

## **THE COUNCIL**

---

*Minutes of the Proceedings for the*

### **STATED MEETING**

*of*

Thursday, November 3, 2022, 2:04 p.m.

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

#### Council Members

Adrienne E. Adams, *Speaker*

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

Absent: Council Member Paladino;

Medical: Council Member Menin.

The Majority Leader (Council Member Powers) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings. Following the gaveling-in of the Meeting and the recitation of the Pledge of Allegiance, the Roll Call for Attendance was called by the City Clerk and the Clerk of the Council (Mr. McSweeney).

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

*There were 49 Council Members marked present for this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (Council Members Moya and Richardson Johnson participated remotely).*

### INVOCATION

The Invocation was delivered by Father Brian P. Dowd, St. Patrick's Roman Catholic Church, located at 9511 Fourth Avenue, Brooklyn, NY 11209.

Let us take a moment to prepare ourselves for prayer.

Let us pray.

Glorious God, you promised to open doors  
of blessing and abundance for all your people.

We ask that you would work mightily  
in this great City Council today.

May your spirit cause the Members  
to have a productive meeting,  
broaden their perspective,  
and lead each one of them  
to make fruitful contributions,  
building up the many communities  
of our great city.

God of Wisdom, we pray  
that you will bless our city,  
our Mayor, and our City Council Members.

We give thanks for the ways of service  
that they have chosen to take up  
on behalf of all the citizens.

Help them to have the eyes to see  
how lives are all connected,  
and how the common good is upheld  
when we listen and respond  
to those most vulnerable among us.

We pray that your kingdom would come  
to New York City as it is in Heaven,  
through your power, working in  
each of these Your servants.

May our truth be revealed.

May your light shine brighter.

May the voices of those most silence  
be heard louder and clearer.

Defend their cause, oh God,  
through this governing body.

And recognizing your image in each person,  
we present this our prayer today.

Amen.

God bless you.

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

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Adams) asked for a moment of silence in memory of Reverend Dr. Calvin Butts. Dr. Butts died on October 28, 2022 at the age of 73. She praised him as a great community leader who had dedicated his life to serving Harlem and the entire state of New York. She noted that Dr. Butts led and stewarded the historic Abyssinian Baptist Church, the Abyssinian Development Corporation, SUNY Old Westbury, and many other educational and community institutions. She acknowledged that Dr. Butt's legacy of public service, community empowerment, justice, and equity would live on through the people he had inspired and with all the New Yorkers who had benefitted from his actions. She noted that she was privileged to have considered Dr. Butts a personal friend. On behalf of the Council, the Speaker (Council Member Adams) offered her prayers and condolences to Dr. Butts's family, friends, and the Abyssinian Baptist Church community.

The Speaker (Council Member Adams) asked for a moment of silence for Reverend Dr. Calvin Butts.

At this point, a moment of silence was observed in the Chambers.

#### **ADOPTION OF MINUTES**

Council Member Salamanca moved that the Minutes of the Stated Meeting of October 12, 2022 be adopted as printed.

**REPORTS OF THE STANDING COMMITTEES****Report of the Committee on Finance**

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

Report for Res. No. 362

**Report of the Committee on Finance in favor of approving a Resolution concerning the increase in the annual expenditure for the 125th Street and DUMBO Business Improvement Districts and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 3, 2022, respectfully

**REPORTS:**

Proposed Resolution No. 362 sets a date, time, and place for a public hearing to consider a local law that would increase the annual expenditures of two (2) Business Improvement Districts (“BIDs”) as of July 1, 2022. The resolution sets November 22, 2022 at 10:00 am in the City Council Committee Room, 2nd floor, City Hall, Manhattan as the date, time, and place for the hearing.

These increases, which have been requested by the BIDs and approved by the respective District Management Associations, would result in a higher assessment on all properties currently subject to the BIDs’ assessments as a result of the increase in the assessment rate.

Pursuant to §§ 25-410(b) and 25-416 of the Administrative Code, a BID may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BID for improvements, services, maintenance, and operation) by means of the adoption of a local law amending the BID’s district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in § 25-412 of the Administrative Code will not be exceeded. Notice of the public hearing to consider such a local law must be published in at least one newspaper having general circulation in the district specifying the time when, and the place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

Accordingly, the resolution also directs the District Management Associations of each of the BIDs to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the public hearing, a notice stating the time and place of the public hearing and setting forth the increase in the amount to be expended annually in each of the BIDs.

The following BIDs have requested increases to their budgets, as indicated below:

**ATTACHMENT:**

BID Name	Year Established	Year of Previous Increase	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request		Projected Years for Increase Phase-In	CM District(s)	Increase Justification
	Years	Previous Increase Amount			% Increase	Annualized % Increase	Phase-In Schedule	Supporting Councilmember	
125th Street BID	1993	2019	\$1,240,462	\$1,687,028	\$446,566		1 (retroactive)	9	Assessment increase will be used to double the BID's sanitation service hours and personnel; add new marketing staff to expand digital marketing, content management, and fundraising; and provide cost-of-living increases to security personnel. 125 <sup>th</sup> Street has seen an increase in quality-of-life challenges over the last few years, and new development projects are expected to open soon and bring additional activity and residential tenants to the corridor.
	29	\$234,669			36%	0.91 %	1 x \$446,566 (FY23)	Kristin Richardson Jordan	
DUMBO BID	2006	2018	\$1,250,000	\$2,500,000	\$1,250,000		3	33	Assessment increase will be used to expand sanitation services; cover increased maintenance costs anticipated for furnishings, plantings, and lighting in the newly reconstructed Pearl Street Triangle and Archway plaza; sustain the BID's Open Streets program; and introduce holiday lighting to the neighborhood for the first time. DUMBO has grown significantly in the past few years, including several mixed-use and commercial developments under construction that will bring additional residents and foot traffic to the district.
	16	\$500,000 (w/ expansion)			100%	3.13 %	1 x \$500,000 (FY24) 1 x \$250,000 (FY25) 1 x \$500,000 (FY26)	Lincoln Restler	

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 362:)**

Res. No. 362

**Resolution concerning the increase in the annual expenditure for the 125th Street and DUMBO Business Improvement Districts and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.**

By Council Members Brannan, Richardson Jordan, Mealy and Ayala.

**WHEREAS**, pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law"), the City established the 125th Street and DUMBO Business Improvement Districts 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 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 the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

**WHEREAS**, the 125th Street Business Improvement District wishes to increase the amount to be expended annually to \$1,678,028 beginning on July 1, 2022, and the DUMBO Business Improvement District wishes to increase the amount to be expended annually to \$2,500,000, also beginning on July 1, 2022; 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 districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; 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) November 22, 2022 is the date and the City Council Committee Room, 2nd Floor, City Hall is the place and 10 am is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would increase the amount to be expended annually in the 125th Street and DUMBO Business Improvement Districts; and

(ii) on behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the 125th Street and DUMBO Business Improvement Districts are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the proposed increase in the amount to be expended annually in each of the two Business Improvement Districts.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, ARI KAGAN, CHI. A. OSSÉ, PIERINA ANA SANCHEZ, MARJORIE VELÁZQUEZ, DAVID M. CARR; 16-0-0; *Absent*: Julie Won; Committee on Finance, November 3, 2022.

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

## **Report of the Committee on Fire and Emergency Management**

Report for Int. No. 516-A

**Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a recruitment and retention plan for firefighters.**

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on June 16, 2022 (Minutes, page 1497), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On November 3, 2022, the Committee on Fire and Emergency Management, Chaired by Joann Ariola, will vote on a package of bills related to diversity in the Fire Department (“FDNY”), including: (i) Proposed Introduction Number 516-A (“Prop. Int. No. 516-A”), in relation to establishing a recruitment and retention plan for firefighters; (ii) Proposed Introduction Number 519-A (“Prop. Int. No. 519-A”), in relation to requiring a survey of permanent firehouse upgrades to establish a working environment that facilitates use by a mixed gender workforce; (iii) Proposed Introduction Number 552-A (“Prop. Int. No. 552-A”), in relation to reporting demographic information of members of the fire department at fire companies and special operations units; (iv) Proposed Introduction Number 553-A (“Prop. Int. No. 553-A”), in relation to requiring the fire department to plan and implement training on diversity, inclusion, anti-discrimination and anti-harassment; and (v) Proposed Introduction Number 560-A (“Prop. Int. No. 560-A”), in relation to requiring the fire department to annually report on equal employment opportunity complaints. The Committee heard prior versions of these bills on September 19, 2022; and received testimony from representatives of the FDNY, fire and emergency service unions, the United Women Firefighters, the Vulcan Society and other interested parties.

#### **II. BACKGROUND**

The lack of both gender and ethnic diversity among staff of the FDNY is longstanding and well publicized. Although the entirety of FDNY staffing has become more diverse over the years, these gains are largely reflective of non-uniform EMS workers; whereas, uniform firefighter and officer positions, those entitled to significantly higher pay and benefits, continue to be almost exclusively male and overwhelmingly white. Currently, the FDNY is comprised of approximately 11,000 uniformed firefighters; of which only 139 are women, a total of roughly

one percent.<sup>1</sup> 76% of FDNY firefighters are White (non-Hispanic); whereas 8% are Black, 13% are Hispanic, 2% are Asian, and 0.8% identify as another ethnicity.<sup>2</sup> Nationally, 79% of firefighters are White (non-Hispanic); and women comprise less than four percent of all non-volunteer firefighters.<sup>3</sup> Furthermore, leadership within the FDNY's Bureau of Fire Protection is almost exclusively White males, therefore any diversity that exists among firefighters is limited to low-ranked civil service titles.<sup>4</sup>

### III. FDNY'S EFFORTS IN FOSTERING INCLUSION, INCREASING RETENTION, AND COMBATING DISCRIMINATION

#### *Recruitment and Retention*

Over the years, the FDNY has made efforts to address their lack of diversity in the Department. In 2005, the FDNY allocated \$1.4 million to establish a permanent recruitment unit dedicated to increasing the ranks of minority and women firefighters.<sup>5</sup> In 2006, a series of oversight hearings held by the former Committee on Fire and Criminal Justice Services examining diversity recruitment highlighted, among other things, that the FDNY Office of Recruitment and Diversity ("ORD") - which according to the Department, is responsible for the recruitment and retention of Firefighters, EMTs, Paramedics and Fire Protection Inspectors - had launched a comprehensive campaign, with an emphasis on diversity recruitment, in preparation for the open competitive exam for firefighters scheduled for January 2007. The campaign included a \$1 million multimedia marketing strategy, successive mail and phone outreach, and active recruitment at various sites.

In 2011, the FDNY began another recruitment campaign assisted by the New York University Capstone Team, which helped the Department create messaging to reach potential female recruits.<sup>6</sup> In 2011, the number of women filing to take the exam increased to 4,261.<sup>7</sup>

In 2017, the FDNY launched its latest recruitment campaign, which was budgeted for \$10 million during fiscal year 2018.<sup>8</sup> The campaign particularly focused on reaching women and minorities, for example Asian Americans who currently represent less than 2% of the FDNY.<sup>9</sup> The FDNY plans to add an additional \$100,000 to its recruitment efforts in Fiscal Year 2019.<sup>10</sup> During Fiscal Year 2021, the FDNY expenditures for candidate recruitment was \$5,675,787.<sup>11</sup>

In 2018, the FDNY's Recruitment and Retention Unit communicated a description of their "Roadmap" for recruiting diverse classes of FDNY firefighters to the City Council.<sup>12</sup> The Roadmap outlined the Department's toolset for recruitment tactics, which included: (i) expanding recruitment field campaigns to meet with candidates in their neighborhoods; (ii) strengthening data collection and analysis to identify and replicate past successful efforts for future campaigns; (iii) promoting mentorship and youth programs such as *FDNY Exploring*, which gives New Yorkers (aged 14 to 20) the opportunity to gain valuable insight into a career at the Fire Department; (iv) creating and maintaining communication and social media platforms, such as the Department's Automated Recruitment Communication System ("ARCS") and JoinFDNY.com website; and (v) establishing attrition mitigation programs that aim to ensure firefighter candidates remain interested throughout the lengthy hiring process, and are informed and prepared to accept the position when offered.<sup>13</sup> Since the City's initial communication of their Roadmap, the Department has spent over \$10 million in recruitment campaigns, which includes the Department's mobile academies that aim to expose high school and college students to careers

<sup>1</sup> New York City Council FDNY Preliminary Budget Briefing FY 2023; available at: <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2022/03/FDNY.pdf>.

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

<sup>3</sup> U.S. Bureau of Labor Statistics; available at: <https://www.bls.gov/cps/cpsaat11.htm>.

<sup>4</sup> See NYC Council Report: Pay Equity in NYC; available at: [http://council.nyc.gov/data/wp-content/uploads/sites/73/2021/08/080221.OC03.PAY-EQUITY-IN-NYC\\_v8.pdf](http://council.nyc.gov/data/wp-content/uploads/sites/73/2021/08/080221.OC03.PAY-EQUITY-IN-NYC_v8.pdf).

<sup>5</sup> Frank Lombardi, *Fire Dept. Devotes \$1.4M to Diversity*, N.Y. DAILY NEWS, Mar. 12, 2005.

<sup>6</sup> Email correspondence between New York City Council and FDNY. On file with Committee Staff.

<sup>7</sup> *Id.*

<sup>8</sup> On record with NYCC Finance

<sup>9</sup> FDNY Recruiting Campaign at [abc7.ny.com/news/fdny-recruiting-campaign-to-focus-on-asian-american-minorities/1740419/](http://abc7.ny.com/news/fdny-recruiting-campaign-to-focus-on-asian-american-minorities/1740419/)

<sup>10</sup> On record with NYCC Finance

<sup>11</sup> FDNY Recruitment Annual Report at [https://a860-gpp.nyc.gov/concern/nyc\\_government\\_publications/6t053j62c?locale=en](https://a860-gpp.nyc.gov/concern/nyc_government_publications/6t053j62c?locale=en)

<sup>12</sup> Roadmap for recruiting diverse classes of FDNY firefighters, 2018. On file with committee staff.

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

in the FDNY.<sup>14</sup> Additionally, the Department has established enhanced training programs for candidates, such as the *Stairmill Training Program*, which focuses on a portion of the CPAT that sees the highest failure rate.<sup>15</sup> The FDNY has partnered with the New York City Parks Department to administer this training program.<sup>16</sup>

#### *Diversity and Inclusion*

The FDNY indicated at a recent Committee hearing, which was held on September 19, 2022, that they instituted several new programs aimed to create a more inclusive and diverse working environment. Then-acting commissioner Laura Kavanagh testified that the Department implemented “Unconscious Bias training; LGBTQ+ training; Structured Interview training to assist hiring managers about unconscious biases in hiring; microaggressions; and Inclusive Leadership Training.”<sup>17</sup> Then-acting Commissioner also testified that the Department “also created a large number of events and celebrations to promote cultural awareness, including Hispanic Heritage Appreciation Month; Black History Month and Martin Luther King events; Women’s History Month and awards; an Annual celebration of Asian American Pacific Islander Celebration; Pride celebrations; and Hanukkah and Holocaust Remembrance commemorations.”<sup>18</sup> The Chief Diversity and Inclusion Officer team along with the Commissioner’s office meets regularly with Affiliated Organization leadership and corresponds to discuss concerns, ongoing initiatives, and to generate new ideas regarding anti-discrimination policies.<sup>19</sup>

#### **IV. LEGISLATIVE ANALYSIS**

##### *Prop. Int. No. 516-A*

The proposed legislation would require FDNY, in consultation with the Department of Citywide Administrative Services, to develop and implement a plan regarding the recruitment and retention of individuals from populations that are underrepresented within the rank of firefighter. In doing so, the Department must: (i) identify and remediate obstacles faced in recruitment, examination, training, hiring and retention of individuals from populations underrepresented within the rank of firefighter, including consideration of racial and gender equity; (ii) recommend recruitment plans that encourage individuals from populations underrepresented within the rank of firefighter to apply to become a firefighter; and (iii) providing support for the recruitment and retention of individuals from populations that are underrepresented within the rank of firefighter. FDNY would also be required to post an annual report on its website that includes an overview of its recruitment and retention efforts, including reference to all related budgetary expenditures for such efforts, and the projected change in the percentage of firefighters from populations that are underrepresented within the rank of firefighter.

Since introduction, the legislation has been amended as follows. To clarify that hiring quotas are not envisioned by this legislation, language has been removed requiring FDNY to develop a plan for ensuring that firefighter demographics reflect the demographic makeup of City as a whole. The amended legislative text instead requires a recruitment and retention plan for employees from groups underrepresented within the ranks of firefighter; and further emphasizes that such efforts be made in consideration of racial and gender equity.

##### *Prop. Int. No. 519-A*

The proposed legislation would require FDNY to survey each firehouse to determine the permanent facility upgrades necessary to facilitate use by a mixed gender workforce. Upon completion of the survey, the Department would be required to submit to the Mayor and the Speaker of the Council, a report on the findings of the survey detailing permanent facility upgrades necessary at each firehouse, the feasibility of implementing

---

<sup>14</sup> FDNY Testimony, Committee on Fire and Emergency Management, September 19, 2022 at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5761701&GUID=EC7CE7EA-B2D2-4056-AA44-25B79EBDE180&Options=&Search=>

<sup>15</sup> *Id*

<sup>16</sup> *Id*

<sup>17</sup> *Id*

<sup>18</sup> *Id*

<sup>19</sup> *Id*

such upgrades and any construction plans to make such upgrades. Additionally, the Department would be required, where practicable, to implement interim measures, including but not limited to the use of physical barriers, to accommodate a mixed gender workforce until permanent upgrades are made.

Since introduction, the bill has been amended as follows. Language has been removed that established a 5-year timeframe for FDNY to implement permanent facility upgrades to all firehouses. Additionally, language was added to require FDNY to implement, and report on, interim measures taken to accommodate a mixed gender workforce until permanent upgrades are made; including the use of physical barriers, such as curtains or shades to provide increased privacy in sensitive locations within the firehouse.

*Prop. Int. No. 552-A*

The proposed legislation would require FDNY to submit to the Mayor and the Speaker of the Council, and post on the Department's website, an annual report on the number of employees assigned to each fire company and special operations unit, disaggregated by gender and race or ethnicity, as well as the number of individuals who reside within the immediate service area of each fire company, disaggregated by gender and race or ethnicity.

Since introduction, the legislation has been amended as follows. Instead of requiring FDNY to report demographic information by firehouse, the legislation was amended to better reflect the administrative breakdown of the Department, by requiring reporting on demographics for each fire company and special operations unit. Additionally, the bill clarified that such report must include information on employees who are on detail, desk or modified assignment, or medical leave.

*Prop. Int. No. 553-A*

The proposed legislation would require FDNY, in consultation with the Department of Citywide Administrative Services, to develop and implement a plan for providing ongoing training and education to all employees regarding diversity and inclusion; including training on the Department's anti-harassment and anti-discrimination policies. The Department would also be required to post an annual report on its website regarding efforts taken to implement such training.

Since introduction, the legislation has been amended as follows. The required annual training would not need to be delivered in-person; instead, the FDNY could implement online training on the Department's anti-discrimination and anti-harassment policies, which include tools to demonstrate employee proficiency on the subject matter provided in such trainings. The legislation has been further amended to require targeted interactive training at certain firehouses, including but not limited to, circumstances where employees assigned to such firehouse are found to have violated the City's Equal Employment Opportunity policy or Human Rights Law, or the Department's anti-discrimination and anti-harassment policies.

*Prop. Int. No. 560-A*

The proposed legislation would require FDNY to submit an annual report to the Mayor and the Speaker of the Council, and post such report on the Department's website, on complaints filed with the Department's Equal Employment Opportunity Office regarding potential violations of the City's Equal Employment Opportunity Policy. The report would include information on the number of complaints that resulted in corrective action taken by FDNY, further disaggregated by the form of corrective action, including but not limited to formal reprimand, fine, loss of pay or benefits, transfer, suspension, demotion and termination.

Since introduction, the legislation has been amended as follows. All reporting will be disaggregated by whether the employee subject to such complaint served in the Department's Bureau of Fire Operations, Bureau of Emergency Medical Services, or in another civilian position; and further disaggregated by type of misconduct alleged; including but not limited to, harassment, bullying and sexual misconduct. Additionally, FDNY will be required to report the average time elapsed between the filing and resolution of EEO complaints, and information regarding staffing of FDNY's Office of Equal Employment Opportunity.

(The following is the text of the Fiscal Impact Statement for Int. No. 516-A:)



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

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

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO. 516-A**

**COMMITTEE:** Fire and Emergency Management

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to establishing a recruitment and retention plan for firefighters.

**Sponsors:** By The Speaker (Council Member Adams) and Council Members Abreu, Ung, Avilés, Restler, Won, Bottcher, Brooks-Powers, Velázquez, Krishnan, Farías, De La Rosa, Sanchez, Hudson, Narcisse, Menin and Riley.

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Fire Department (FDNY), in consultation with the Department of Citywide Administrative Services (DCAS), to develop and implement a plan regarding the recruitment and retention of individuals from populations that are underrepresented within the rank of firefighter. In doing so, the FDNY must: (i) identify and remediate obstacles faced in recruitment, examination, training, hiring and retention of individuals from populations underrepresented within the rank of firefighter, including consideration of racial and gender equity; (ii) recommend recruitment plans that encourage individuals from populations underrepresented within the rank of firefighter to apply to become a firefighter; and (iii) providing support for the recruitment and retention of individuals from populations that are underrepresented within the rank of firefighter. FDNY would also be required to post an annual report on its website that includes an overview of its recruitment and retention efforts, including reference to all related budgetary expenditures for such efforts, and the projected change in the percentage of firefighters from populations that are underrepresented within the rank of firefighter.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>Succeeding FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as FDNY would use existing resources to fulfill its requirements.

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

**SOURCE OF INFORMATION:** NYC Council Finance

**ESTIMATE PREPARED BY:** Tanveer Singh, Legislative Financial Analyst,  
NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Jack Storey, Unit Head, NYC Council Finance Division  
Crielhien Francisco, Assistant Director, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on June 16, 2022, as Intro. 516 and referred to the Committee on Fire and Emergency Management (Committee). The legislation was considered by the Committee at a hearing held on September 19, 2022, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 516-A will be considered by the Committee on November 3, 2022. Upon successful vote by the Committee, Proposed Intro. No. 516-A will be submitted to the full Council for a vote on November 3, 2022.

**DATE PREPARED:** 11/02/2022.

**(For text of Int. Nos. 519-A, 552-A, 553-A, and 560-A, along with their Fiscal Impact Statements, please see the Report of the Committee on Fire and Emergency Management for Int. Nos. 519-A, 552-A, 553-A, and 560-A, respectively, printed in these Minutes; for text of Int. No. 516-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 516-A, 519-A, 552-A, 553-A, and 560-A.*

**(The following is the text of Int. No. 516-A:)**

Int. No. 516-A

By The Speaker (Council Member Adams) and Council Members Abreu, Ung, Avilés, Restler, Won, Bottcher, Brooks-Powers, Velázquez, Krishnan, Farías, De La Rosa, Sanchez, Hudson, Narcisse, Menin, Riley, Cabán, Stevens, Lee, Hanif, Richardson Jordan and Mealy.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a recruitment and retention plan for firefighters**

*Be it enacted by the Council as follows:*

Section 1. Title 15 of the administrative code of the city of New York is amended by adding a new section 15-144 to read as follows:

*§ 15-144 Recruitment and retention of firefighters. a. The department, in consultation with the department of citywide administrative services, shall develop and implement a plan regarding the recruitment and retention of firefighters. Such plan shall address the recruitment and retention of individuals from populations that are underrepresented within the rank of firefighter. Such plan shall include, but need not be limited to:*

*1. Identifying and remediating obstacles faced in the recruitment, examination, training, hiring and retention of individuals from populations that are underrepresented within the rank of firefighter, including but not limited to considerations of racial and gender equity;*

*2. Recommending recruitment campaigns, including the use of online, print and billboard advertisements, that encourage individuals from populations that are underrepresented within the rank of firefighter to apply to the open competitive firefighter exam; and*

*3. Providing, through the office of recruitment and retention, support for the recruitment and retention of individuals from populations that are underrepresented within the rank of firefighter, assistance and support for firefighter candidates and mentorship programs for firefighter candidates and probationary firefighters.*

*b. Reporting. The department shall post a report on its website by March 1 of each year regarding the department's efforts to implement the provisions described in subdivision a of this section during the preceding year. Such report shall include but need not be limited to:*

*1. An overview of the department's efforts to recruit and retain individuals from populations that are underrepresented within the rank of firefighter, including reference to expenditures for such efforts and staffing of the department's office of recruitment and retention.*

*2. The projected changes in the percentage of firefighters from populations that are underrepresented within the rank of firefighter following each of the upcoming three testing cycles, disaggregated by gender, race and ethnicity, or other such factors indicative of the department's efforts to recruit and retain individuals from populations that are underrepresented within the rank of firefighter;*

*3. The number of recruitment events that department employees attended or held on behalf of the department;*

*4. The number of recruitment contacts made with prospective firefighters at any such recruitment events described in paragraph 3 of this subdivision;*

*5. The number of individuals who participated in department programming offered to support individuals in preparing for the fire academy and the candidate physical ability test, disaggregated by program offered and by the percentage of individuals who self-identify as members of populations that are underrepresented within the rank of firefighter; and*

*6. The percentage of probationary firefighters within the fire academy who participated in mentorship programming, disaggregated by the percentage of individuals who self-identify as members of populations that are underrepresented within the rank of firefighter.*

§ 2. This local law takes effect immediately.

JOANN ARIOLA, *Chairperson*; ROBERT F. HOLDEN, KALMAN YEGER, KEVIN C. RILEY, OSWALD FELIZ, , LYNN C. SCHULMAN, DAVID M. CARR; 7-0-0; Committee on Fire and Emergency Management, November 3, 2022.

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

Report for Int. No. 519-A

**Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring a survey of permanent firehouse upgrades to establish a working environment that facilitates use by a mixed gender workforce.**

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on June 16, 2022 (Minutes, page 1500), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Fire and Emergency Management for Int. No. 516-A printed in these Minutes)**

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

**(The following is the text of Int. No. 519-A:)**

## Int. No. 519-A

By Council Members Ariola, Hanif, Brewer, Avilés, Hudson, Velázquez, Brannan, Krishnan, Farías, De La Rosa, Sanchez, Cabán, Narcisse, Menin, Riley, Stevens, Brooks-Powers, Lee, Richardson Jordan and Mealy.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a survey of permanent firehouse upgrades to establish a working environment that facilitates use by a mixed gender workforce**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-142 to read as follows:

*§ 15-142 Permanent firehouse upgrades. a. No later than June 30, 2024, the department shall complete a survey of each firehouse to determine the permanent upgrades that would facilitate use by a mixed gender workforce. In conducting such survey, the department shall consider the privacy provided by the layout and location of bathrooms, bunkrooms, locker rooms, changing areas and any other relevant areas of the firehouse.*

*b. For each firehouse surveyed pursuant to subdivision a of this section, the department shall implement interim measures, such as, but not limited to, physical barriers, as practicable, to accommodate a mixed gender workforce.*

*c. Upon completion of the survey required by subdivision a of this section, the department shall submit to the mayor and the speaker of the council a report on the findings of the survey detailing the permanent facility upgrades that would facilitate use by a mixed gender workforce, as well as the feasibility of implementing such permanent upgrades at each firehouse. The report shall provide information related to any construction plans to make such upgrades and what, if any, interim measures have been taken at any such firehouses.*

§ 2. This local law takes effect immediately.

JOANN ARIOLA, *Chairperson*; ROBERT F. HOLDEN, KALMAN YEGER, KEVIN C. RILEY, OSWALD FELIZ, LYNN C. SCHULMAN, DAVID M. CARR; 7-0-0; Committee on Fire and Emergency Management, November 3, 2022.

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

Report for Int. No. 552-A

**Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information of members of the fire department at fire companies and special operations units.**

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on June 16, 2022 (Minutes, page 1557), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Fire and Emergency Management for Int. No. 516-A printed in these Minutes)**

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

**(The following is the text of Int. No. 552-A:)**

Int. No. 552-A

By Council Members Riley, Cabán, Marte, Hudson, Restler, Won, Brooks-Powers, Abreu, Velázquez, Krishnan, Fariás, De La Rosa, Sanchez, Narcisse, Menin, Louis, Stevens, Hanif, Aviles, Richardson Jordan, Rivera and Mealy (by request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information of members of the fire department at fire companies and special operations units**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-145 to read as follows:

*§ 15-145 Annual report on demographic information of employees of the department assigned to fire companies and special operations units. a. No later than January 15, 2023, and annually thereafter, the department shall submit to the mayor and the speaker of the council, and post on its website, a report containing the following information:*

*1. The number of employees assigned to each fire company and special operations unit, disaggregated by: (i) gender and (ii) race or ethnicity. Such reporting shall include information on employees on detail, desk or modified assignment, or medical leave.*

*2. The number of individuals who reside within the immediate service area of each fire company, disaggregated by gender and race or ethnicity.*

*b. For purposes of the public report required pursuant to subdivision a of this section, if a category contains between one and five members of the uniformed force, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero.*

*§ 2. This law takes effect immediately.*

JOANN ARIOLA, *Chairperson*; ROBERT F. HOLDEN, KALMAN YEGER, KEVIN C. RILEY, OSWALD FELIZ, LYNN C. SCHULMAN, DAVID M. CARR; 7-0-0; Committee on Fire and Emergency Management, November 3, 2022.

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

Report for Int. No. 553-A

**Report of the Committee on Fire and Emergency Management in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to plan and implement training on diversity, inclusion, anti-discrimination and anti-harassment.**

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on June 16, 2022 (Minutes, page 1557), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Fire and Emergency Management for Int. No. 516-A printed in these Minutes)**

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

**(The following is the text of Int. No. 519-A:)**

Int. No. 553-A

By Council Members Riley, Cabán, Abreu, Marte, Avilés, Hudson, Restler, Won, Brooks-Powers, Velázquez, Krishnan, Fariás, De La Rosa, Sanchez, Narcisse, Menin, Stevens, Dinowitz, Hanif, Richardson Jordan and Mealy (by request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to plan and implement training on diversity, inclusion, anti-discrimination and anti-harassment**

*Be it enacted by the Council as follows:*

Section 1. Title 15 of the administrative code of the city of New York is amended by adding a new section 15-143 to read as follows:

*§ 15-143 Diversity, inclusion, anti-discrimination and anti-harassment training. a. The department, in consultation with the department of citywide administrative services, shall develop and implement a plan for providing ongoing training and education to all employees regarding diversity and inclusion. Such plan shall include, but not be limited to:*

*1. Providing annual training for employees regarding the department's anti-discrimination and anti-harassment policies;*

*2. Providing annual training for employees regarding diversity and inclusion, which shall include, but not be limited to, instruction on: (a) cultural sensitivity, (b) conscious and unconscious biases in relation to race, ethnicity, gender and sexual identity, and (c) positive attitudes regarding departmental diversity and inclusion;*

*3. Providing employees in supervisory roles with training on promoting inclusion within the workplace, and identifying and remedying workplace discrimination and harassment, including through mediation and restorative practices;*

*4. Providing assessments to demonstrate the successful proficiency of all trained employees on the subject matters contained in the trainings;*

*5. Providing additional and targeted interactive training to firehouses, as the department deems necessary, including but not limited to firehouses where one or more employee was found in violation of the city's equal employment opportunity policy or human rights law, or the department's anti-discrimination and anti-harassment policies on two or more occasions during the prior year; and*

*6. Engaging with employees from populations that are underrepresented within the rank of firefighter regarding efforts the department should take to improve workplace culture.*

*b. Reporting. The department shall post a report on its website by June 1 of each year, regarding efforts taken to implement the diversity, inclusion, anti-discrimination and anti-harassment training plan as required by subdivision a of this section. Such report shall include, but need not be limited to, specific actions and commitments made to implement such plan.*

§ 2. This local law takes effect immediately, except that subdivision b of section 15-143 of the administrative code of the city of New York, as added by section one of this local law, shall be deemed repealed on and after June 30, 2027.

JOANN ARIOLA, *Chairperson*; ROBERT F. HOLDEN, KALMAN YEGER, KEVIN C. RILEY, OSWALD FELIZ, LYNN C. SCHULMAN, DAVID M. CARR; 7-0-0; Committee on Fire and Emergency Management, November 3, 2022.

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

Report for Int. No. 560-A

**Report of the Committee on Fire and Emergency Management, in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to annually report on equal employment opportunity complaints.**

The Committee on Fire and Emergency Management, to which the annexed proposed amended local law was referred on June 16, 2022 (Minutes, page 1568), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Fire and Emergency Management for Int. No. 516-A printed in these Minutes)**

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

**(The following is the text of Int. No. 560-A:)**

Int. No. 560-A

By Council Members Williams, Cabán, Abreu, Avilés, Restler, Brooks-Powers, Velázquez, Krishnan, Farías, De La Rosa, Sanchez, Narcisse, Hudson, Menin, Riley, Stevens, Hanif, Richardson Jordan, Rivera and Mealy.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to annually report on equal employment opportunity complaints**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 15 of the administrative code of the city of New York is amended by adding a new section 15-146 to read as follows:

*§ 15-146 Annual report on equal employment opportunity complaints. a. Definitions. For purposes of this section, the following term has the following meaning:*

*EEO complaint. The term “EEO complaint” means a complaint filed with the equal employment opportunity office of the department regarding a potential violation of the city’s equal employment opportunity policy.*

*b. No later than 30 days after the end of each fiscal year, the department shall submit to the mayor and the speaker of the council, and post on the department’s website, a report regarding EEO complaints.*

*c. Such report shall contain the following information:*

*1. The number of EEO complaints filed during the previous fiscal year;*

*2. The number of EEO complaints resolved during the previous fiscal year;*

*3. Of the EEO complaints provided pursuant to paragraph 2 of this subdivision, the average time elapsed between the filing and resolution of such complaints;*

*4. Of the EEO complaints provided pursuant to paragraph 2 of this subdivision, the number of EEO complaints withdrawn prior to a final determination;*

5. *Of the EEO complaints provided pursuant to paragraph 2 of this subdivision, the number of EEO complaints resolved through mediation;*

6. *Of the EEO complaints provided pursuant to paragraph 2 of this subdivision, the number of EEO complaints not substantiated, further disaggregated by reason the complaint was not substantiated, including but not limited to:*

*(a) a determination that there was insufficient evidence to establish that the alleged conduct occurred;*

*(b) a determination that the conduct subject to the complaint occurred but did not violate the city's equal employment opportunity policy; or*

*(c) a determination that conduct subject to complaint occurred and violated the city's equal employment opportunity policy but the identity of the offending party was unable to be ascertained;*

7. *Of the EEO complaints provided pursuant to paragraph 2 of this subdivision, the number of EEO complaints substantiated;*

8. *Of the EEO complaints provided pursuant to paragraph 7 of this subdivision, the number of EEO complaints that resulted in corrective action taken by the department, further disaggregated by the form of corrective action, including but not limited to: formal reprimand, fine, loss of pay or benefits, transfer, suspension, demotion, and termination; and*

9. *Staffing information of the department's equal employment opportunity office, disaggregated by job title, further disaggregated by budgeted and actual headcount.*

*d. All information on EEO complaints reported pursuant to subdivision c of this section shall be disaggregated by whether an employee subject to such complaint served in the department's bureau of fire operations, bureau of emergency medical services, or in another civilian position; further disaggregated by the type of misconduct alleged to have occurred, including but not limited to, harassment, bullying, or sexual misconduct.*

*e. No report required pursuant to this section shall contain personally identifiable information or other information that is required by law to be kept confidential.*

§ 2. This law takes effect immediately.

JOANN ARIOLA, *Chairperson*; ROBERT F. HOLDEN, KALMAN YEGER, KEVIN C. RILEY, OSWALD FELIZ, LYNN C. SCHULMAN, DAVID M. CARR; 7-0-0; Committee on Fire and Emergency Management, November 3, 2022.

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

## **GENERAL ORDERS CALENDAR**

*There were no additional items listed on the General Orders Calendar.*

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

- |                        |   |
|------------------------|---|
| (1) <b>Int 516-A -</b> | Establishing a recruitment and retention plan for firefighters.   |
| (2) <b>Int 519-A -</b> | Requiring a survey of permanent firehouse upgrades to establish a working environment that facilitates use by a mixed gender workforce. |
| (3) <b>Int 552-A -</b> | Demographic information of members of the Fire Department at fire companies and special operations units.                               |
| (4) <b>Int 553-A -</b> | Fire Department to plan and implement training on diversity, inclusion, anti-discrimination and anti-harassment.                        |
| (5) <b>Int 560-A -</b> | Fire Department to annually report on equal employment opportunity complaints.  |
| (6) <b>Res 362 -</b>   | Increase in the annual expenditure for the 125th Street and DUMBO Business Improvement Districts.                                       |

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

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

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

The following was the vote recorded for **Res. No. 362**:

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

**Negative** – Yeger - **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 516-A, 519-A, 552-A, 553-A, and 560-A.*

## INTRODUCTION AND READING OF BILLS

Res. No. 381

### **Resolution condemning the human trafficking of migrants.**

By Council Members Aviles, Cabán, Louis, Ayala, Hanif and Joseph.

**Whereas**, Fleeing violence, poverty and political persecution, a record number of families and individuals are seeking asylum in the United States; and

**Whereas**, Many migrants are arriving at the United States southern border where they are processed by the United States Immigration and Customer Enforcement Agency; and

**Whereas**, Once migrants seeking asylum in the United States go through an initial vetting process and are released they are free to travel throughout the United States; and

**Whereas**, In the past few months the Governors of several states have sent more than 20,000 migrants to New York City; and

**Whereas**, The United States Department of Justice defines human trafficking as “a crime that involves compelling or coercing a person to provide labor or services. ....[t]he coercion can be subtle or overt, physical or psychological”; and

**Whereas**, Many migrants have been lied to and coerced into coming to New York or other sanctuary cities; and

**Whereas**, Some of the migrants arriving in New York City from the southern border intended to go somewhere other than New York City; and

**Whereas**, Migrants are being enticed onto busses with the promise of social services, free food and even hotel stays; and

**Whereas**, Groups of migrants have been misled into believing they would be going to cities other than New York; and

**Whereas**, The Governors of Texas, Arizona and Florida have sent migrants to New York and other cities with the express purpose of embarrassing President Biden and the Democratic leadership of those cities; and

**Whereas**, The Governors of these states are attempting to earn political capital by transporting migrants to Democratic-led cities; and

**Whereas**, The Governors of the states that are sending migrants to New York City using deceptive tactics for the purposes of furthering their own political careers are engaging in a form of human trafficking; now, therefore, be it

**Resolved**, That the Council of the City of New York condemns the human trafficking of migrants.

Referred to the Committee on Immigration.

Int. No. 810

By Council Members Bottcher, Ung, Yeger, Louis, Holden and Menin.

**A Local Law to amend the administrative code of the city of New York, in relation to newsrack requirements and to repeal and replace subdivision a of section 19-128.1 of the administrative code of the city of New York**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-128.1 of the administrative code of the city of New York, as added by local law number 23 for the year 2002, is REPEALED and a new subdivision a of section 19-128.1 is added to read as follows:

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

*Board. The term “board” means the environmental control board of the city of New York.*

*Bus stop. The term “bus stop” means that area of sidewalk which begins at the bus stop sign, continues in the opposite direction of traffic, and ends at the next regulatory sign, or, if there is no sign, at the corner area.*

*Close proximity. The term “close proximity” means a distance adjacent to an area designed to facilitate safe ingress or egress that will reasonably permit and protect such safe ingress or egress.*

*Corner area. The term “corner area” means that area of a sidewalk encompassed by the extension of the building lines to the curb on each corner.*

*Crosswalk. The term “crosswalk” means that part of a roadway, whether marked or unmarked, which is included within the extension of the sidewalk lines between opposite sides of the roadway at an intersection.*

*Crosswalk area. The term “crosswalk area” means that area of the sidewalk bounded by the extension of the lines of a crosswalk onto the sidewalk up to the building or property line.*

*Historically present publication. The term “historically present publication” means a publication that was offered from a single newsrack on the sidewalk block(s) identified in a modular newsrack plan within the six months immediately preceding submission of such plan to the department.*

*Modular newsrack. The term “modular newsrack” means a newsrack that is designed with multiple enclosed compartments to accommodate the display, sale or distribution of multiple publications to the general public.*

*Modular newsrack plan. The term “modular newsrack plan” means a plan submitted to the department pursuant to subdivision g of this section.*

*Newsrack. The term “newsrack” means any self-service or coin-operated box, container or other dispenser installed, used or maintained for the display, sale or distribution of publications to the general public. A newsrack may be modular or single.*

*Owner. The term “owner” means a natural person, partnership, corporation, limited liability company or other association in ownership of one or more newsracks.*

*Publication. The term “publication” means a newspaper, periodical or other similar written material.*

*Sidewalk block. The term “sidewalk block” means the areas of sidewalk on both sides of a roadway, spanning from one intersection to the next intersection.*

*Single newsrack. The term “single newsrack” means a newsrack that is designed to accommodate the display, sale or distribution of one publication to the general public.*

§ 2. Subdivisions b and d of section 19-128.1 of the administrative code of the city of New York, as amended by local law number 36 for the year 2004, are amended to read as follows:

b. Requirements. It shall be a violation [for any person] to place, install or maintain a newsrack on any sidewalk unless such newsrack is in compliance with the provisions of this section.

1. [The maximum height of any newsrack containing a single publication shall be fifty inches. The maximum width of any such newsrack shall be twenty-four inches. The maximum depth of any such newsrack shall be twenty-four inches.] *Newsracks shall be made of materials approved by the department, and shall conform to standards developed by the department regarding the size, shape and appearance of such newsracks.*

2. No newsrack shall be used for advertising or promotional purposes, other than announcing the name [and/or] *or website or both* of the [newspaper or other written matter] *publication* offered for distribution in such newsrack. *A publication offered in a modular newsrack installed after July 1, 2022 may display its logo on the door of the space(s) in which it is offered, in a size not to exceed 50 percent of the door space.*

3. Each newsrack used to sell [newspapers or other written matter] *publications* shall be equipped with a coin return mechanism in good working order so as to permit a person to secure a refund in the event that the newsrack malfunctions.

4. The owner [or person in control of each newsrack] shall affix [his or her] *to the newsrack the owner’s* name, address, telephone number, and email address, if any, [on the newsrack] in a readily visible location *on the front or sides of the newsrack* and shall conform such information to any changes required to be reported to the department in accordance with the provisions of subdivision c of this section. In no event shall a post office box be considered an acceptable address for purposes of this paragraph.

5. Subject to the limitations set forth in this section, newsracks shall be placed near a curb.

6. A newsrack shall not be placed, installed or maintained: (a) within [fifteen] 15 feet of any fire hydrant; (b) in any driveway or within close proximity of any driveway; (c) in any curb cut designed to facilitate street access by disabled persons or within two feet of any such curb cut; (d) within close proximity of the entrance or exit of any railway station or subway station; (e) within any bus stop; (f) within a crosswalk area; (g) within a corner area or within five feet of any corner area; (h) on any surface where such installation or maintenance will cause damage to or will interfere with the use of any pipes, vault areas, telephone or electrical cables or other similar locations; (i) on any cellar door, grating, utility maintenance cover or other similar locations; (j) on, in or over any part of the roadway of any public street; (k) unless eight feet of sidewalk width is preserved for unobstructed pedestrian passage; (l) in any park or on any sidewalk immediately contiguous to a park where such sidewalk is an integral part of the park design, such as the sidewalks surrounding Central Park or Prospect Park; (m) on any area of lawn, flowers, shrubs, trees or other landscaping or in such a manner that use of the newsrack would cause damage to such landscaping; [or] (n) *within four feet of street furniture*; (o) *within five feet of a bike share station*; (p) *within eight feet of a bike rack*; (q) *within five feet of a department of environmental protection water sampling station*; or (r) where such placement, installation or maintenance endangers the safety of persons or property. Any limitation on the placement or installation of newsracks pursuant to this paragraph shall be no more restrictive than necessary to ensure the safe and unobstructed flow of pedestrian and vehicular traffic, and otherwise to assure the safety of persons and property.

7. [Every newsrack] *The department shall develop standards regarding the placement of newsracks including, but not limited to, the manner in which newsracks shall be placed or installed [in a manner that will ensure that such newsrack cannot be tipped] to prevent newsracks from tipping over. In the event of non-compliance with such standards, the commissioner shall issue a notice of correction as provided in subparagraph a of paragraph 1 of subdivision f of this section.*

d. Indemnification and insurance. 1. Each [person who owns or controls] *owner of* a newsrack placed or installed on any sidewalk shall indemnify and hold the city harmless from any and all losses, costs, damages, expenses, claims, judgments or liabilities that the city may incur by reason of the placement, installation or maintenance of such newsrack, except to the extent such damage results from the negligence or intentional act of the city.

2. Each [person who owns or controls] *owner of* a newsrack *placed or installed* on any sidewalk shall maintain a general liability insurance policy naming the city of New York, and its departments, boards, officers, employees and agents as additional insureds for the specific purpose of indemnifying and holding harmless those additional insureds from and against any and all losses, costs, damages, expenses, claims, judgments or liabilities that result from or arise out of the placement, installation [and/or] *or* the maintenance of any newsrack. The minimum limits of such insurance coverage shall be no less than [three hundred thousand dollars] *\$300,000* combined single limit for bodily injury, including death, and property damage, except that any [person] *owner* who maintains an average of [one hundred] *100* or more newsracks at any one time shall maintain such minimum insurance coverage of [one million dollars] *\$1,000,000*. An insurance certificate demonstrating compliance with the requirements of this subdivision shall be submitted annually by December [31<sup>st</sup>] *31* to the commissioner by the [person who owns or controls] *owner of* such insured newsracks. Should said policy be called upon to satisfy any liability for damages covered by said policy, the policy must be of such a nature that the original amount of coverage is restored after any payment of damages under the policy. Failure to maintain a satisfactory insurance policy pursuant to this subdivision or failure to submit an annual insurance certificate to the commissioner pursuant to this subdivision, shall be deemed a violation of this section subject to subparagraph b-1 of paragraph 1 of subdivision f of this section.

§ 3. This local law takes effect 90 days after it becomes law.

Referred to the Committee on Transportation and Infrastructure.

## Int. No. 811

By Council Members Gennaro and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to voiding no-rehire provisions in settlement agreements for persons aggrieved by unlawful discriminatory practices**

*Be it enacted by the Council as follows:*

Section 1. Section 8-115 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

*e. Any agreement resulting from a method of dispute resolution prescribed by rule of the commission shall not prohibit, prevent, or otherwise restrict the complainant from working for the respondent or any parent company, subsidiary, division, or affiliate of the respondent. Any such agreement entered into prior to the effective date of this subdivision shall be deemed to expire five years after the date on which it was entered. Any provision of an agreement that is inconsistent with this subdivision shall be void as contrary to public policy. Nothing in this subdivision shall be construed to prohibit an agreement to end an existing agency or employment relationship or to require a respondent to continue to employ or rehire a person if there is a legitimate non-discriminatory or non-retaliatory reason for terminating the agency or employment relationship or refusing to rehire the person.*

§ 2. Section 8-502 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

*i. Any agreement to settle a claim brought under this section shall not prohibit, prevent, or otherwise restrict the person aggrieved from working for the covered entity or any parent company, subsidiary, division, or affiliate of the covered entity. Any such agreement entered into prior to the effective date of this subdivision shall be deemed to expire five years after the date on which it was entered. Any provision of an agreement that is inconsistent with this subdivision shall be void as contrary to public policy. Nothing in this subdivision shall be construed to prohibit an agreement to end an existing agency or employment relationship or to require an employer or principal to continue to employ or rehire a person if there is a legitimate non-discriminatory or non-retaliatory reason for terminating the agency or employment relationship or refusing to rehire the person.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

## Int. No. 812

By Council Member Gennaro, the Public Advocate (Mr. Williams) and Council Members Cabán, Louis, Hanif, Joseph and Restler.

**A Local Law to amend the administrative code of the city of New York, in relation to extending the statute of limitations for commencing a private cause of action under the city human rights law**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions d and e of section 8-502 of the administrative code of the city of New York, subdivision d of such section as amended by local law number 63 for the year 2018 and subdivision e of such section as added by local law number 39 for the year 1991, are amended to read as follows:

*d. A civil action commenced under this section must be commenced within [three] 6 years after the alleged unlawful discriminatory practice or act of discriminatory harassment or violence as set forth in chapter 6 of this title occurred. Upon the filing of a complaint with the city commission on human rights or the state division of human rights and during the pendency of such complaint and any court proceeding for review of the dismissal of such complaint, such [three-year] 6-year limitations period shall be tolled.*

e. Notwithstanding any inconsistent provision of this section, where a complaint filed with the city commission on human rights or state division of human rights is dismissed for administrative convenience and such dismissal is due to the complainant's malfeasance, misfeasance or recalcitrance, the [three year] 6-year limitations period on commencing a civil action pursuant to this section shall not be tolled. Unwillingness to accept a reasonable proposed conciliation agreement shall not be considered malfeasance, misfeasance or recalcitrance.

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Res. No. 382

**Resolution calling on the United States Congress to Pass, and the President to Sign, S. 4787/H.R. 8685, the “Afghan Adjustment Act,” which would provide a pathway to permanent legal status for evacuees from Afghanistan.**

By Council Members Hanif, Cabán, Louis, Joseph and Restler.

**Whereas**, More than one million United States service members, frontline civilians, intelligence community staff, and aid workers served the interests of the United States on the ground in Afghanistan from 2001 to 2021; and

**Whereas**, United States forces withdrew from Kabul on August 31, 2021, leaving behind thousands of allies who believed in the idea of America, endangered their own lives to stand with us, and are now at risk; and

**Whereas**, Thousands of Afghans, including those who aided the United States and its allies, civil rights defenders, and political activists were forced to flee their country when U.S. forces withdrew from Afghanistan; and

**Whereas**, According to the International Rescue Committee 76,000 men, women, and children fleeing Afghanistan after the withdrawal of U.S. forces were brought to the United States under humanitarian parole and have only temporary permission to stay in the country with no path to citizenship; and

**Whereas**, Veterans, frontline civilians, and a cross-section of American volunteers are calling on the United States government to meet its commitments to offer safety to the Afghans who stood with us over our twenty-year conflict; and

**Whereas**, The groups demanding that we meet our commitment to the Afghans that stood with us have been working with the United States government to continue relocations of our allies; and

**Whereas**, The bipartisan Afghan Adjustment Act was introduced in both the U.S. House of Representatives and the U.S. Senate in August 2022; and

**Whereas**, The United States has passed similar legislation in the wake of previous wartime evacuations including after America's withdrawal from Vietnam and after the U.S. military actions in Iraq; and

**Whereas**, More than 76% of Americans believe we have an obligation to aid Afghan allies in their relocation; 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, S. 4787/H.R. 8685, The Afghan Adjustment Act, which would provide a pathway to permanent legal status for evacuees from Afghanistan.

Referred to the Committee on Immigration.

## Int. No. 813

By Council Members Holden, Velázquez, Salamanca, Mealy, Feliz, Riley, Dinowitz, Narcisse, Paladino, Hanks, Carr, Louis, Abreu, Williams, Borelli and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing exemptions for third-party food delivery services from the limits on fees charged by such services on food service establishments**

*Be it enacted by the Council as follows:*

Section 1. Section 20-563.3 of the administrative code of the city of New York, as added by local law number 103 for the year 2021, is amended to read as follows:

a. It shall be unlawful for a third-party food delivery service to charge a food service establishment a delivery fee that totals more than 15% of the purchase price of each online order.

b. It shall be unlawful for a third-party food delivery service to charge a food service establishment any fee or fees, other than a delivery fee and a transaction fee, for the use of their service that totals more than 5% of the purchase price of each online order.

c. It shall be unlawful for a third-party food delivery service to charge a food service establishment a transaction fee that totals more than 3% of the purchase price of each online order, provided however that a third-party food delivery service may charge a food service establishment a transaction fee of more than 3% of the purchase price of an online order if: (i) such transaction fee is charged to the food service establishment in the same amount as the charge imposed upon the third-party food delivery service for such online order, and (ii) such third-party food delivery service can provide proof of such charge imposed upon it to both the department and the relevant food service establishment upon request.

d. *Subdivisions a, b and c of this section shall not apply to a third-party food delivery service that provides a food service establishment with: (i) the option to obtain delivery services for a fee consistent with the cap on fees as set forth in subdivisions a, b and c of this section, and (ii) the option to be listed on the third-party food delivery service platform for a fee consistent with the caps on fees as set forth in subdivisions b and c of this section.*

e. No later than September 30, 2023, and every two years thereafter, the commissioner shall submit to the speaker of the council and the mayor a report on the fee cap pursuant to this section, which shall include but not be limited to recommendations related to either the maintenance or adjustment of the fee cap as set forth in this section, in consideration of factors from the immediately preceding two years, such as:

1. The effect of the cap *as set forth in subdivisions a, b and c of this section and the effect of the exemption as set forth in subdivision d of this section on third-party food delivery services and food service establishments, including, but not limited to, the effect on the revenue of third-party food delivery services and the effect on the marketing and revenue of food service establishments;*

2. Whether [the cap] *such cap or such exemption* affects wages and working conditions for persons who deliver food or beverages for third-party food delivery services;

3. Products that third-party food delivery services offer to food service establishments for listing, processing and marketing;

4. The number of complaints made to the department related to the alleged violations of this subchapter and the number of violations issued under this subchapter;

5. The total amount of penalties imposed as a result of violations of this subchapter; and

6. The amount of restitution recovered on behalf of food service establishments pursuant to this subchapter.

§ 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 and Worker Protection.

## Int. No. 814

By Council Members Krishnan, Schulman, Restler, Lee, Louis, Hanif, Joseph and Abreu.

**A Local Law to amend the administrative code of the city of New York in relation to requiring an annual report indicating the quantities and locations of automated external defibrillators placed in public places**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 17-188 of the administrative code of the city of New York is amended to read as follows:

d. Reports. The department shall conduct a comprehensive study and submit a report to the mayor and the council twelve months after the effective date of the local law that added this section. Such report shall include, but not be limited to, the quantities and locations of automated external defibrillators placed in public places pursuant to subdivision b of this section and the identification of any additional locations throughout the city of New York that warrant the placement of automated external defibrillators. [Twenty-four months after the effective date of the local law that added this section] *No later than March 1, 2023*, and annually thereafter [for the next succeeding three years], the department shall submit to the mayor and the council a report indicating the quantities and locations of automated external defibrillators placed in public places pursuant to subdivision b of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

## Int. No. 815

By Council Members Menin, Ung, Brewer and Louis.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the rules of construction for unspecified ranges of civil penalties**

*Be it enacted by the Council as follows:*

Section 1. Chapter 52 of the New York city charter is amended by adding a new section 1155 to read as follows:

§ 1155. *Default civil penalty within unspecified range. a. Definitions. For purposes of this section, the term “unspecified range of penalties” means any provision setting forth a range of civil penalties that meets all of the following criteria:*

1. *The minimum penalty is greater than zero;*
2. *The maximum penalty is either specified or unspecified; and*
3. *The provision does not set forth any aggravating, mitigating, or other factors to guide discretion regarding which penalty amount within the range to impose in a particular situation.*

*b. For any unspecified range of penalties set forth in this charter, the default civil penalty for a first violation shall be the lowest amount in the range. No agency or officer may impose a civil penalty greater than the default civil penalty for a violation unless the agency establishes by rule the aggravating factors that would justify the imposition of a greater penalty.*

§ 2. Chapter 1 of title 1 of the administrative code of the city of New York is amended by adding a new section 1-115 to read as follows:

§ 1-115 *Default civil penalty within unspecified range. a. Definitions. For purposes of this section, the term “unspecified range of penalties” means any provision setting forth a range of civil penalties that meets all of the following criteria:*

1. *The minimum penalty is greater than zero;*

2. *The maximum penalty is either specified or unspecified; and*  
 3. *The provision does not set forth any aggravating, mitigating, or other factors to guide discretion regarding which penalty amount within the range to impose in a particular situation.*

*b. For any unspecified range of penalties set forth in the code, the default civil penalty for a first violation shall be the lowest amount in the range. No agency or officer may impose a civil penalty greater than the default civil penalty for a violation unless the agency establishes by rule the aggravating factors that would justify the imposition of a greater penalty.*

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

Referred to the Committee on Governmental Operations.

Res. No. 383

### **Resolution recognizing November 30 as Yerba Mate Day in the City of New York.**

By Council Members Menin, Krishnan, Moya, Hanif, Sanchez and Louis.

**Whereas**, Yerba mate, commonly referred to as mate, is a caffeinated tea-like beverage that is made from the dried leaves and twigs of the *Ilex paraguariensis* plant, which is native to Argentina, Paraguay, Uruguay, and Brazil, where yerba mate has been grown and mate has been consumed for centuries; and

**Whereas**, Although native to these South American countries, the consumption of mate has now spread to other South American countries as well as to Central America, the Middle East, Europe, and North America; and

**Whereas**, Traditionally, mate is drunk from a vessel (which can be made from a gourd or from metal, glass, wood, or clay) through a filtered straw in a communal setting, where one person is in charge of infusing the leaves with water while overseeing the passing of the vessel around a circle of people so that each person can drink from it in turn; and

**Whereas**, Traditionally, sharing the vessel of mate is a symbol of friendship and affection among those in the group of friends or family; and

**Whereas**, Traditionally, drinking mate is an important form of social interaction and represents the joy people have when spending time together and the value they place on communicating with each other about important topics; and

**Whereas**, Drinking mate is such a common part of life in some Spanish-speaking countries that there a Spanish verb for it—*matear*, meaning to drink mate; and

**Whereas**, According to the customs of various countries, mate can be served with milk, fruit juice, sugar, or other herbs and may be served hot or cold; and

**Whereas**, Mate drinkers typically drink it every day and even several times a day—often individually while at home or at work, but also in social settings; and

**Whereas**, Mate is a healthy drink, which can contribute to increased energy and focus and which is full of antioxidants, vitamins, and minerals; and

**Whereas**, November 30 was declared National Mate Day (el Día Nacional del Mate) in Argentina in commemoration of the birth of Andrés Guacururí y Artigas, a military leader of Guaraní origin, who became the only indigenous governor in Argentine history in the early 1800s and who encouraged the production and commercialization of yerba mate in what today is the province of Misiones; and

**Whereas**, The early spreaders of the custom of drinking mate included the conquerors of the Guaraní people; later, the Jesuit missionaries who spread the custom through their missions; and, much later, Syrian immigrants who had fled to Argentina during World War I and then brought back yerba mate when they returned to their Syrian homes after many years; and

**Whereas**, According to estimated 2019 figures from the U.S. Census Bureau, as reported by the Weissman Center for International Business at Baruch College in *NYCdata*, New York City (NYC) is home to almost 400,000 individuals born in South America; and

**Whereas**, NYC's South American communities, which are made up of both individuals born in South American and their family members born in the United States, could enjoy celebrating the traditional customs surrounding drinking mate by bringing families and neighbors together; and

**Whereas**, The designation of a holiday in NYC honors the vital role that South American communities play in the city and their positive impacts on the city's culture and economy; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes November 30 as Yerba Mate Day in the City of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 384

**Resolution recognizing the first Saturday after Thanksgiving as Small Business Saturday in New York City.**

By Council Members Menin, Stevens, Riley, Louis, Hanif and Abreu.

**Whereas**, In 2010, American Express created Small Business Saturday, the Saturday between Black Friday and Cyber Monday, to remind consumers to shop locally during the holiday season; and

**Whereas**, In 2011, the federal Small Business Administration (SBA) started to officially cosponsor Small Business Saturday; and

**Whereas**, According to American Express, over the past 12 years consumers reported spending an estimated \$163 billion at small businesses during Small Business Saturday; and

**Whereas**, Before the pandemic, there were over 200,000 small businesses in New York City (NYC); and

**Whereas**, Around 26,300 businesses closed permanently in NYC during the pandemic, and 89 percent of the businesses that closed had 10 or fewer employees; and

**Whereas**, Small businesses derive a substantial portion of their annual revenue during the holiday season; and

**Whereas**, On November 27, 2021, Governor Hochul and Mayor Adams urged New Yorkers to shop local during Small Business Saturday; and

**Whereas**, Recognition of Small Business Saturday by city and state officials will encourage New Yorkers to support local small businesses and boost the small business economy's recovery from the pandemic; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes the first Saturday after Thanksgiving as Small Business Saturday in New York City.

Referred to the Committee on Small Business.

Int. No. 816

By Council Members Restler, Yeger, Dinowitz, Menin, Narcisse, Ossé, Schulman, Vernikov, Cabán, Louis, Joseph, Abreu and Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to suspending alternate side parking regulations on Tisha B'Av**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York, as amended by local law number 5 for the year 2019, is amended to read as follows:

a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, the day before Lunar New Year, Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, Three Kings' Day, Tisha B'Av, and all state and national holidays.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 385

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S2856, a bill which relates to the appointment and qualifications of members of rent boards.**

By Council Members Rivera, Louis, Hanif and Restler.

**Whereas**, The Rent Guidelines Board (“RGB”) is the entity mandated by New York State law to establish rent adjustments for all dwelling units subject to the Rent Stabilization Law in New York City, which currently comprises approximately one million units; and

**Whereas**, The Rent Guidelines Board in New York City was established by the New York State Rent Stabilization Law of 1969, which also established the power of the Mayor to appoint all members of the Rent Guidelines Board; and

**Whereas**, The Rent Guidelines Board consists of nine members, of whom two are appointed to represent tenant interests, two are appointed to represent owner interests, and five are appointed to represent the general public; and

**Whereas**, The New York City Council, the elected legislative body of the City of New York, has no role in advising or determining who the Mayor appoints to the RGB, despite the decisions of the RGB affecting constituents in all of their districts; and

**Whereas**, The Rent Guidelines Board holds an annual series of public meetings and hearings in which they receive testimony and research from their staff, as well as testimony from owners, tenants, advocacy groups, and industry experts, to inform their rent adjustment decision; and

**Whereas**, In a 5-4 vote in June 2022, the Rent Guidelines Board approved 3.25% and 5% rent increases for one- and two-year leases, respectively, for rent-stabilized lease renewals occurring between October 1, 2022 and September 30, 2023; and

**Whereas**, This approved rent increase is the highest since 2013, which saw 4% and 7.75% increases for one- and two-year leases; and

**Whereas**, This rent increase decision received criticism from both renters and owners, and New York City’s slow recovery from the COVID-19 pandemic was cited by many critics of the increase, with tenants and tenant advocates decrying the increased expense and its potential to increase homelessness and exacerbate cost-of-living problems for renting New Yorkers, and with landlords and landlord organizations maintaining how the approved increase was not nearly enough to cover increasing property ownership costs; and

**Whereas**, Discontent over the RGB’s decision process has been reported, with some emphasizing the lack of transparency on how exactly the RGB calculates its rent adjustment rates, while others cited past RGB rent adjustment decisions in prior mayoral administrations to highlight how, more often than not, the RGB’s final rent adjustments follow the political makeup of the board members; and

**Whereas**, Other governing entities operating in New York City whose decisions affect New Yorkers citywide have member appointment processes which allow for input from local elected officials besides the

Mayor, such as the Board of Health whose 11 members are appointed by the Mayor with the advice and consent of the City Council, the Civil Service Commission whose five members are appointed by the Mayor but require the advice and consent of the City Council before serving their terms, and the Taxi and Limousine Commission whose members are likewise approved through the power of advice and consent by a majority vote from New York City Council Members; and

**Whereas**, There is no recourse for either the New York City Council or the public to dispute final approved rent increases from the RGB or to express a voice in the Mayor's process for appointees to the RGB, despite the fact that the decisions made by the Rent Guidelines Board affect a significant aspect of the lives of millions of New Yorkers; and

**Whereas**, Allowing for locally elected New York City Council Members to provide advice and consent regarding potential appointees to the RGB would provide invaluable representation for millions of New Yorkers; and

**Whereas**, S2856 is a bill in the New York State legislature which provides that the New York City Council shall have the power of advice and consent for the mayor's appointments to a rent board and also requires public members to have certain experience in public service, urban planning, social sciences, and social services; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S2856, a bill which relates to the appointment and qualifications of members of rent boards.

Referred to the Committee on Housing and Buildings.

Res. No. 386

**Resolution calling on the New York State Legislature to pass and the Governor to sign, A.5988, which would impose a fee on landlords who have residential dwelling units which remain vacant for an extended period of time.**

By Council Members Rivera, Sanchez, Cabán, Louis, Ayala, Joseph, Nurse, Abreu and Restler.

**Whereas**, The availability of a sufficient number of residential dwelling units is a fundamental aspect of a thriving New York City (the City) and vital to ensuring shelter, stability, safety and health for New Yorkers; and

**Whereas**, The Department of City Planning estimates the City's population will increase by 783,000 residents, or 9.5 percent between 2010 and 2040; and

**Whereas**, Approximately 67.2 percent of homes and units are renter-occupied compared to 32.8 percent that are owner occupied, giving New York City one of the largest percentages of renters of any city in the United States; and

**Whereas**, During the COVID-19 pandemic, many renters moved out of the City, raising the vacancy rates; and

**Whereas**, As the rental market began to decline, landlords kept more units vacant while also not making them available to rent, otherwise known as "warehousing" units, to avoid signing long-term leases at discounted rents; and

**Whereas**, Landlords may also warehouse units if it is more beneficial to convert their building to condos or co-ops, or if their retail tenants are already providing sufficient income such that any additional income from renting other units is outweighed by the burdens of finding tenants and ensuring the habitability of the dwelling spaces; and

**Whereas**, Housing advocates have identified the practice of landlords warehousing dwelling units as exacerbating the City's housing crisis; and

**Whereas**, According to the Coalition For The Homeless, the City's homelessness rate has reached the highest levels since the Great Depression of the 1930's with approximately 48,524 homeless people, including 15,087 homeless children, sleeping in the City's main municipal shelter system and a near-record 18,855 single adults in shelters each night in March 2022; and

**Whereas**, A.5988, sponsored by New York State Assemblymember Linda Rosenthal, currently pending in the New York State Assembly, seeks to ensure that every unit of housing that can be made available to New Yorkers is made available by imposing a fee on landlords who have dwelling units that are left vacant for a period of time; and

**Whereas**, A.5988 intends to provide hardworking New Yorkers and their families with an opportunity to find safe, stable and affordable housing; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign, A.5988, which would impose a fee on landlords who have residential dwelling units which remain vacant for an extended period of time.

Referred to the Committee on Housing and Buildings.

NEW YORK CITY COUNCIL

**A N N O U N C E M E N T S**

**Friday, November 4, 2022**

Committee on Public Safety

Kamillah Hanks, Chairperson

**Oversight** - Supporting Providers Serving the City’s Crisis Management System (CMS).

**Int 439** - By Council Members Williams, Narcisse, Kagan, Hanks, Riley, Stevens, Hudson, Abreu, Restler, Sanchez, Louis, Ayala, Brewer and Brannan - **A Local Law** to amend the New York city charter, in relation to requiring the mayor’s office of criminal justice to evaluate the effectiveness of criminal justice programs that receive funding from the city.

**Int 756** - By Council Members Hanks, Louis, Ayala, Restler, Williams, Hudson and Hanif - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the mayor’s office of criminal justice to provide training and operational support to not-for-profit service providers participating in the city’s crisis management system.

Council Chambers – City Hall.....10:00 a.m.

**Monday, November 7, 2022**

Committee on Oversight and Investigations jointly with the  
Committee on Finance

Gale A. Brewer, Chairperson  
Justin Brannan, Chairperson

**Oversight** - New York City’s Spending of Federal Covid-19 Relief Funds.

Council Chambers – City Hall.....10:00 a.m.

Committee on Health jointly with the  
Subcommittee on Covid Recovery and Resiliency and the  
Committee on Hospitals

Lynn C. Schulman, Chairperson  
Francisco P. Moya, Chairperson  
Mercedes Narcisse, Chairperson

**Oversight** - COVID-19 in NYC: Evaluating the Present Challenges.

Committee Room – City Hall.....1:00 p.m.

**Wednesday, November 9, 2022**

Committee on Mental Health, Disabilities & Addiction jointly with the  
Committee on Youth Services

Linda Lee, Chairperson  
Althea V. Stevens, Chairperson

**Oversight** - Accessing Mental Health Services for NYC Youth.

Committee Room – City Hall.....1:00 p.m.

**Monday, November 14, 2022**

Committee on Fire and Emergency Management

Joann Ariola, Chairperson

**Oversight** - E-Bikes and Lithium-ion Battery Fire Safety.

**Int 656** - By Council Members Brewer, Avilés, Gutiérrez, Feliz, Louis, Hanif, Hudson, Joseph, Ung, Sanchez, Nurse and Won - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the fire department to develop an informational campaign to educate the public on fire risks posed by powered mobility devices.

**Int 663** - By Council Members Feliz, Brewer, Abreu, Salamanca, Williams, Ariola, Joseph, Menin, Nurse, Riley, Ung, Holden, Stevens and Velázquez - **A Local Law** to amend the administrative code of the city of New York, in relation to the sale of storage batteries for powered mobility devices.

**Int 722** - By Council Members Holden and Ariola - **A Local Law** in relation to requiring the fire department to report on safety measures to mitigate fire risk associated with powered mobility devices.

**Int 749** - By Council Members Avilés, Restler, Joseph, Farías, Hanif and Abreu - **A Local Law** to amend the administrative code of the city of New York, in relation to providing food delivery workers with information on safety measures that mitigate the fire risks posed by powered mobility devices.

**Int 752** - By Council Members Brewer, Mealy and Williams - **A Local Law** to amend the administrative code of the city of New York and the New York City fire code, in relation to prohibiting the sale and assembly of second-use lithium-ion batteries.

Committee Room – City Hall.....10:00 a.m.

Committee on Rules, Privileges & Elections

Keith Powers, Chairperson

**M 95** - Communication from the Mayor – Submitting the name of **Gregorio Mayers** to the City Council for advice and consent regarding their appointment as a Commissioner of the New York City Local Conditional Release Commission, pursuant Section 271 of the New York State Correction Law and Section 9-207 of the Administrative Code.

**M 96** - Communication from the Mayor – Submitting the name of **David Fullard** to the City Council for advice and consent regarding their appointment as a Commissioner of the New York City Local Conditional Release Commission, pursuant Section 271 of the New York State Correction Law and Section 9-207 of the Administrative Code.

**M 97** - Communication from the Mayor – Submitting the name of **Lily Shapiro** to the City Council for advice and consent regarding their appointment as a Commissioner of the New York City Local Conditional Release Commission, pursuant Section 271 of the New York State Correction Law and Section 9-207 of the Administrative Code.

Council Chambers – City Hall.....10:00 a.m.

**Tuesday, November 15, 2022**

Committee on Finance

Justin Brannan, Chairperson

**Oversight** – Recommendations of the Advisory Commission on Property Tax Reform.

Council Chambers – City Hall.....11:00 a.m.

**Wednesday, November 16, 2022**

Committee on Sanitation and Solid Waste Management

Sandy Nurse, Chairperson

**Oversight** - The Future of the City’s Sanitation Fleet and DSNY’s 2022-2023 Snow Plan.

**Int 20** - By Council Members Brannan, Mealy, Louis, Won and Restler - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing penalties on chain businesses for failure to remove snow, ice and dirt from sidewalks.

**Int 100** - By Council Members Brannan, Hudson, Lee, Yeger, Stevens, Richardson Jordan and Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to exempting or partially exempting seniors and certain persons with disabilities from penalties for failing to remove snow or ice from sidewalks, crosswalks, curbs and other locations.

Committee Room – City Hall.....10:00 a.m.

**Thursday, November 17, 2022**

Subcommittee on Landmarks, Public Sitings and Dispositions

Farah N. Louis, Chairperson

**See Land Use Calendar**

Committee Room – City Hall.....10:00 a.m.

[Committee on Consumer and Worker Protection](#) jointly with the  
[Committee on State and Federal Legislation](#)

Marjorie Velázquez, Chairperson  
Shaun Abreu, Chairperson

**Oversight** – Student Debt as a Barriers to Generational Wealth.

**Int 366** - By Council Members Velázquez, Louis, De La Rosa, Abreu, Sanchez and Farias - **A Local Law** to amend the administrative code, in relation to requiring the department of consumer and worker protection to report on public use of the department’s financial empowerment centers and student debt distress in the city.

**Int 621** - By Council Members Kagan, Brooks-Powers, Restler, Hanif, Nurse, Yeger, Joseph, Sanchez, Brannan and Farias - **A Local Law** to amend the administrative code of the city of New York, in relation to banning companies that charge a fee for “student debt relief” already provided by the federal government and creating a private cause of action for borrowers who fall victim to these scams

Committee Room – 250 Broadway, 16th Floor .....10:00 a.m.

[Subcommittee on Zoning & Franchises](#)

Kevin C. Riley, Chairperson

**See Land Use Calendar**

Committee Room – City Hall.....10:30 a.m.

[Committee on Public Housing](#)

Alexa Avilés, Chairperson

**Oversight** - Resident Engagement and Outreach.

Committee Room – City Hall.....1:00 p.m.

**Monday, November 21, 2022**

[Committee on Oversight and Investigations](#) jointly with the  
[Committee on Education](#)

Gale A. Brewer, Chairperson  
Rita Joseph, Chairperson

**Oversight** - School Bus Transportation Services.

Council Chambers – City Hall.....10:00 a.m.

[Subcommittee on Zoning & Franchises](#)

Kevin C. Riley, Chairperson

**See Land Use Calendar**

Committee Room – City Hall.....1:00 p.m.

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**

**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

Committee Room – City Hall.....2:00 p.m.

**Tuesday, November 22, 2022**

**Stated Council Meeting**

***Council Chambers – City Hall.....Agenda – 1:30 p.m.***

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) reminded those assembled that Election Day would take place on Tuesday, November 8<sup>th</sup>. She asked everyone to flip the ballot to vote on the four ballot proposals that were up for consideration. She noted that ballot proposals included the three initiatives developed by the New York City Racial Justice Commission. She thanked all the Council Members who had participated in the previous week's Racial Justice Ballot Day of Action. This event was held to engage and educate New Yorkers in regard to these ballot proposals.

The Speaker (Council Member Adams) acknowledged that November marked Puerto Rican Heritage Month when the many contributions and accomplishments of the city's Puerto Rican communities are honored. She noted that Puerto Rico is often considered New York City's sixth borough in recognition of the city's close relationship with the island and its people.

The Speaker (Council Member Adams) acknowledged that November also marked National Alzheimer's Disease Awareness Month. She noted that it was important to recognize the more than six million Americans who have been diagnosed with the disease as well as the families and caregivers who support them. She spoke of how Council Member Hudson's care for her mother had led her into her present work as chair of the Committee on Aging. She thanked Council Member Hudson for her fierce advocacy and leadership on this committee and thanked all of the Members who have continued to advocate for care for the older adults in our city.

The Speaker (Council Member Adams) acknowledged that Veterans Day would be observed on November 11<sup>th</sup>. She noted that her father, her father-in-law, and her husband had all served in the United States Air Force. She thanked all of our veterans for their service and their sacrifice for our nation. She wished everyone a very safe and meaningful Veterans Day.

Shortly before adjournment, the Speaker (Council Member Adams) acknowledged the presence in the balcony of longtime Council staffer Jenny Low. She noted that Ms. Low would soon be leaving the Council. The Speaker (Council Member Adams) praised her work and thanked Ms. Low for all of her service to the Council. Those assembled in the Chambers applauded in appreciation for Ms. Low.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Stated Meeting of Tuesday, November 22, 2022.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 206-A, 240-A, and 296-A, adopted at the September 29, 2022 Stated Meeting, were returned unsigned by the Mayor on October 31, 2022. These items had become law on October 30, 2022 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 96, 97, and 98 of 2022, respectively.*