall be appointed police officers who shall be at the date of the filing of an application for civil service examination less than thirty-five years of age, except, that every person who, as of the fifteenth day of April 1997, satisfied all other requirements for admission to the New York city police department academy shall be admitted to such academy and shall be eligible for appointment as a police officer, subject to the provisions of the civil service law and any applicable provisions of the charter, notwithstanding that such person was thirty-five years of age or older on the fifteenth day of April 1997. Persons who shall have been members of the force, and shall have been dismissed therefrom, shall not be reappointed. *A person who has been a member of any police force shall not be appointed as a member of the force if such person was dismissed therefrom due to misconduct or resigned while being investigated pursuant to a charge of misconduct.* Persons who are appointed as police trainees, after examination in accordance with the civil service law and the rules of the commissioner of citywide administrative services and who have satisfactorily completed service as such trainees, may likewise be appointed as police officers without further written examination, provided that they shall have passed a medical examination at the end of their required trainee period. Persons appointed as police trainees shall not be considered members of the uniformed force of the department.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 2298

By Council Members Rivera, the Public Advocate (Mr. Williams), Menchaca, Chin, Louis, Ayala, Lander and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring food service establishments to provide toilet facility access to food delivery workers

Be it enacted by the Council as follows:

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 8 to read as follows:

**SUBCHAPTER 8
TOILET FACILITY ACCESS FOR FOOD DELIVERY WORKERS**

§ 20-1281 Definitions. As used in this subchapter, the following terms have the following meanings:

Food delivery worker. The term “food delivery worker” means an individual who is hired or retained as an independent contractor by a food service establishment or as an independent contractor or employee of a third-party food delivery service to deliver food or beverage from such establishment to a consumer in exchange for compensation.

Food service establishment. The term “food service establishment” has the same meaning as provided in subdivision s of section 81.03 of the health code of the city of New York.

Toilet facility. The term “toilet facility” means a food service establishment’s toilet facility for its patrons, where such establishment has a dedicated facility for its patrons; or a food service establishment’s toilet facility for its employees, where such establishment does not have a dedicated facility for its patrons.

Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, food service establishments.

§ 20-1282 Access to toilet facility. A food service establishment that has a toilet facility and that utilizes food delivery workers shall provide such workers access to its toilet facility while such workers are lawfully on such establishment’s premises to pick up such establishment’s food or beverage for consumer delivery.

§ 20-1283 Exceptions. a. Notwithstanding the requirements of section 20-1282 and section 492 of the general business law, a food service establishment shall not be required to provide food delivery workers access to its toilet facility in the following circumstances:

1. Where accessing the toilet facility would require a food delivery worker to walk through such establishment’s kitchen, food preparation or storage area or utensil washing area to access such facility, pursuant to subdivision d of section 81.22 of the health code;

2. Where accessing the toilet facility would create an obvious health and safety risk to the food delivery worker or to the establishment; and

3. Any additional exceptions that the commissioner promulgates by rule.

b. The commissioner, in consultation with the commissioner of health and mental hygiene, shall promulgate rules necessary and appropriate to the administration of this section. Such rules shall identify:

1. The circumstances where access to a toilet facility would create an obvious health or safety risk to the food delivery worker or to the food service establishment;

2. Any precautions an establishment may take to mitigate such health or safety risks; and

3. The obligations of the food service establishment to provide access to a toilet facility during any restrictions on indoor dining at such establishment, issued by the governor of the state of New York, the New York state department of health or other relevant agencies.

§ 20-1284 Enforcement and penalties. a. The commissioner shall enforce the provisions of this subchapter. In doing so, the commissioner shall establish a system that provides a food delivery worker multiple means to communicate complaints regarding a food service establishment's non-compliance with this subchapter and that allows for the investigation of such complaints in a timely manner.

b. A food service establishment that the commissioner finds to be in violation of this subchapter shall be liable for a civil penalty of not more than \$50 for the first violation and not more than \$100 for each subsequent violation.

c. The commissioner shall promulgate rules necessary and appropriate to the administration of this section.

§ 20-1285 Outreach. No more than 30 days after the effective date of the local law that added this subchapter, the commissioner, in collaboration with relevant agencies, food service establishments, third-party food delivery services and relevant stakeholders, shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to alert food delivery workers and food service establishments to this subchapter. Such outreach shall include, but need not be limited to, posting information on relevant government websites and distributing information to food delivery workers, food service establishments, third-party food delivery services and relevant stakeholders.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner 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 date.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 2299

By Council Member Rosenthal (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to lease agreements concerning storefront premises

Be it enacted by the Council as follows:

Section 1. This local law shall be known and may be cited as the "Storefront Business Bill of Rights".

§ 2. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1007 to read as follows:

§ 22-1007 Lease requirements for storefront premises.

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

Best efforts. The term "best efforts" means reasonable efforts.

Ground floor. The term "ground floor" means the ground floor of a building, directly accessible to the public from the street or from the interior of a building.

Ground floor commercial premises. The term "ground floor commercial premises" means any ground floor premises that is occupied or used, or could be occupied or used, for the purpose of offering or selling goods at retail.

Owner. The term "owner" means an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of storefront premises or an agent of an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of storefront premises.

Rent. The term "rent" means any and all consideration received by an owner in connection with the use or occupancy of storefront premises.

Second floor. The term "second floor" means the second floor of a building, visible from the street, and accessible to the public directly from the street or from the interior of a building.

Second floor commercial premises. The term "second floor commercial premises" means any second floor premises that is occupied or used, or could be occupied or used, for the purpose of offering or selling goods at retail.

Storefront premises. The term "storefront premises" means any ground floor commercial premises or second floor commercial premises in the city of New York.

b. Information required to be provided. An owner may not accept an initial rent payment for storefront premises from a tenant unless the owner provides the tenant with the following information:

- 1. A copy of the certificate of occupancy that covers the storefront premises;*
- 2. An itemized list in writing of the average cost of utilities, insurance, real property taxes, commercial rent taxes, business improvement district assessments, and any other fees or assessments associated with the storefront premises for the preceding 2 years, and a description of the kind of business for which the storefront premises was used during such two-year period, to the extent such information is available to the owner;*
- 3. An itemized list in writing of the reasonably expected average cost of utilities, insurance, real property taxes, commercial rent taxes, business improvement district assessments, and any other fees or assessments associated with the storefront premises for the two-year period following the date on which the tenant is expected to begin occupancy of the storefront premises; and*
- 4. A detailed written history of any known legal or regulatory violations pertaining to the storefront premises issued during the preceding 10 years and any known construction pertaining to the storefront premises during the preceding 10 years, including, but not limited to, any information available on the city open data web portal regarding such violations or construction.*

c. Requirement to update contact information. In any case in which an owner leases a storefront premises to a tenant, during the duration of the term of the lease the owner and tenant shall provide one another with current contact information, including address, telephone number and e-mail address, and provide one another with timely notice of updates to such information, if applicable.

d. Time to cure violations. In any case in which an owner leases a storefront premises to a tenant, during the duration of the term of the lease the owner shall provide the tenant with reasonable time to cure lease violations within all applicable requirements under city and state law.

e. Written lease required. No owner may lease storefront premises to a tenant for a term of more than 1 year unless the lease is in writing and includes, but is not limited to, provisions setting forth the following requirements:

1. If the owner and tenant have not come to an agreement regarding a lease renewal by 120 days before the expiration date of the lease, the owner shall provide the tenant with either a lease renewal offer or notification of an intent not to offer a lease renewal. The tenant is not required to notify the owner of an intention with respect to a lease renewal before receiving such offer or notification, nor in any case is the tenant required to notify the owner of an intention with respect to a lease renewal earlier than 120 days before the expiration date of the lease;

2. Within 30 days of receipt by the tenant of a lease renewal offer from the owner no earlier than 150 days before the expiration of the original lease, the tenant shall respond to the owner with an acceptance, counteroffer or rejection;

3. All notifications and responses in the lease renewal negotiation process shall be made in writing by mail, e-mail or text message;

4. Within 30 days of the tenant receiving, no earlier than 150 days before the expiration of the original lease, notification from the owner of an intent not to offer a lease renewal, the tenant shall either:

(a) make an offer for lease renewal to the owner; or

(b) notify the owner that the tenant will not make such an offer and will either (i) vacate the premises in accordance with the existing lease provisions or (ii) exercise an option to extend the lease by a period of time as described in paragraph 6 of this subdivision, if such option is available to the tenant pursuant to the provisions of such paragraph 6;

5. If the tenant makes an offer for lease renewal as described in subparagraph (a) of paragraph 4 of this subdivision or counteroffer as described in paragraph 2 of this subdivision, the owner shall either accept the offer or counteroffer or make best efforts to agree on lease renewal terms, and the tenant shall also make best efforts to agree on lease renewal terms;

6. If, by 30 days before the original date of the expiration of the lease, the owner and tenant have not come to agreement on lease renewal terms, the tenant has a one-time option to extend the original lease then in effect by not more than 1 year, so long as (i) the tenant has made timely rental payments to the owner, (ii) the tenant has not materially breached the lease, (iii) the tenant has not previously notified the owner that the tenant will vacate the storefront premises at the expiration of the original lease, (iv) the tenant notifies the landlord of the intent to extend the original lease by not later than 20 days before the expiration of the original lease, and (v)

the owner has not previously notified the tenant that the owner has obtained another tenant to lease the storefront premises after such expiration of the original lease, in which case the existing tenant may extend the lease for a period of up to 90 days, subject to all other requirements described in this paragraph; and

7. The monthly rent increase for the period of a lease extension option pursuant to paragraph 6 of this subdivision shall be:

(a) 10 percent of the average monthly rent payment owed by the tenant for the last year of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal earlier than 120 days before the expiration date of the lease;

(b) 9 percent of the average monthly rent payment owed by the tenant for the last year of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal between 120 days and 91 days, inclusive, before the expiration date of the lease;

(c) 8 percent of the average monthly rent payment owed by the tenant for the last year of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal between 90 days and 61 days, inclusive, before the expiration date of the lease; and

(d) 7 percent of the average monthly rent payment owed by the tenant for the last year of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal between 60 days and 31 days, inclusive, before the expiration date of the lease or if no offer of lease renewal or notification of intent not to offer a lease renewal has been provided by the owner.

f. Lease renewal for leases between 6 months and 1 year. In any case in which an owner leases a storefront premises to a tenant for a term between 6 months and 1 year, inclusive, the following procedures regarding lease renewal shall apply:

1. If the owner and tenant have not come to an agreement regarding a lease renewal by 120 days before the expiration date of the lease, the owner shall provide the tenant with either a lease renewal offer or notification of an intent not to offer a lease renewal. The tenant is not required to notify the owner of an intention with respect to a lease renewal before receiving such offer or notification, nor in any case is the tenant required to notify the owner of an intention with respect to a lease renewal earlier than 120 days before the expiration date of the lease;

2. Within 30 days of receipt by the tenant of a lease renewal offer from the owner no earlier than 150 days before the expiration of the original lease, the tenant shall respond to the owner with an acceptance, counteroffer or rejection;

3. All notifications and responses in the lease renewal negotiation process shall be made in writing by mail, e-mail or text message;

4. Within 30 days of the tenant receiving, no earlier than 150 days before the expiration of the original lease, notification from the owner of an intent not to offer a lease renewal, the tenant shall either:

(a) make an offer for lease renewal to the owner; or

(b) notify the owner that the tenant will not make such an offer and (i) will vacate the premises in accordance with the existing lease provisions, or (ii) will exercise an option to extend the lease if a lease provides such an option and the tenant meets the requirements under the lease to exercise such option; and

5. If the tenant makes an offer for lease renewal as described in subparagraph (a) of paragraph 4 of this subdivision or counteroffer as described in paragraph 2 of this subdivision, the owner shall either accept the offer or counteroffer or make best efforts to agree on lease renewal terms, and the tenant shall also make best efforts to agree on lease renewal terms.

g. Extension option for written leases between 6 months and 1 year. 1. In any case in which an owner provides a written lease for a storefront premises to a tenant for a term between 6 months and 1 year, inclusive, such lease shall provide that if, by 30 days before the original date of the expiration of the lease, the owner and tenant have not come to agreement on lease renewal terms, the tenant has a one-time option to extend the original lease then in effect by not more than 6 months, so long as (i) the tenant has made timely rental payments to the owner, (ii) the tenant has not materially breached the lease, (iii) the tenant has not previously notified the owner that the tenant will vacate the storefront premises at the expiration of the original lease, (iv) the tenant notifies the landlord of the intent to extend the original lease by not later than 20 days before the expiration of the original lease, and (v) the owner has not previously notified the tenant that the owner has obtained another tenant to lease the storefront premises after such expiration of the original lease, in which case the existing

tenant may extend the lease for a period of up to 90 days, subject to all other requirements described in this paragraph.

2. The monthly rent increase for the period of a lease extension option pursuant to paragraph 1 of this subdivision shall be:

(a) 10 percent of the average monthly rent payment owed by the tenant for the last six months of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal earlier than 120 days before the expiration date of the lease;

(b) 9 percent of the average monthly rent payment owed by the tenant for the last six months of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal between 120 days and 91 days, inclusive, before the expiration date of the lease;

(c) 8 percent of the average monthly rent payment owed by the tenant for the last six months of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal between 90 days and 61 days, inclusive, before the expiration date of the lease; and

(d) 7 percent of the average monthly rent payment owed by the tenant for the last six months of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal between 60 days and 31 days, inclusive, before the expiration date of the lease or if no offer of lease renewal or notification of intent not to offer a lease renewal has been provided by the owner.

h. Lease renewal for leases between 3 and 6 months. In any case in which an owner leases a storefront premises to a tenant for a term of at least 3 months but less than 6 months, the following procedures regarding lease renewal shall apply:

1. If the owner and tenant have not come to an agreement regarding a lease renewal by 60 days before the expiration date of the lease, the owner shall provide the tenant with either a lease renewal offer or notification of an intent not to offer a lease renewal. The tenant is not required to notify the owner of an intention with respect to a lease renewal before receiving such offer or notification, nor in any case is the tenant required to notify the owner of an intention with respect to a lease renewal earlier than 60 days before the expiration date of the lease;

2. Within 15 days of receipt by the tenant of a lease renewal offer from the owner no earlier than 75 days before the expiration of the original lease, the tenant shall respond to the owner with an acceptance, counteroffer or rejection;

3. All notifications and responses in the lease renewal negotiation process shall be made in writing by mail, e-mail or text message;

4. Within 15 days of the tenant receiving, no earlier than 75 days before the expiration of the original lease, notification from the owner of an intent not to offer a lease renewal, the tenant shall either:

(a) make an offer for lease renewal to the owner; or

(b) notify the owner that the tenant will not make such an offer and (i) will vacate the premises in accordance with the existing lease provisions, or (ii) will exercise an option to extend the lease if the lease provides such an option and the tenant meets the requirements under the lease to exercise such option; and

5. If the tenant makes an offer for lease renewal as described in subparagraph (a) of paragraph 4 of this subdivision or counteroffer as described in paragraph 2 of this subdivision, the owner shall either accept the offer or counteroffer or make best efforts to agree on lease renewal terms, and the tenant shall also make best efforts to agree on lease renewal terms.

i. Extension option for written leases between 3 and 6 months. 1. In any case in which an owner provides a written lease for a storefront premises to a tenant for a term of at least 3 months but less than 6 months, such lease shall provide that if, by 30 days before the original date of the expiration of the lease, the owner and tenant have not come to agreement on lease renewal terms, the tenant has a one-time option to extend the original lease then in effect by not more than 60 days, so long as (i) the tenant has made timely rental payments to the owner, (ii) the tenant has not materially breached the lease, (iii) the tenant has not previously notified the owner that the tenant will vacate the storefront premises at the expiration of the original lease, and (iv) the tenant notifies the landlord of the intent to extend the original lease by not later than 20 days before the expiration of the original lease; and

2. The monthly rent increase for the period of a lease extension option pursuant to paragraph 1 of this subdivision shall be:

(a) 10 percent of the average monthly rent payment owed by the tenant for the last 3 months of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal earlier than 60 days before the expiration date of the lease;

(b) 9 percent of the average monthly rent payment owed by the tenant for the last 3 months of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal between 60 days and 51 days, inclusive, before the expiration date of the lease;

(c) 8 percent of the average monthly rent payment owed by the tenant for the last 3 months of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal between 50 days and 41 days, inclusive, before the expiration date of the lease; and

(d) 7 percent of the average monthly rent payment owed by the tenant for the last 3 months of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal between 40 days and 31 days, inclusive, before the expiration date of the lease or if no offer of lease renewal or notification of intent not to offer a lease renewal has been provided by the owner.

j. Lease renewal for leases between 1 and 3 months. In any case in which an owner leases a storefront premises to a tenant for a term of more than 1 month but less than 3 months, the following procedures regarding lease renewal shall apply:

1. If the owner and tenant have not come to an agreement regarding a lease renewal by 20 days before the expiration date of the lease, the owner shall provide the tenant with either a lease renewal offer or notification of an intent not to offer a lease renewal. The tenant is not required to notify the owner of an intention with respect to a lease renewal before receiving such offer or notification, nor in any case is the tenant required to notify the owner of an intention with respect to a lease renewal earlier than 20 days before the expiration date of the lease;

2. Within 5 days of receipt by the tenant of a lease renewal offer from the owner no earlier than 25 days before the expiration of the original lease, the tenant shall respond to the owner with an acceptance, counteroffer or rejection;

3. All notifications and responses in the lease renewal negotiation process shall be made in writing by mail, e-mail or text message;

4. Within 5 days of the tenant receiving, no earlier than 25 days before the expiration of the original lease, notification from the owner of an intent not to offer a lease renewal, the tenant shall either:

(a) make an offer for lease renewal to the owner; or

(b) notify the owner that the tenant will not make such an offer and (i) will vacate the premises in accordance with the existing lease provisions, or (ii) will exercise an option to extend the lease if the lease provides such an option and the tenant meets the requirements under the lease to exercise such option; and

5. If the tenant makes an offer for lease renewal as described in subparagraph (a) of paragraph 4 of this subdivision or counteroffer as described in paragraph 2 of this subdivision, the owner shall either accept the offer or counteroffer or make best efforts to agree on lease renewal terms, and the tenant shall also make best efforts to agree on lease renewal terms.

k. Extension option for written leases between 1 and 3 months. 1. In any case in which an owner provides a written lease for a storefront premises to a tenant for a term of more than 1 month but less than 3 months, such lease shall provide that if, by 10 days before the original date of the expiration of the lease, the owner and tenant have not come to agreement on lease renewal terms, the tenant has a one-time option to extend the original lease then in effect by not more than 30 days, so long as (i) the tenant has made timely rental payments to the owner, (ii) the tenant has not materially breached the lease, (iii) the tenant has not previously notified the owner that the tenant will vacate the storefront premises at the expiration of the original lease, (iv) the tenant notifies the landlord of the intent to extend the original lease by not later than 10 days before the expiration of the original lease; and

2. The monthly rent increase for the period of a lease extension option pursuant to paragraph 1 of this subdivision shall be:

(a) 10 percent of the monthly rent payment owed by the tenant for the last month of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal earlier than 20 days before the expiration date of the lease;

(b) 9 percent of the monthly rent payment owed by the tenant for the last month of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal between 20 days and 17 days, inclusive, before the expiration date of the lease;

(c) 8 percent of the monthly rent payment owed by the tenant for the last month of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal between 16 days and 14 days, inclusive, before the expiration date of the lease; and

(d) 7 percent of the monthly rent payment owed by the tenant for the last month of the lease, if the owner has provided the tenant with a lease renewal offer or notification of intent not to offer a lease renewal between 13 days and 11 days, inclusive, before the expiration date of the lease or if no offer of lease renewal or notification of intent not to offer a lease renewal has been provided by the owner.

l. Right of action. 1. A tenant may bring an action in any court of competent jurisdiction for a claim of noncompliance with the provisions of this section. If a court of competent jurisdiction finds that an owner has failed to comply with this section in relation to a tenant, the court:

(a) May impose a civil penalty in an amount not to exceed 3 percent of the assessed value of the property in which the storefront premises is located, as such assessed value is determined for the current fiscal year in accordance with section 1506 of the charter;

(b) May issue an order directing the owner to ensure that no further violation occurs; and

(c) May award such other relief as the court deems appropriate, including but not limited to, injunctive relief, equitable relief, compensatory or punitive damages and reasonable attorneys' fees and court costs.

2. This subdivision does not limit or abrogate any claim or cause of action a person has under common law or by statute. The provisions of this subdivision are in addition to any such common law and statutory remedies.

3. No provision in this section shall be construed as creating any private right of action on the part of any person or entity against the city or any agency, official or employee thereof.

m. Applicability. This section shall apply with respect to any lease entered into after the effective date of the local law that added this section.

n. Administration. The commissioner shall administer the provisions of this section and shall consult with other agencies as appropriate in administering such provisions.

§ 3. Subdivision a of section 22-1002 of the administrative code of the city of New York, as amended by local law number 155 for the year 2019, is amended to read as follows:

a. The commissioner shall post on the city's website online business tools and resources, including but not limited to:

1. Tools provided by the department, which may include accounting, recordkeeping and bookkeeping resources;

2. A searchable and interactive guide to aid current or prospective business owners in understanding city laws and rules applicable to such business, including the applicable licenses, permits, and certifications the owner must obtain. Such guide shall encompass provisions in the administrative code and the rules of the city of New York, including licensing, permitting, and operational requirements, that are applicable to the particular type of business. The guide shall include zoning information and a brief description of applicable regulations and requirements, written in plain language that is likely to be understood by business owners; [and]

3. *A model commercial lease, with optional clauses, for different term lengths, including 6-month, one-year, two-year, three-year, five-year, and ten-year leases, and a translation of such leases into the designated citywide languages described in section 23-1101. Such model commercial leases shall be specifically designed for storefront premises, as defined in section 22-1007, and shall include, but not be limited to, the applicable requirements described in subdivisions b through k of such section; and*

4. Such other tools and resources as the commissioner may deem appropriate.

§ 4. No provision enacted in this local law shall be construed as creating a private right of action on the part of any person or entity against the city or any agency, official or employee thereof.

§ 5. This local law takes effect 120 days after it becomes law, except that the commissioner of small business services shall take such measures as are necessary for the implementation of this local law before such date.

Referred to the Committee on Small Business.

L.U. No. 781

By Council Member Salamanca:

Application Number C 200286 ZMX (261 Walton Avenue Rezoning) submitted by Mott Haven Gateway LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, eliminating a Special Mixed Use District (MX-13), changing from an M1-4/R6A District to an R8A District, and establishing within the proposed R8A District a C2-4 District, Borough of the Bronx, Community District 1, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 782

By Council Member Salamanca:

Application Number N 200287 ZRX (261 Walton Avenue Rezoning) submitted by Mott Haven Gateway LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in the Borough of Bronx, Community District 1, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 783

By Council Member Salamanca:

Application Number C 210033ZMK (Neptune Avenue Rezoning) submitted by McDonald's Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28d, eliminating from within an existing R6 District a C1-2 District, and establishing within an existing R6 District a C2-4 District, Borough of Brooklyn, Community District 13, Council District 48.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 784

By Council Member Salamanca:

Application Number C 210049 ZMK (300 Huntington Street) submitted by 300 Huntington Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an existing M2-1 District to an M2-3 District property bounded by Huntington Street, the centerline of the Gowanus Canal, West 9th Street, and Smith Street, Borough of Brooklyn, Community District 6, Council District 39.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 785

By Council Member Salamanca:

Application Number C 200282 ZMQ (30-02 Newtown Avenue) submitted by MEDREP Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, by changing from an existing C4-4A District to a C4-4D District property bounded by 30thStreet, Newtown Avenue, 31stStreet, a line 210 feet northeasterly of 30thAvenue, a line 100 feet northwesterly of 31stStreet, and a line 285 feet northeasterly of 30thAvenue, Borough of Queens, Community District 1, Council District 22.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 786

By Council Member Salamanca:

Application Number N 200283 ZRQ (30-02 Newtown Avenue) submitted by MEDREP Associates, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 22.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Friday, April 30, 2021

Committee on Women and Gender Equity

Darma V. Diaz, Chairperson

Oversight - The Mayor’s Office to End Domestic and Gender-Based Violence and COVID-19.

Int 2131 - By Council Members Rosenthal, Kallos, Cornegy and Yeger - **A Local Law** in relation to establishing a working group, feasibility study and pilot program on using community locations to provide domestic violence survivors access to the internet.

Remote Hearing (Virtual Room 2)..... 10:00 a.m.

Committee on Oversight and Investigations jointly with the

Vanessa L. Gibson, Chairperson

Committee on General Welfare

Stephen Levin, Chairperson

Oversight - The City’s Audit of Shelter Providers.

Proposed Int 2056-A - By Council Members Powers, Kallos, Chin and D. Diaz - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring officers and employees of city contractors to report corruption and to cooperate with the department of investigation.

Int 2284 - By Council Members Rosenthal and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to a survivor-centered response by the department of social services to complaints of sexual assault or harassment.

Int 2285 - By Council Members Rosenthal and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the establishment of standards and procedures to determine the existence of conflicts of interest and other misconduct concerning city contracts.

Int 2292 - By Council Member Gibson - **A Local Law** to amend the administrative code of the city of New York, in relation to the reporting of information pertaining to allegations of misconduct made under section 12-113 and the development of web applications to track City agency and contractor compliance with certain investigations and recommendations.

Remote Hearing (Virtual Room 1)..... 11:00 a.m.

Tuesday, May 4, 2021

Subcommittee on Zoning & Franchises

Francisco Moya, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Housing and Buildings

Robert Cornegy, Jr., Chairperson

Int 354 - By Council Members Rosenthal, Salamanca and Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to penalties for the unauthorized alteration or demolition of a premises calendared by the landmarks preservation commission.

Int 1127 - By Council Members Holden, Borelli, Brannan, Ulrich, Yeger, Gjonaj, Rodriguez, Koo and Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to expediting permits.

Int 1366 - By Council Members Moya and Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring certain insurance filings with the department of buildings.

Int 1635 - By Council Members Cumbo and Brannan - **A Local Law** to amend the New York city charter and the New York city building code in relation to the display of artwork on temporary protective structures on construction sites.

Int 1667 - By Council Members Levin and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring contractors and the department of buildings to make information regarding environmental monitoring of construction work publicly available.

Int 1737 - By Council Members Rivera, Powers, Chin, Holden, Kallos, Adams, Lander, Rodriguez, Reynoso, Menchaca, Van Bramer and Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to after hours work authorization.

Proposed Int 1939-A - By Council Members Maisel, Kallos, Chin, Yeger, Powers, Rosenthal, Rivera and Cumbo - **A Local Law** to amend the New York city building code, in relation to requiring standby power for nursing homes, adult homes, enriched housing and certain assisted living facilities.

Remote Hearing (Virtual Room 2).....10:30 a.m.

Wednesday, May 5, 2021

Committee on Civil Service and Labor

I. Daneek Miller, Chairperson

Int 2252 - By The Speaker (Council Member Johnson) and Council Members Rosenthal, Riley, Ayala, Ampry-Samuel, Rose, Moya, Gibson, Treyger, Kallos and Grodenchik - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring employers at certain city economic development projects and city human services contractors to enter into labor peace agreements.

Remote Hearing (Virtual Room 3)..... 10:00 a.m.

Committee on Transportation

Ydanis Rodriguez, Chairperson

Int 1811 - By Council Member Powers and the Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a theatre district safety zone.

Int 1819 - By Council Members Holden and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to street markings indicating locations of fire hydrants.

Int 2253 - By The Speaker (Council Member Johnson) and Council Members Powers and Rivera - **A Local Law** in relation to creating a pilot program to establish micro-distribution centers for distributing goods via sustainable modes of transportation.

Int 2277 - By Council Member Powers - **A Local Law** to amend the administrative code of the city of New York, in relation to commercial loading zones.

Int 2279 - By Council Member Reynoso - **A Local Law** to amend the administrative code of the city of New York, in relation to expanding commercial loading zones.

Int 2280 - By Council Member Reynoso - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring secure package storage in certain buildings.

Int 2281 - By Council Member Rivera - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to creating an office of sustainable delivery systems and requiring large generator of truck traffic buildings to produce and implement a delivery and servicing plan.

Int 2282 - By Council Members Rodriguez and the Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to redesigning the truck route network to improve safety and reduce traffic congestion and emissions.

Res 1610 - By Council Member Rodriguez - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, S.2757/A.6748, which would change the existing width restriction that makes most electric cargo bicycles illegal.

Remote Hearing (Virtual Room 1)..... 11:00 a.m.

Committee on Health jointly with the

Mark Levine, Chairperson

Committee on Parks and Recreation

Peter Koo, Chairperson

Oversight - Hart Island and the City's Public Burial Process & Assistance Program.

Remote Hearing (Virtual Room 2).....1:00 p.m.

**NEW YORK CITY COUNCIL
FISCAL YEAR 2022
EXECUTIVE BUDGET HEARINGS**

Please be advised of the following scheduled Council Agency Hearings relative to the Fiscal Year 2022 Executive Budget to be held remotely as follows:

Thursday, May 6, 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00-11:00	Youth and Community Development	Youth Services
11:00-12:00	Housing Authority	Public Housing

[Subcommittee on Landmarks, Public Sitings and Dispositions](#)

Kevin C. Riley, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 1).....2:00 p.m.

Friday, May 7, 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00-11:00	Aging	Aging
11:00-12:00	Investigation	Oversight & Investigations
12:00-1:00	Transportation	Transportation

Monday, May 10, 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
11:00-12:00	Board of Elections	Governmental Operations
12:00-1:00	Campaign Finance Board	Governmental Operations
1:00-2:00	Libraries	Cultural Affairs, Libraries & International Intergroup Relations
2:00-3:00	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations

Tuesday, May 11, 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00-1:00	Police	Public Safety

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Remote Hearing (Virtual Room 1)..... 11:00 a.m.

Wednesday, May 12, 2021

[Committee on Finance](#)

Daniel Dromm, Chairperson

Int 2267 - By Council Member Dromm (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to amending the district plan of the Flatbush Avenue business improvement district to authorize additional services for the district and to change the method of assessment upon which the district charge is based.

Int 2268 - By Council Member Dromm (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to amending the district plan of the Queens Plaza/Court Square business improvement district to change the method of assessment upon which the district charge is based.

Remote Hearing (Virtual Room 1).....9:00 a.m.

Stated Council Meeting (Virtual Room 1).....Agenda –1:30 p.m.



NEW YORK CITY COUNCIL
FISCAL YEAR 2022
EXECUTIVE BUDGET HEARINGS

Please be advised of the following scheduled Council Agency Hearings relative to the Fiscal Year 2022 Executive Budget to be held remotely as follows:

Thursday, May 6 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00-11:00	Youth and Community Development	Youth Services
11:00-12:00	Housing Authority	Public Housing

Friday, May 7 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00-11:00	Aging	Aging
11:00-12:00	Investigation	Oversight & Investigations
12:00-1:00	Transportation	Transportation

Monday, May 10 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
11:00-12:00	Board of Elections	Governmental Operations
12:00-1:00	Campaign Finance Board	Governmental Operations
1:00-2:00	Libraries	Cultural Affairs, Libraries & International Intergroup Relations
2:00-3:00	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations

Tuesday, May 11 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00-1:00	Police	Public Safety

Wednesday, May 12 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00-1:00	Human Resources Administration and Social Services	General Welfare
	Homeless Services	General Welfare
1:00-2:00	Children's Services	General Welfare

Friday, May 14 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00-12:00	HPD	Housing & Buildings
12:00-1:00	Sanitation	Sanitation & Solid Waste Management
1:00-2:00	Small Business Services	Small Business

Wednesday May 19 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
9:00-11:00	Education	Education
11:00-1:00	School Construction Authority	Education jointly with Subcommittee on Capital Budget
1:00-2:00	Health & Mental Hygiene	Health jointly with the Committee on Mental Health, Disabilities and Addiction

Thursday May 20 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00-11:00	Finance	Finance
11:00-12:00	Information Technology and Telecommunications	Land Use jointly with the Committee on Technology and the Subcommittee on Capital Budget
12:00-2:00	Parks and Recreation	Parks and Recreation
2:00-3:00	Corrections	Criminal Justice

Friday May 21 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00-11:00	Environmental Protection	Environmental Protection
11:00-12:00	Health and Hospitals	Hospitals
12:00-1:00	City University of New York	Higher Education

Monday May 24 2021

Time	Agency Testifying	Finance Committee jointly with Council Committee
10:00-1:00	Office of Management & Budget	Finance jointly with Subcommittee on Capital Budget
1:00-2:00	Comptroller	Finance
2:00-3:00	Independent Budget Office	Finance

Tuesday, May 25 2021

Time	Agency Testifying	Finance Committee
Begins 10:00*	Public*	Finance

**Members of the public can sign up to testify at the May 25th virtual public hearing via Zoom Web and/or via Phone at least 24 hours in advance of hearing. Written testimony may be submitted up to 72 hours after hearing has been adjourned.*

For questions about accessibility or to request additional accommodations at the May 25th Public Hearing, please contact swerts@council.nyc.gov or nbenjamin@council.nyc.gov or (212) 788-6936 at least three (3) business days before the hearing.

The following comments were among the remarks made by the Speaker (Council Member Johnson) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Johnson) acknowledged that three staff members were leaving the Council: Celine Mizrahi, Kalima Johnson, and Austen Brandford. Ms. Celine Mizrahi served as the Deputy Chief of Staff in the Speaker's Office. The Speaker (Council Member Johnson) noted that she had brought insight and dedication during an unprecedented time when the pandemic first hit the New York. He added that she had played a huge part in helping navigate through some of the toughest moments that the city had faced and he was grateful for her service. Ms. Kalima Johnson joined the Council in 2016 and served as a Senior Policy Analyst on the Education and Aging committees. The Speaker (Council Member Johnson) noted that she was also instrumental in creating the culturally responsive education pilot program at the Department of Education. Mr. Austen Brandford was originally assigned to the Council's bill drafting unit and was later promoted to be the counsel to the Committee on Housing and Buildings. Mr. Brandford worked on many housing bills including the legislation that protected children from lead poisoning. The Speaker (Council Member Johnson) expressed his gratitude to these three departing staffers and wished them all the best of luck.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these virtual proceedings to meet again for the Stated Meeting of Wednesday, May 12, 2021.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note: On April 27, 2021, the Council announced its conclusion that the office of the 48th Council District had been vacated under the operation of State law. It was determined that Council Member Deutsch had lost his seat pursuant to New York State Public Officers Law Section 30(1)(e).

Editor's Local Law Note: Int. Nos. 1671-A, 2118-A, 2212-A, 2220-A, 2224-A, and 2243-A, all adopted at the March 25, 2021 Stated Meeting, were returned unsigned by the Mayor on April 26, 2021. These items had become law on April 25, 2021 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 45 to 50 of 2021, respectively,

