

## THE COUNCIL

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*Minutes of the Proceedings for the*

### STATED MEETING

*of*

Thursday February 11, 2021, 1:42 p.m.

*held remotely via video-conference*

*The Majority Leader (Council Member Cumbo)*

*presiding as the Acting President Pro Tempore*

### Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Member Koslowitz.

At the time of this virtual Stated Meeting, there were four vacant seats in the Council pending the swearing-in of the certified winners of the special non-partisan elections held on these respective dates: February 2, 2021 in the 24th District (Queens); February 23, 2021 in the 31<sup>st</sup> District (Queens); and March 23, 2021 in the 11th and 15th Districts (The Bronx).

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

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

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

*There were 46 Council Members marked present at this virtual Stated Meeting.*

### INVOCATION

The Invocation was delivered by Venerable Youwang, spiritual leader and Executive Director of the International Buddhist Progress Society, located at 154-37 Barclay Avenue, Flushing, NY 11355.

Good afternoon.

Thank you Council Members and guests.

Thank you for inviting me

to provide this Invocation for this new year.

Tomorrow, Friday February 12th is the Lunar New Year.

The year of [the] Ox.

I hope this prayer includes a wonderful new year for all of us.

May I tell you about the Buddha, our Teacher?

He was a very wise man in much of what he shared with us.

It's common in the spirits of all faiths:

that is to be kind to one another,

to do no harm to one another and the world

and to help relieve suffering.

Now, more than ever, we need to remember these shared beliefs.

The COVID-19 pandemic has devastated much of our world

but we believe that New York City will stand resilient

and emerge stronger through these challenges.

Let us now pray in Buddha's name

and the name of your spiritual leaders.

Today, we ask the Buddha's wisdom

to help guide our community leaders;

to use wisdom to govern

in the conflicting interests in the issue of our times;

to know the true sense of the welfare

and needs of people in our community;

to understanding the importance of justice for all,

old and young, rich and poor,

black and white and all shades in between;

to protect our natural resources,

understanding that all citizens, and in fact,

all sentient beings are dependent

upon open spaces, pure water and clean air;

who have the ability to work together in harmony

even when there is honest disagreement.

Let us pray that this body deliberates  
 in a manner that is without ill will  
 that brings comfort to the citizens  
 and progress to the community.  
 That all decisions are made with foresight  
 and deep understanding of the needs of all citizens.  
 And that this body leads the community  
 in the manner that celebrates our diversity,  
 understanding that we are all interconnected;  
 that our welfare and happiness are dependent  
 upon respect and the acceptance of all people,  
 no matter their race, religion,  
 sexual orientation, in their original home.  
 Leadership requires the courage  
 to make difficult, and at times, unpopular decisions.  
 May our Council members have courage  
 to lead our community today and always.  
 May our leaders find personal peace and joy  
 in their public responsibilities  
 by helping others and assuring a bright future for all.  
 We offer this verse penned by Venerable Master Hsing Yun,  
 our founder of [international] monastic order.

*[speaking in foreign language]*

“May kindness, compassion, joy  
 and equanimity pervade all worlds;  
 may we cherish and build affinities  
 to benefit all beings;  
 may *Chan*, Pure Land, and Precepts  
 inspire equality and patience;  
 may our humility and gratitude  
 give rise to great vows”.  
 At last, I would like to use  
 our venerable Master Hsing Yun’s blessing for this year,  
 “Cultivate our hearts that blooms all seasons”.  
 Thank you very much for having me.

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

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Johnson) acknowledged that the number of coronavirus deaths in New York City had reached 27,949 as of February 10, 2021. He noted that it was important to ensure that the COVID-19 vaccines were distributed equitably as more and more New Yorkers become eligible. He also urged everyone to continue to remain vigilant and to work together in fighting this virus.

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the following individuals:

NYPD Sgt. William Brautigam passed away on January 31, 2021 at the age of 47 due to complications from 9/11-related illnesses. On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to his family and noted that Sgt. Brautigam's bravery would forever be appreciated.

Legendary actress Cicely Tyson passed away on January 28, 2021 at the age of 96. The Speaker (Council Member Johnson) noted that Ms. Tyson was a daughter of Harlem whose accomplishments made New York City proud. He added that she embodied a level of grace that was unmatched and she dared to refuse roles that demeaned black women. He acknowledged that her legacy would not be forgotten.

Journalistic photographer Corky Lee passed away on January 27, 2021 at the age of 72. The Speaker (Council Member Johnson) noted that Mr. Lee not only captured the intricacies of life for Asian Americans and Pacific Islanders in New York City but also involved himself in correcting history. He added that Mr. Lee's work had helped ensure that their stories were heard and amplified through the power of photography. On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to his loved ones.

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

At this point, a Moment of Silence was observed.

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## PETITIONS & COMMUNICATIONS

M-286

**Communication from the Speaker - Submitting an annual report pursuant to rule 2.75b in relation to complaints of sexual harassment as defined by the Council's Anti-Discrimination and Harassment Policy.**

**(For text of report, please refer to the attachment section of [the M-286 of 2021 file](https://council.nyc.gov/) in the legislation section of the New York City Council website at <https://council.nyc.gov/>).**

Received, Ordered, Printed and Filed.

**REPORTS OF THE STANDING COMMITTEES****Report of the Committee on Environmental Protection**

Report for Int. No. 1592-A

**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the transfer of land, buildings and facilities of Rikers Island to the department of citywide administrative services**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on June 13, 2019 (Minutes, page 2208), respectfully

**REPORTS:****I. INTRODUCTION**

On February 11, 2021, the Committee on Environmental Protection, chaired by Council Member Costa Constantinides, voted on Int. No. 1592-A, in relation to the transfer of land, buildings and facilities of Rikers Island; Int. No. 1593-A, in relation to a feasibility study of renewable energy and battery storage on Rikers Island; and Int. No. 1966-A, in relation to a pilot program to test sewage for SARS-CoV-2.

The Committee previously held a hearing on Int. No. 1592-A and Int. No. 1593-A on January 29, 2020 and received testimony from the New York City Mayor's Office of Sustainability, Mayor's Office of Resiliency, Department of Environmental Protection, utility companies, decarceration advocates, environmental and climate justice experts and interested members of the public. The Committee previously held a hearing on Int. No. 1966-A on October 26, 2020 and received testimony from the Department of Environmental Protection and wastewater infrastructure experts. More information about this legislation is available with the materials for these hearings, which can be accessed online at <https://on.nyc.gov/3tC2UhD> and <https://on.nyc.gov/3p3eaA1>.

**II. INT. NO. 1592-A**

Int. No. 1592-A would establish a process for the transferring of the land, buildings and facilities of Rikers Island from the Department of Correction to the Department of Citywide Administrative Services. In biannual evaluations, any portion not in active use for the housing of persons, or providing of services for such persons, would be so transferred, with the entirety being transferred no later than August 31, 2027. The bill provides examples of some such active uses, which may also have and require attendant operational and management functions that are necessary to safely provide housing for incarcerated persons, and direct services to such persons, on Rikers Island. Additionally, the legislation establishes a Rikers Island Advisory Committee, consisting of relevant commissioners, persons impacted by Rikers, and experts in environmental justice and sustainability, which would evaluate and provide recommendations on potential uses of the island for sustainability and resiliency purposes. Such recommendations may be made at any date after its initial meeting. Additionally, as there is no current specific plan for the future use of Rikers Island and in order to encourage informed deliberation on future possible uses, the bill would require that within three years the advisory committee submit recommendations that include at least three options for prospective uses of Rikers Island that the advisory committee recommends be considered for further study or possible implementation. This local law would take effect immediately.

### III. INT. NO. 1593-A

Int. No. 1593-A would require that a feasibility study be conducted as an appendix to the long-term energy plan, to ascertain whether different types of renewable energy sources, combined with battery storage, are feasible on Rikers Island. The long-term energy plan, as amended by Local Law 99 of the year 2019, was to be completed by December 31, 2021, but this legislation would extend that date to June 30, 2020, in order to incorporate the feasibility study required by this legislation as an appendix to the initial long-term energy plan. This local law would take effect immediately.

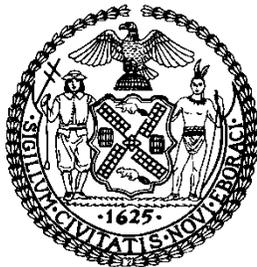
### IV. INT. NO. 1966-A

Int. No. 1966-A would require the Commissioner of Environmental Protection, in consultation with the Commissioner of Health and Mental Hygiene, to create a pilot program to test the city's wastewater treatment plants for the presence of SARS-CoV-2, the strain of coronavirus that causes COVID-19, and submit a report with the results of the program. This local law would take effect immediately.

### V. UPDATE

On February 11, 2021, the Committee adopted Int. No. 1592-A, Int. No. 1593-A, and Int. No. 1966-A by a vote of four in the affirmative, zero in the negative. Accordingly, the Committee recommends the adoption of this legislation.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1592-A:)**



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

**PROPOSED INTRO. NO. 1592-A**

**COMMITTEE: Environmental Protection**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the transfer of land, buildings and facilities of Rikers Island to the department of citywide administrative services.

**SPONSORS:** Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos Ayala, Levin, Lander, Chin, Menchaca, Cumbo, Van Bramer, Levine, Reynoso, Rivera, Rodriguez, Powers, Treyger, Adams, Cornegy, Perkins, Koo, Maisel, Cabrera, Rose, Ampry-Samuel, D. Diaz and Dromm.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1592-A would establish a process for the transferring of the land, buildings and facilities of Rikers Island from the Department of Correction (DOC) to the Department of Citywide Administrative Services (DCAS). In biannual evaluations, any portion not in active use for the housing of persons, or providing of services for such persons, would be so transferred, with the entirety being transferred no later than August 31, 2027. Furthermore, a Rikers Island Advisory Committee would be established, consisting of relevant commissioners, persons impacted by Rikers, and experts in environmental justice and sustainability. The advisory committee would evaluate and provide recommendations on potential uses of the island for sustainability and resiliency purposes.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</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 the relevant agencies would use existing resources to implement the requirements of the legislation.

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

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Crilhien Francisco, Unit Head  
Stephanie Ruiz, Assistant Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was reintroduced to the Council as Intro. No. 1592 on June 13, 2019 and referred to the Committee on Environmental Protection (Committee). The Committee heard the legislation on January 29, 2020 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1592-A, will be considered by the Committee on February 11, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1592-A will be submitted to the full Council for a vote on February 11, 2021.

**DATE PREPARED:** February 9, 2021.

**(For text of Int. Nos. 1593-A and 1966-A and their Fiscal Impact Statements, please see the Report of the Committee on Environmental Protection for Int. Nos. 1593-A and 1966-A, respectively, printed in these Minutes; for text of Int. No. 1592-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 1592-A, 1593-A, and 1966-A.*

**(The following is the text of Int. No. 1592-A:)**

Int. No. 1592-A

By Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos, Ayala, Levin, Lander, Chin, Menchaca, Cumbo, Van Bramer, Levine, Reynoso, Rivera, Rodriguez, Powers, Treyger, Adams, Cornegy, Perkins, Koo, Maisel, Cabrera, Rose, Ampry-Samuel, D. Diaz, Dromm and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to the transfer of land, buildings and facilities of Rikers Island to the department of citywide administrative services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 4 of the administrative code of the city of New York is amended by adding a new section 4-215 to read as follows:

*§ 4-215 Transfer of Rikers Island to the commissioner of citywide administrative services. a. With respect to the location that is known as Rikers Island:*

*1. By no later than July 1, 2021, and every six months thereafter until charge and control over the entirety of Rikers Island has been transferred pursuant to this section, the mayor shall transfer charge over every portion of Rikers Island that the mayor determines is not in active use for the housing of incarcerated persons, or in active use for the providing of direct services to such persons, such as medical care, training, storage, employment training and services, re-entry services, educational services, visitation, legal services, or administrative hearings, to the charge of the commissioner of citywide administrative services. For the purposes of this paragraph, the use of each building, facility, and structure, as well as the use of every piece of unimproved land greater than 20,000 square feet, shall be evaluated. By no later than August 31, 2027, all portions of Rikers Island shall be fully transferred and under the charge and control of the commissioner of citywide administrative services and shall no longer be used by the department of correction for the housing of incarcerated persons;*

*2. Upon the transfer of any portion of Rikers Island pursuant to this section, the commissioner of citywide administrative services shall have charge over the portion of land transferred, including all buildings, structures, facilities, and property located thereon, with all of the powers and duties, with respect to such real property, buildings, structures, facilities, and property, as described in chapter 35 of the charter. The commissioner of citywide administrative services shall notify the Rikers Island advisory committee, established pursuant to subdivision b of this section, of each such transfer within 30 days of such transfer;*

*3. Until the entirety of Rikers Island is transferred to, and under the charge and control of, the commissioner of citywide administrative services, maintenance and operation of any portion of Rikers Island transferred to the charge of the commissioner of citywide administrative services shall be subject to guidelines agreed upon by the departments of correction and citywide administrative services, provided that such guidelines shall not be established or exercised so as to prohibit the commissioner of citywide administrative services' access to, or the productive use of, portions of Rikers Island under the charge of the commissioner of citywide administrative services;*

*4. The commissioner of citywide administrative services shall, in communication with the Rikers Island advisory committee, have the authority to plan and coordinate the actions of city agencies with respect to prospective uses of Rikers Island for sustainability and resiliency purposes, including but not limited to renewable energy generation and storage, wastewater treatment, and organic waste processing, provided that such planning shall include consideration of whether the use of existing structures would best contribute to environmental or sustainability goals; and*

*5. Prior to August 31, 2027 or the date by which Rikers Island is fully transferred pursuant to paragraph 1 of this subdivision, whichever comes first, any portions of Rikers Island still in active use by the department of correction, as described in paragraph 1 of this subdivision, shall remain under the jurisdiction of the commissioner of correction pursuant to section 624 of the charter, and the care, custody and control of persons therein shall remain under the care and management of such commissioner pursuant to section 623 of the charter.*

*b. Rikers Island advisory committee.*

*1. There shall be established a Rikers Island advisory committee, which shall consist of 15 members, as follows: the commissioner of citywide administrative services or such commissioner's designee, the commissioner of environmental protection or such commissioner's designee, the commissioner of parks and recreation or such commissioner's designee, the commissioner of sanitation or such commissioner's designee, the commissioner of buildings or such commissioner's designee, the director of long-term planning and sustainability or such director's designee, two members appointed by the mayor, and seven members appointed by the speaker of the council. No less than four of the nine members appointed by the mayor and the speaker of*

*the council shall be persons who have been impacted directly by incarceration on Rikers Island, provided that not less than two of such four members shall be persons who were in custody at a facility on Rikers Island and the remainder of whom may be persons whose immediate family members were in custody at a facility on Rikers Island. No less than three of the nine members appointed by the mayor and the speaker of the council shall be persons with an expertise in environmental justice or sustainability. The nine members appointed by the mayor and speaker of the council should represent the geographic diversity of communities impacted by incarceration on Rikers Island or environmental justice communities. The commissioner of citywide administrative services shall serve as chairperson of the committee. The commissioner of correction, or such commissioner's designee, may participate as a non-voting member in the meetings of the advisory committee, for the purpose of providing operational information, up to and until August 31, 2027, or the date by which Rikers Island is fully transferred, whichever comes first. Members shall serve without compensation.*

*2. No later than 180 days after the effective date of this subdivision, the Rikers Island advisory committee shall hold its initial meeting, and thereafter shall meet at least quarterly, to evaluate and make recommendations regarding prospective uses of Rikers Island, both with regard to those portions of Rikers Island transferred to the commissioner of citywide administrative services pursuant to paragraph 1 of subdivision a of this section and with regard to the entirety of Rikers Island, for sustainability and resiliency purposes, including but not limited to renewable energy, wastewater treatment, organics removal, organic waste processing, and other purposes conforming to section 24-803 of this code. Such evaluations shall consider the potentially beneficial uses of existing buildings, structures, and facilities.*

*3. The advisory committee may make recommendations on prospective uses to the mayor and the speaker of the council at any time after the date of its initial meeting. Additionally, no later than three years after the date of its initial meeting, the advisory committee shall submit recommendations to the mayor and the speaker of the council regarding prospective uses of Rikers Island that shall include no less than three options that the committee recommends be considered for further study or possible implementation.*

§ 2. This local law takes effect immediately.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DARMA V. DIAZ, Committee on Environmental Protection, February 11, 2021 (Remote Hearing).

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

Report for Int. No. 1593-A

**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to direct the mayor's office of long-term planning and sustainability to study the feasibility of different types of renewable energy sources combined with battery storage on Rikers Island.**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on June 13, 2019 (Minutes, page 2209), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 1592-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1593-A:*



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 1593-A**

**COMMITTEE:** Environmental Protection

**TITLE:** A Local Law to direct the mayor's office of long-term planning and sustainability to study the feasibility of different types of renewable energy sources combined with battery storage on Rikers Island.

**SPONSORS:** Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos, Ayala, Levin, Reynoso, Lander, Chin, Menchaca, Koo, Rivera, Powers, Cabrera, Rodriguez, Dromm, Holden, Vallone, Levine, Van Bramer, Yeger, Gjonaj, Perkins, Grodenchik, Treyger, Gibson, Cornegy, Eugene, Barron, Maisel, Cumbo, Rose, Adams, Ampry-Samuel, Moya and Ulrich.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1593-A would require the Mayor's Office of Long-term Planning and Sustainability to conduct a feasibility study as an appendix to the long-term energy plan, to ascertain whether different types of renewable energy sources, combined with battery storage, are feasible on Rikers Island.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
<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 the relevant office would use existing resources to implement the requirements of the legislation.

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

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

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Crilhen Francisco, Unit Head  
Stephanie Ruiz, Assistant Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1593 on June 13, 2019 and referred to the Committee on Environmental Protection (Committee). The Committee heard the legislation on January 29, 2020 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1593-A, will be considered by the Committee on February 11, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1593-A will be submitted to the full Council for a vote on February 11, 2021.

**DATE PREPARED:** February 9, 2021.

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

**(The following is the text of Int. No. 1593-A:)**

Int. No. 1593-A

By Council Members Constantinides, Rosenthal, Brannan, Koslowitz, Kallos, Ayala, Levin, Reynoso, Lander, Chin, Menchaca, Koo, Rivera, Powers, Cabrera, Rodriguez, Dromm, Holden, Vallone, Levine, Van Bramer, Yeger, Perkins, Grodenchik, Treyger, Gibson, Cornegy, Eugene, Maisel, Cumbo, Rose, Adams, Ampry-Samuel, Moya, D. Diaz, Louis and Ulrich.

**A Local Law to direct the mayor's office of long-term planning and sustainability to study the feasibility of different types of renewable energy sources combined with battery storage on Rikers Island.**

*Be it enacted by the Council as follows:*

Section 1. The opening paragraph of subdivision d of section 3-126 of the administrative code of the city of New York, as amended by local law number 99 for the year 2019, is amended to read as follows:

d. The administering agency shall submit to the mayor and the speaker of the council, and make publicly available online, a long-term energy plan, in conjunction with the plan developed in accordance with subdivision e of section 20 of the New York city charter. Such plan must be completed by [December 31, 2021] *June 30, 2022*, and shall be updated every four years thereafter. The advisory subcommittee established by this section shall provide, as needed, advice and recommendations with respect to the development of such plan, which shall include, but not be limited to:

§ 2. Subdivision g of section 3-126 of the administrative code of the city of New York, as added by local law number 99 for the year 2019, is amended to read as follows:

g. The long-term energy plan developed in accordance with subdivision d of this section shall include the following:

1. An assessment of the feasibility of replacing in-city gas-fired power plants associated with the bulk power system with battery storage powered by renewable energy sources in a manner that is consistent with the New York state public service commission energy storage deployment policy developed pursuant to section 74 of the public service law;

2. An assessment of when such replacement, if feasible, can take place; [and]

3. A review of potential technologies for battery storage of energy. This local law takes effect immediately upon enactment and expires and is deemed repealed after the submission of the report due; *and*

4. *In an appendix included only in the initial plan required to be completed by June 30, 2022, an assessment of the feasibility of constructing renewable energy sources combined with battery storage facilities on Rikers Island, including an evaluation of economic costs, value, rate of return, sustainability, and any additional*

*considerations relevant to such assessment. The Rikers Island advisory committee established pursuant to subdivision b of section 4-215 of this code may submit recommendations regarding such assessment to the administering agency.*

§ 3. This local law takes effect immediately.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DARMA V. DIAZ, Committee on Environmental Protection, February 11, 2021 (Remote Hearing).

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

Report for Int. No. 1966-A

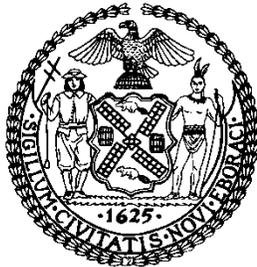
**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating a pilot program to test sewage for SARS-CoV-2.**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on June 18, 2020 (Minutes, page 1076), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 1592-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1966-A:*



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO. 1966-A**

**COMMITTEE:** Environmental Protection

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to creating a pilot program to test sewage for SARS-CoV-2.

**SPONSORS:** Council Members Constantinides, Powers, Kallos, Yeger, D. Diaz and Ayala.

**SUMMARY OF LEGISLATION:** Proposed Intro. 1966-A would require the Commissioner of Environmental Protection (DEP), in consultation with the Commissioner of Health and Mental Hygiene (DOHMH) to create a pilot program to test the city's wastewater treatment plants for the presence of SARS-CoV-2, the strain of

coronavirus that causes COVID-19, and submit a report to the Mayor, and Speaker of the City Council with the results of the program.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

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**FISCAL IMPACT STATEMENT:**

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
<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 the relevant agencies would use existing resources to implement the requirements of the legislation.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
New York City Department of Environmental Protection

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Crilhien Francisco, Unit Head  
Stephanie Ruiz, Assistant Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1966 on June 18, 2020 and referred to the Committee on Environmental Protection (Committee). The Committee heard the legislation on October 26, 2020 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1966-A, will be considered by the Committee on February 11, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1966-A will be submitted to the full Council for a vote on February 11, 2021.

**DATE PREPARED:** February 9, 2021.

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

**(The following is the text of Int. No. 1966-A:)**

Int. No. 1966-A

By Council Members Constantinides, Powers, Kallos, Yeger, D. Diaz and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a pilot program to test sewage for SARS-CoV-2**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-531 to read as follows:

§ 24-531 *Wastewater testing program. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*PCR using N1 Primer. The term “PCR using N1 Primer” means the measurement of the copies of the targeted viral RNA segment in a wastewater sample using a polymerase chain reaction based method.*

*SARS-CoV-2. The term “SARS-CoV-2” means severe acute respiratory syndrome coronavirus 2, which is the strain of coronavirus that causes the disease COVID-19.*

*Wastewater-based epidemiology. The term “wastewater-based epidemiology” means the chemical analysis of pollutants, viruses and biomarkers in raw wastewater to obtain qualitative and quantitative data on disease activity among inhabitants within a given wastewater catchment.*

*b. The commissioner, in consultation with the commissioner of health and mental hygiene, shall establish a pilot sampling program to quantify the levels of SARS-CoV-2 RNA in sewage at each city wastewater treatment plant in accordance with this section. Such sampling program shall occur on a frequency of no less than twice per week and shall include, but not be limited to, the measurement of the number of copies of SARS-CoV-2 RNA through the PCR using N1 Primer testing method or another testing method that reflects industry best practices.*

*c. The duration of such pilot sampling program shall be no less than six months and the commissioner, in consultation with the commissioner of health and mental hygiene, shall collect sewage samples in an amount necessary to measure the copies of SARS-CoV-2 RNA.*

*d. No later than January 31, 2022, the commissioner shall submit to the mayor and speaker of the council a report, which shall include, but not be limited to the following:*

*1. Results of sampling, disaggregated by the site where the sample was collected, date sample was collected, and date sample was tested, in order to monitor the leading indicators of increases or decreases in COVID-19 presence in each drainage area throughout the study;*

*2. The total cost of such pilot program;*

*3. Analysis of the effectiveness of the pilot program in testing for SARS-CoV-2;*

*4. Recommendations to expand the pilot program to include sampling at manhole sites and pumping stations if wastewater-based epidemiology detects SARS-CoV-2 in an amount, as determined by the commissioner of health and mental hygiene, that indicates a localized concentration of COVID-19;*

*5. Recommendations to extend the pilot program for up to an additional six months if more testing is necessary, as determined by the commissioner, in consultation with the commissioner of health and mental hygiene;*

*6. A plan for weekly testing at each city wastewater treatment plant if the commissioner of health and mental hygiene or state commissioner of health declares that the incidence of SARS-CoV-2 is appropriate for such action or if the centers for disease control and prevention issues a SARS-CoV-2 pandemic declaration;*

*7. Recommendations to use a sequencing testing method other than PCR using N1 Primer to test samples, if the commissioner determines that such additional testing method is beneficial; and*

*8. Recommendations for making the pilot program permanent.*

*e. The information required by paragraph 1 of subdivision d of this section shall be maintained on the website of the city.*

§ 2. This local law takes effect immediately.

COSTA G. CONSTANTINIDES, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DARMA V. DIAZ, Committee on Environmental Protection, February 11, 2021 (Remote Hearing).

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

## Report of the Committee on Governmental Operations

Report for Int. No. 374-A

### Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the disqualification of persons from holding an elected city office for certain felony convictions.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 551), respectfully

#### REPORTS:

##### I. INTRODUCTION

On February 11, 2021, the Committee on Governmental Operations, chaired by Council Member Cabrera, held a second hearing and a vote on the following pieces of legislation: Proposed Int. No. 374-A, sponsored by Council Member Brannan, in relation to the disqualification of persons from holding an elected city office for certain felony convictions; Proposed Int. No. 1525-B, sponsored by Council Member Koo, in relation to conducting 311 customer satisfaction surveys in designated citywide languages; and Proposed Int. No. 1830-A, sponsored by Council Member Ayala, in relation to publication of 311 service level agreements. All three bills were approved by the Committee. Proposed Int. No. 374-A was approved with 8 votes in the affirmative, 0 votes in the negative, and 1 abstention. Proposed Int. No. 1525-B and Proposed Int. No. 1830-A were approved with 9 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

##### II. BACKGROUND

###### a. *311 Overview*

The 311 Customer Service Center (“311”) is a citywide program providing non-emergency government services to New York City residents, visitors, and businesses.<sup>1</sup> 311 is housed within the Department of Information Technology & Telecommunications (“DoITT”), the agency responsible for providing information technology, infrastructure, and telecommunications services to City agencies, boards, and offices. 311 was first launched in 2003 as a call center.<sup>2</sup> Prior to its establishment by former Mayor Michael Bloomberg, the City relied on approximately 40 agency help lines and a general mayoral phone line, almost all of which were folded into 311.<sup>3</sup> Today, 311 is available 24 hours a day, seven days a week, via multiple channels.<sup>4</sup>

In Fiscal Year 2020, 311 received over 21 million calls, a more than 10 percent increase over the year before.<sup>5</sup> In addition, over 420,000 text messages were sent to 311, representing an increase of 68 percent.<sup>6</sup> About 2.2 million inquiries were made via the 311 mobile app, and the 311 website had approximately 10.5 million

<sup>1</sup> The Official Website of the City of New York, NYC311, <https://portal.311.nyc.gov> (last accessed Dec. 9, 2019).

<sup>2</sup> Committee Report, Committees on Governmental Operations and Technology, New York City Council, (Jan. 17, 2019), at page 2, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3723063&GUID=82CF9499-67A5-48FB-BAF1-2E230611B69B&Options=&Search>.

<sup>3</sup> New York City Budget Office, Fiscal Brief: 311 Customer Service Center: More Calls and a Growing Budget, April 2008, p. 1-2, available at <http://www.ibo.nyc.ny.us/iboreports/311Apr08.pdf>. Examples of entities not incorporated into 311 are areas of New York City operated by certain authorities, such as the New York City Housing Authority, the Battery Park City Authority and the Roosevelt Island Operating Corporation. See Rachel Holliday Smith, *What’s the 311? Stranded in New York’s Service Hotline Deserts*, THE CITY (Apr. 24, 2019), <https://thecity.nyc/2019/04/whats-the-311-stranded-in-n-y-s-service-hotline-deserts.html>.

<sup>4</sup> Mayor’s Office of Operations, Mayor’s Management Report (Sept. 2019) at 134, available at <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2018/311.pdf>.

<sup>5</sup> Mayor’s Office of Operations, Mayor’s Management Report (Sept. 2020) at 144, available at <https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2020/311.pdf>.

<sup>6</sup> *Id.*

visits.<sup>7</sup> The average wait time for a 311 caller was one minute and 38 seconds during peak hours, and one minute and three seconds during off-peak hours.<sup>8</sup> From March 13 to April 16—during the peak of first wave of the COVID-19 pandemic in New York City—311 received more than 180,000 calls per day, and average wait times were significantly longer: six minutes and 38 seconds during peak hours, and four minutes and 27 seconds during off-peak hours.<sup>9</sup>

### ***b. Agency service level agreements***

A customer contact with 311 generally generates either a service request, when the customer is seeking a City agency to take an action, or an informational request, when the customer has a question regarding a City service.<sup>10</sup> There are datasets for both types of requests on the City’s Open Data portal.<sup>11</sup> Once a customer makes a complaint or request, a unique number is generated which is shared with the customer and can be used to track the resolution of the case.<sup>12</sup> Service requests are submitted to appropriate City agencies, based on complaint type.<sup>13</sup>

Service level agreements (“SLAs”) outline the time frame within which an agency is expected to respond to a particular service request.<sup>14</sup> Some SLAs are as short as an hour while others can span several days, depending on the severity of the threat to public safety.<sup>15</sup> 311 communicates this information to customers so they have an expectation for when the service request will be fulfilled. However, 311 is unable to follow an agency’s workflow for each request. It relies on each agency to document a clear resolution for each request and mark each request as closed.<sup>16</sup>

During a Committee oversight hearing on February 4, 2019, the Departments of Environmental Protection (“DEP”), Buildings (“DOB”), Finance (“DOF”), Health and Mental Hygiene (“DOHMH”), Transportation (“DOT”) and Housing Preservation and Development (“HPD”), and the Taxi and Limousine Commission (“TLC”), each testified to how they prioritize and respond to disparate requests relayed by 311.<sup>17</sup> Each agency has numerous complaint types, each with an assigned response time under an SLA. For example, DEP has 123 unique complaint types, DOB has nearly 100 and HPD has more than 150.<sup>18</sup> Agencies testified that the majority of service requests are responded to within the time provided in their SLAs.<sup>19</sup> However, not all are responded to in a timely fashion. For example, DOF reported that 67 percent of its requests were closed within the SLA timeframe in Fiscal Year 2018.<sup>20</sup> DOHMH reported that it responded to rodent complaints within its 10-business day SLA target 81 percent of the time.<sup>21</sup>

Both 311 representatives and members of the public can look up the status of a request if they have the corresponding service request number, and can see the SLA deadline for that request.<sup>22</sup> Tracking service requests

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

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

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

<sup>10</sup> Jan. 17, 2019 Committee Report, *supra* note 2 at 2.

<sup>11</sup> See NYC OpenData, 311 Service Requests from 2010 to present, <https://data.cityofnewyork.us/Social-Services/311-Service-Requests-from-2010-to-Present/erm2-nwe9> (last accessed Dec. 10, 2019); NYC OpenData, 311 Call Center Inquiry, <https://data.cityofnewyork.us/City-Government/311-Call-Center-Inquiry/tdd6-3ysr> (last accessed Dec. 10, 2019).

<sup>12</sup> Committee Report, Committee on Governmental Operations, New York City Council, (Feb. 4, 2019), at page 4, *available at* <https://nyc.legistar.com/LegislationDetail.aspx?ID=3840384&GUID=0F7E3CF0-3DB1-49D3-8280-63036A475EE7&Options=&Search>.

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

<sup>14</sup> Testimony of 311 Exec. Dir. Joseph R. Morrisroe before the Committee on Governmental Operations, New York City Council, (Feb. 4, 2019), *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3541118&GUID=B2312F00-2894-40AC-9DEF-A54C44F9FCBC&Options=&Search>.

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

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

<sup>17</sup> See generally Feb. 4 testimony, *supra* note 14; Andrew Millman, *In Second 311 Oversight Hearing, City Council Examines Agency Responsiveness*, GOTHAM GAZETTE (Feb. 10, 2019), <https://www.gothamgazette.com/city/8271-in-second-311-oversight-hearing-council-examines-agency-responsiveness>.

<sup>18</sup> Feb. 4 testimony, *supra* note 14.

<sup>19</sup> See *id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> See The Official Website of the City of New York, NYC311 Look Up Service Requests, <https://portal.311.nyc.gov/check-status> (last accessed Dec. 9, 2019).

is possible through 311’s website and smartphone application for iOS and Android.<sup>23</sup> The following is a screenshot (Figure No. 1) of what members of the public would see online, with the SLA complaint type and “SLA remaining days” highlighted:

The screenshot shows a complaint page with the following fields and values:

- Updated On:** 11/15/2019 10:32 AM
- Date Reported:** 11/15/2019 10:32 AM
- SR Status:** In Progress
- Problem:** Sidewalk Condition
- Problem Detail:** Sidewalk Violation
- Additional Details:** Sidewalk Violation Inquiry
- Time Until Agency Action:** (blank)
- SLA Remaining Days:** 30
- SR Address:** 31-48 93 STREET, QUEENS (EAST ELMHURST), NY, 11389

Two arrows point to the "SLA Remaining Days" field: one from the left and one from the bottom right.

Figure No. 1

Currently, 311 does not publish agency service level agreements on its website or the Open Data Portal.<sup>24</sup>

#### a. Satisfaction surveys

During the Council’s January 2019 oversight hearing, 311 testified that it conducts an annual, 25-question customer satisfaction survey through a vendor.<sup>25</sup> 311 conducts four additional in-house surveys using a Likert scale,<sup>26</sup> which is a type of rating scale used to capture more nuanced responses to questions than the simple binary “yes” or “no.”<sup>27</sup> These surveys were conducted entirely in English, with results showing generally high levels of customer satisfaction with 311 service. In Fiscal Year 2019, 311 reported that a customer satisfaction survey of 765 callers conducted by CFI Group, Inc. gave 311 a “composite score of 84,” which is reportedly “on par with the best performers in the private sector.”<sup>28</sup>

However, Council Member Koo, then-chair of the Council Committee on Technology, expressed some skepticism towards the results of 311’s surveys, contending that a survey that does not capture the feedback and criticism of non-English users would not accurately represent the customer satisfaction of all 311 users.<sup>29</sup> In response, 311 Executive Director Morrisroe said 311 could look at how it can expand its survey capability to languages other than English.<sup>30</sup>

<sup>23</sup> See *id.*; The Official Website of the City of New York, NYC311 Mobile App, <https://portal.311.nyc.gov/article/?kanumber=KA-01025> (last accessed Dec. 15, 2019).

<sup>24</sup> Nov. 19, 2019 email correspondence with the Mayor’s Office of City Legislative Affairs, on file with Governmental Operations Committee staff.

<sup>25</sup> Testimony of Joseph Morrisroe, *supra* note **Error! Bookmark not defined.**

<sup>26</sup> *Id.*

<sup>27</sup> Saul McLeod, *Likert Scale*, Simply Psychology (2008), available at <https://www.simplypsychology.org/likert-scale.html>.

<sup>28</sup> 2019 Mayor’s Management Report, *supra* note 4 at 144.

<sup>29</sup> Millman, *supra* note **Error! Bookmark not defined.**; Jan. 17, 2019 hearing transcript, *supra* note **Error! Bookmark not defined.** at 100 (exchange between Chair Koo and 311 Exec. Dir. Morrisroe).

<sup>30</sup> *Id.* at 100-101.

### **III. LEGISLATIVE ANALYSIS**

#### **Int. No. 374-A**

Int. No. 374-A (Brannan) would disqualify any person who has been convicted of certain felonies that relate to public corruption and depriving the public of honest services from being elected to, or holding, the offices of Mayor, Public Advocate, Comptroller, Borough President, or Council Member. The felonies included are grand larceny (if the property stolen included public funds), theft or bribery concerning programs receiving federal funds, making false statements in violation of section 1001 of title 18 of the U.S. Code (if committed through the use of, or in connection with, the elected office held by the person at the time of commission), wire and mail fraud, interference with commerce by threats or violence, and felony attempt or conspiracy to commit any of the aforementioned felonies. Under the bill, convictions that have been vacated or pardoned under state or federal law would not prevent a person from being elected to, or holding, office.

This bill would take effect immediately.

#### **Int. No. 1525-B**

Int. No. 1525-B (Koo) would require 311 to conduct at least five customer satisfaction surveys annually and would mandate that each survey be offered in the ten “designated citywide languages,” as determined by data from the United States Census Bureau and the NYC Department of Education.<sup>31</sup> The bill would also require the Department of Information Technology and Telecommunications to submit an annual report to the Council Speaker and the Mayor containing the results of any such survey, disaggregated by the language in which the survey was conducted.

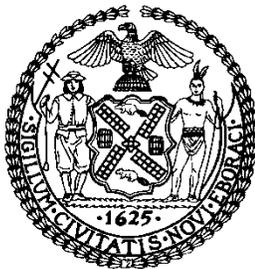
This bill would take effect 90 days after becoming law.

#### **Int. No. 1830-A**

Int. No. 1832-B (Cabrera) would require 311 to post each agency’s SLAs on the Open Data portal, provide a link to such posting on the 311 website, and maintain a separate page on the 311 website providing general background information on SLAs.

This bill would take effect 120 days after becoming law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 374-A:)**



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

**PROPOSED INT. NO. 374-A**

**COMMITTEE:** Governmental Operations

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**TITLE:** A Local Law to amend the New York City charter, in relation to the disqualification **SPONSORS:** Council Members Brannan, Salamanca, Holden, Rivera, Ayala, Powers, Constantinides, Koo,

<sup>31</sup> Currently, the ten designated citywide languages are Spanish, Chinese, Russian, Bengali, Haitian, Korean, Arabic, Urdu, French, and Polish. See NYC Mayor’s Office of Immigrant Affairs, Language and Disability Access, <https://www1.nyc.gov/site/immigrants/about/language-and-disability-access.page>.

of persons from holding an elected office for Gjonaj, Adams, Vallone, Koslowitz, Louis, Kallos, Lander, certain felony convictions. Gibson and Borelli.

**SUMMARY OF LEGISLATION:** This bill would disqualify any person that has been convicted of certain felonies, in relation to public corruption and depriving the public of honest services, from holding the office of Mayor, Public Advocate, Comptroller, Borough President or Council Member.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
<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 because the relevant agencies would use existing resources to accomplish its requirements.

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

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

**ESTIMATE PREPARED BY:** Sebastian Palacio Bacchi, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** The legislation was introduced to the Council as Intro. No. 374 on January 31, 2018, and was referred to the Committee on Governmental Operations (Committee). The Committee heard the legislation on January 20, 2021, and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 374-A, will be considered by the Committee on February 11, 2021. Upon a successful vote by the Committee, Proposed Int. No. 374-A will be submitted to the full Council for a vote on February 11, 2021.

**DATE PREPARED:** February 5, 2021.

**(For text of Int. Nos. 1525-B and 1830-A and their Fiscal Impact Statements, please see the Report of the Committee on Environmental Protection for Int. Nos. 1525-B and 1830-A, respectively, printed in these Minutes; for text of Int. No. 374-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 374-A, 1525-B, and 1830-A.*

**(The following is the text of Int. No. 374-A:)**

Int. No. 374-A

By Council Members Brannan, Salamanca, Holden, Rivera, Ayala, Powers, Constantinides, Koo, Gjonaj, Adams, Vallone, Koslowitz, Louis, Kallos, Lander, Gibson, Deutsch and Borelli.

**A Local Law to amend the New York city charter, in relation to the disqualification of persons from holding an elected city office for certain felony convictions**

*Be it enacted by the Council as follows:*

Section 1. The New York city charter is amended by adding a new chapter 50-A to read as follows:

**CHAPTER 50-A  
QUALIFICATION FOR ELECTED OFFICE**

*§ 1139 Qualification for Elected Office. In addition to any disqualifications for holding civil office in section 3 of the public officers law, no person shall be eligible to be elected to, or hold, the office of mayor, public advocate, comptroller, borough president or council member who has been convicted, provided such conviction has not been vacated pursuant to the criminal procedure law or title 28 of the United States code or pardoned by the governor pursuant to section 4 of article IV of the New York state constitution or the president pursuant to section 2 of article 2 of the United States constitution, of a felony, including an attempt or conspiracy to commit a felony, defined in:*

- 1. sections 155.30, 155.35, 155.40, and 155.42 of the penal law, if the property stolen consisted in whole or in part of public funds;*
- 2. section 666 of title 18 of the United States code;*
- 3. section 1001 of title 18 of the United States code, if such felony was committed through the use of, or in connection with, such person's elected office;*
- 4. sections 1341, 1343 and 1346 of title 18 of the United States code; or*
- 5. section 1951 of title 18 of the United States code.*

*§ 2. This local law takes effect immediately.*

YDANIS A. RODRIGUEZ, BEN KALLOS, STEPHEN T. LEVIN, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER, DARMA V. DIAZ; Committee on Governmental Operations, February 11, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Koo, Ampry-Samuel, Barron, Holden and Levine.*

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

Report for Int. No. 1525-B

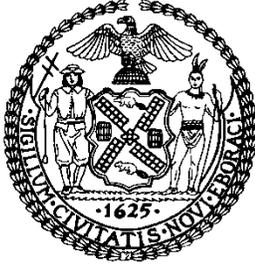
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to conducting 311 customer satisfaction surveys in designated citywide languages.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on April 18, 2019 (Minutes, page 1528), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 374-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1525-B:*



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

**PROPOSED INT. NO. 1525-B**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to conducting 311 customer satisfaction surveys in the designated citywide languages.

**SPONSORS:** Council Members Koo, Cabrera, Ayala, Kallos, Brannan, Diaz, Lander and Ulrich.

**SUMMARY OF LEGISLATION:** This bill would require the 311 customer service center to conduct at least five annual customer satisfaction surveys. This bill would require each customer satisfaction survey conducted in relation to 311 user experience to be offered, in addition to English, in the ten designated citywide languages, as determined based on the United States census data and New York City Department of Education data. The bill would also require the Department of Information Technology and Telecommunications to submit an annual report containing the results of any such survey, disaggregated by the language in which the survey was conducted.

**EFFECTIVE DATE:** This local law would take effect 90 days after it becomes law

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
<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 because the relevant agencies would use existing resources to accomplish its requirements.

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

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

**ESTIMATE PREPARED BY:** Sebastian Palacio Bacchi, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1525 on April 18, 2019 and was referred to the Committee on Governmental Operations (Committee). The legislation was subsequently amended, and on December 11, 2019 the legislation was re-referred to the Committee. A hearing was held by the Committee jointly with the Committee on Technology on January 21, 2020, and the legislation was laid over. The legislation was amended for a second time and the amended version, Proposed Int. No. 1525-B, will be considered by the Committee on February 11, 2021. Upon a successful vote by the Committee, Proposed Int. No. 1525-B will be submitted to the full Council for a vote on February 11, 2021.

**DATE PREPARED:** February 5, 2021.

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

**(The following is the text of Int. No. 1525-B:)**

Int. No. 1525-B

By Council Members Koo, Cabrera, Ayala, Kallos, Brannan, D. Diaz, Lander, Barron and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to conducting 311 customer satisfaction surveys in designated citywide languages**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-306 to read as follows:

§ 23-306 *Customer satisfaction survey. a. Definitions. As used in this section, the following terms have the following meanings:*

*Customer satisfaction survey. The term “customer satisfaction survey” means a survey used to evaluate the experiences of individuals who contact the 311 customer service center and to determine their overall level of satisfaction with 311 call intake.*

*Designated citywide languages. The term “designated citywide languages” has the same meaning as such term is defined in section 23-1101.*

*b. The 311 customer service center shall annually conduct at least five campaigns in which customer satisfaction surveys are sent to individuals who have contacted the 311 customer service center in the previous six months.*

*c. Every customer satisfaction survey administered by the 311 customer service center or by an entity contracting with the city to conduct such customer satisfaction survey shall be made available in all designated citywide languages.*

*d. No later than July 1 of each year, the department of information technology and telecommunications shall issue a report to the speaker of the council and the mayor including the results of each survey required by subdivision b of this section, disaggregated by the language in which such survey was conducted.*

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

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, STEPHEN T. LEVIN, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER, DARMA V. DIAZ; Committee on Governmental Operations, February 11, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Koo, Ampry-Samuel, Barron, Holden and Levine.*

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

Report for Int. No. 1830-A

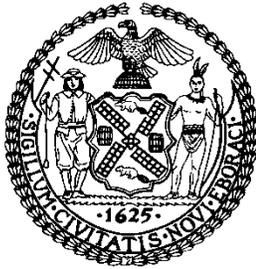
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to publication of 311 service level agreements.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on December 19, 2019 (Minutes, page 4867), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 374-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1830-A:*



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

**PROPOSED INTRO NO. 1830-A**

**COMMITTEE:** Governmental Operations

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the publication of 311 service level agreements. **SPONSORS:** Council Members Ayala, Yeger, Kallos, Brannan, Diaz, Lander and Ulrich.

**SUMMARY OF LEGISLATION:** This bill would require 311 to post each agency's service level agreements on the Open Data Portal, provide a link to such posting on the 311 website, and maintain a separate page on the 311 website providing general background information on service level agreements. Service level agreements set forth the number of days within which each agency will respond to and close a request for service or complaint.

**EFFECTIVE DATE:** This local law would take effect 120 days after it becomes law, provided that section one of this local law is deemed repealed, and section two of this local law would take effect on the date on which the local law for the year 2021, as proposed in introduction number 1832 for the year 2019, takes effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</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 because the relevant agencies would use existing resources to accomplish its requirements.

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

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

**ESTIMATE PREPARED BY:** Sebastian Palacio Bacchi, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
John Russell, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1830 on December 19, 2019 and was referred to the Committee on Governmental Operations (Committee). A joint hearing was held by the Committee and the Committee on Technology on January 21, 2020, and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 1830-A, will be considered by the Committee on February 11, 2021. Upon a successful vote by the Committee, Proposed Int. No. 1830-A will be submitted to the full Council for a vote on February 11, 2021.

**DATE PREPARED:** February 5, 2021.

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

**(The following is the text of Int. No. 1830-A:)**

Int. No. 1830-A

By Council Members Ayala, Yeger, Kallos, Brannan, D. Diaz, Lander, Barron and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to publication of 311 service level agreements**

*Be it enacted by the Council as follows:*

Section 1. a. The 311 customer service center shall:

1. Post on the single web portal described in section 23-502 of the administrative code of the city of New York each agency's service level agreements;

2. Provide a link to such posting in a conspicuous location on the 311 customer service center's website; and

3. Create and maintain on a separate page of the 311 customer service center's website information about service level agreements.

b. For purposes of this section, the term "service level agreement" means the maximum number of hours or days within which an agency has committed to review, take action on and close a particular category of requests for service or complaints referred by the 311 customer service center to such agency.

§ 2. Section 23-305 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to requiring 311 to notify each agency when a request for service or complaint has not been closed within the number of days specified by such agency's service level agreement, as proposed in introduction number 1832 for the year 2019, is amended to read as follows:

§ 23-305 Service level agreements. *a. Publication. The 311 customer service center shall:*

*1. Post on the single web portal described in section 23-502 of this code each agency's service level agreements;*

*2. Provide a link to such posting in a conspicuous location on the 311 customer service center's website; and*

*3. Create and maintain on a separate page of the 311 customer service center's website information about service level agreements.*

*b. Notification to agencies.* The 311 customer service center shall notify the applicable agency when a customer's request for service, or complaint, referred by the 311 customer service center to such agency has not been closed within the time specified by such agency's service level agreement.

*c. Definition.* For purposes of this section, the term "service level agreement" means the maximum number of hours or days within which an agency has committed to review, take action on and close a particular category of requests for service or complaints referred by the 311 customer service center to such agency.

§ 3. This local law takes effect 120 days after it becomes law, provided, however that section one of this local law is deemed repealed, and section two of this local law takes effect, on the date on which the local law for the year 2021 amending the administrative code of the city of New York, relating to requiring 311 to notify each agency when a request for service or complaint has not been closed within the number of days specified by such agency's service level agreement, as proposed in introduction number 1832 for the year 2019, takes effect.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, STEPHEN T. LEVIN, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER, DARMA V. DIAZ; Committee on Governmental Operations, February 11, 2021 (Remote Hearing).

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

### **Report of the Committee on Health**

Report for Int. No. 2064-A

**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the creation of an advisory board for gender and racial equity in hospitals.**

The Committee on Health, to which the annexed proposed amended local law was referred on August 27, 2020 (Minutes, page 1743), respectfully

**REPORTS:**

## I. INTRODUCTION

On February 11, 2021, the Committee on Health, chaired by Council Member Mark Levine, held a hearing on Introduction Number 2064-A (Int. 2064-A). The legislation was previously heard at a joint hearing of this Committee with the Committee on Women and Gender Equity, chaired by Council Member Helen Rosenthal, on October 28, 2020, at which the Committee received testimony from the New York City (NYC) Department of Health and Mental Hygiene (DOHMH), the NYC Commission on Gender Equity (CGE), advocacy groups, health professionals and other interested parties. On February 11, 2021, the Committee passed this legislation by a vote of seven in the affirmative, zero in the negative, and zero abstentions.

## II. BACKGROUND

### *Reproductive Health*

Reproductive health, broadly defined, refers to the health and social conditions of human reproductive systems during all life stages.<sup>1</sup> This includes, but is not limited to:

- Family planning services and counseling, terminating a pregnancy (also known as abortion), birth control, emergency contraception, sterilization and pregnancy testing;
- Fertility-related medical procedures;
- Sexual health education;
- Access to medical services and information; and
- Sexually transmitted disease prevention, testing and treatment.<sup>2</sup>

While this Committee Report adopts a broader definition in the interest of understanding the full spectrum of issues relating to reproductive health, it should be noted and is perhaps not surprising that many definitions of reproductive health focus more narrowly on addressing the reproductive health needs of women.<sup>3</sup> These definitions include, but are not limited to, those addressing reproductive decisions—whether a woman seeks to reproduce or avoid reproduction, the impact of the process of reproduction on health and the associated issues related to a woman’s autonomy, privacy and agency over such decisions.<sup>4</sup>

The World Health Organization (WHO) identifies 17 “Reproductive Health Indicators” which further provide a framework for assessing the state of reproductive health.<sup>5</sup> These WHO indicators include:

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<sup>1</sup> National Institute of Environmental Health Sciences, *Reproductive Health*, the National Institute of Health (n.d.), available at <https://www.niehs.nih.gov/health/topics/conditions/repro-health/index.cfm>; See NYC Commission on Human Rights, *FACT SHEET: Protections Against Employment Discrimination Based on Sexual and Reproductive Health Decisions* (n.d.), available at [https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/SexualReproHealthDecisions\\_KYR\\_8.20.2019.pdf](https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/SexualReproHealthDecisions_KYR_8.20.2019.pdf); See, e.g., Mahmoud Fathalla, *Promotion of Research in Human Reproduction: Global Needs and Perspectives*, 3 HUMAN REPRODUCTION 7, 7 (1988) (defining reproductive health as requiring, among other things, “that people have the ability to reproduce and the ability to regulate their fertility”).

<sup>2</sup> NYC Commission on Human Rights, *FACT SHEET: Protections Against Employment Discrimination Based on Sexual and Reproductive Health Decisions* (n.d.), available at [https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/SexualReproHealthDecisions\\_KYR\\_8.20.2019.pdf](https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/SexualReproHealthDecisions_KYR_8.20.2019.pdf).

<sup>3</sup> See Rebecca Cook, Bernard Dickens & Mahmoud Fathalla, *Reproductive Health and Human*

*Rights: Integrating Medicine, Ethics and Law*, 14-18 (2003) (explaining the importance of gender differences in the context of reproductive health).

<sup>4</sup> See, e.g., Ruth Bader Ginsburg, *Some Thoughts on Autonomy and Equality in Relation to Roe v. Wade*, 63 N.C. L. REV. 375, 383 (1985) (noting that a woman’s ability to control her reproductive capacity is equivalent to her ability to take autonomous charge of her life); Lance Gable, *Reproductive Health as a Human Right*, 60 Case W. Res. L. Rev. 957, 957 (Summer 2020).

<sup>5</sup> World Health Organization [hereinafter “WHO”], *Reproductive Health Indicators for Global Monitoring*, WHO Second Interagency Meeting, Geneva, Switz., 20-23 (July 17-19, 2000), available at [http://whqlibdoc.who.int/hq/2001/WHO\\_RHR\\_01.19.pdf](http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf); See also, Ritu Sadana, *Definition and Measurement of Reproductive Health*, 80 BULL. WHO. 407 (2002); Lance Gable, *Reproductive Health as a Human Right*, 60 Case W. Res. L. Rev. 957, 957 (Summer 2020).

1. The total fertility rate;
2. Contraceptive prevalence;
3. The maternal mortality ratio;
4. The percentage of women attended by health personnel during pregnancy;
5. The percentage of births attended by skilled health personnel;
6. The number of facilities with basic obstetric care;
7. The number of facilities with comprehensive obstetric care;
8. The perinatal mortality rate;
9. The percentage of live births with low birth weight;
10. The positive syphilis serology in pregnant women;
11. The percentage of anemia in pregnant women;
12. The percentage of obstetric admissions owing to abortion;
13. The percentage of women with genital cutting, also known as female genital mutilation or female circumcision (“FGM/C”)<sup>6</sup>;
14. The percentage of women who report trying for a pregnancy for two years or more;
15. The incidence of urethritis in men;
16. HIV prevalence in pregnant women; and
17. Knowledge of HIV-prevention practices.<sup>7</sup>

Research has shown that deficiencies in these indicators are largely conditions that can be alleviated with a combination of better access to health services, improvement in economic and social conditions and increased protections for those seeking reproductive health care services.<sup>8</sup> Accordingly, in recent years, important measures have been established at the federal, state and local levels to ensure that the right to receive reproductive health services are protected, a process often referred to as reproductive justice.<sup>9</sup> Generally speaking, reproductive justice seeks to ensure reproductive rights,<sup>10</sup> or the rights of individuals to have access to sexual and reproductive healthcare and autonomy in sexual and reproductive decision-making.<sup>11</sup> The Council currently provides approximately \$1.3 million in discretionary funding for a range of services related to reproductive and sexual health services.<sup>12</sup>

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<sup>6</sup> Note: This paper utilizes the term “female genital cutting,” rather than “female genital mutilation” to give deference to the affected women and girls, often migrants, who live in the midst of a dominant discourse categorizing them as “mutilated” and sexually disfigured. While “female circumcision” is another common term, “female genital mutilation” is also referenced in recognition of the fact that it is the most commonly used term, including in terms of usage in legislation and treaties. Further, while this paper also utilizes the acronym FGC, FGM is also often shortened to FGM/C in recognition of updated and current language. See S. Johnsdotter, *The Impact of Migration on Attitudes to Female Genital Cutting and Experiences of Sexual Dysfunction Among Migrant Women with FGC*, 10(1) CURRENT SEXUAL HEALTH REPORTS 18-24 (2018), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5840240/>; S. Fried, A. Mahmoud Warsame, V. Berggren, E. Isman & A. Johansson, *Outpatients’ Perspectives on Problems and Needs Related to Female Genital Mutilation/Cutting: a Qualitative Study from Somaliland*, 2013(1) OBST. AND GYN. INTL (2013), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3784275/>; U.S. Department of Health and Human Services, Office on Women’s Health, *Female Genital Mutilation or Cutting* (n.d.), available at <https://www.womenshealth.gov/a-z-topics/female-genital-cutting>; New York Department of Health, *Female Genital Mutilation/Female Circumcision Reference Card for Health Care Providers* (n.d.), available at [https://www.health.ny.gov/community/adults/women/female\\_circumcision/providers.htm](https://www.health.ny.gov/community/adults/women/female_circumcision/providers.htm) (explaining why it is “more appropriate” to use FGC/FC than FGM).

<sup>7</sup> WHO, *Reproductive Health Indicators for Global Monitoring*, WHO Second Interagency Meeting, Geneva, Switz., 20-23 (July 17-19, 2000), available at [http://whqlibdoc.who.int/hq/2001/WHO\\_RHR\\_01.19.pdf](http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf); See also, Ritu Sadana, *Definition and Measurement of Reproductive Health*, 80 BULL. WHO. 407, 407 (2002).

<sup>8</sup> Lance Gable, *Reproductive Health as a Human Right*, 60 Case W. Res. L. Rev. 957, 957 (Summer 2020).

<sup>9</sup> See, e.g., Elizabeth Nash, Lizamarie Mohammed, Zohra Ansari-Thomas, and Olivia Cappello, *Laws Affecting Reproductive Health and Rights: State Policy Trends at Midyear, 2018*, Guttmacher Institute (July 2018), available at <https://www.guttmacher.org/article/2018/07/laws-affecting-reproductive-health-and-rights-state-policy-trends-midyear-2018>.

<sup>10</sup> See, e.g., National Council of Jewish Women, *Understanding Reproductive Health, Rights, and Justice* (n.d.), available at <https://www.ncjw.org/wp-content/uploads/2017/12/RJ-RH-RR-Chart.pdf>.

<sup>11</sup> Amnesty International USA, *Reproductive Rights: A Fact Sheet* (2007), available at

<https://web.archive.org/web/20070714111432/http://www.amnestyusa.org/women/pdf/reproductiverights.pdf>.

<sup>12</sup> This includes Long Acting Reversible Contraceptives (LARC) and abortion access: \$702,900 for the Dedicated Contraceptive Fund, \$378,070 for the Reproductive and Sexual Health Services Initiative, and an additional \$250,000 for the New York Abortion Access

### III. ISSUES AND CONCERNS

#### a. Contraception / Non-Surgical & Long-Acting Reversible Contraceptives (LARC)

Long Acting Reversible Contraception refers to several FDA-approved methods of birth control that are intended to last for at least several years without requiring any user action (such as taking a daily pill).<sup>13</sup> Long Acting Reversible Contraceptive (LARC) methods include intrauterine contraceptives, implants, and injections, and are considered the most effective form of birth control in preventing unwanted pregnancy, beside abstinence.<sup>14</sup> Despite its efficacy, only 5.8% of adolescents and women ages 15–19 have ever used a LARC method, with 3% ever using an IUD and 2.8% ever using a contraceptive implant.<sup>15</sup> Some barriers to use of LARC methods by young women and adolescents include lack of familiarity or understanding about LARCs, lack of access, low parental acceptance, high costs of initiation, and obstetrician–gynecologists’ and other health care providers’ misconceptions about the safety of LARC use in adolescents.<sup>16</sup> When cost barriers were eliminated and the LARC method was explained, research found that more than two thirds of females aged 14–20 years chose a LARC method.<sup>17</sup>

In May 2016, then Speaker Melissa Mark-Viverito published the Young Women’s Initiative (YWI) Report and Recommendations.<sup>18</sup> One of the recommendations in the report was to “create a dedicated fund for access to contraceptives, including long-acting reversible contraception (LARC), which incorporates culturally relevant counseling, focuses on patient choice and integrates age- and developmentally-appropriate support for young people.”<sup>19</sup> At the time of this announcement, of the 145 School Based Health Centers (SBHCs) serving over 345 schools in the five boroughs of New York City, only 50 high school sites provided comprehensive reproductive health services including “on-site dispensing of hormonal and long-acting reversible contraception.”<sup>20</sup> At around the same time, DOHMH began a “#MaybethelUD campaign” to promote LARC methods as an accessible option for young people wanting to prevent unwanted pregnancy.<sup>21</sup> The YWI fund utilized Colorado’s privately-funded Colorado Family Planning Initiative as a model.<sup>22</sup> In total, the fund set aside \$365,000 to provide LARCs at no cost to clients who were uninsured, ineligible for Medicaid, or otherwise lacking the resources to pay out of pocket.<sup>23</sup> Funding was used to cover applicable LARC service fees or to purchase LARCs, using the Title X Family Planning Program, the 340B Drug Pricing Program, and any other cost-saving programs available.<sup>24</sup>

Currently, DOHMH maintains several health clinics centered on patient sexual health, immunization, and Tuberculosis (TB) services.<sup>25</sup> The Department’s eight sexual health clinics provide low- to no-cost services for sexually transmitted infections (STIs), and accept all types of insurance, including:

- Medicare Part B
- Fee-for-Service Medicaid

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fund The New York City Council, “Fiscal Year 2011 Adopted Expense Budget Adjustment Summary / Schedule C,” (June 30, 2020), available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/06/Fiscal-2021-Schedule-C-Cover-REPORT-Final.pdf>.

<sup>13</sup> See, e.g., “Long-Acting Reversible Contraception: Intrauterine Device and Implant,” The American College of Obstetricians and Gynecologists, available at <https://www.acog.org/Patients/FAQs/Long-Acting-Reversible-Contraception-Intrauterine-Device-and-Implant?IsMobileSet=false#methods>.

<sup>14</sup> See *id.*; see also, “About LARCs,” Planned Parenthood, available at <https://www.plannedparenthood.org/planned-parenthood-mar-monte/patient-resources/long-acting-reversible-contraception-2>.

<sup>15</sup> “ACOG Committee Opinion,” The American College of Obstetricians and Gynecologists, Number 735, May 2018, available at <https://www.acog.org/Clinical-Guidance-and-Publications/Committee-Opinions/Committee-on-Adolescent-Health-Care/Adolescents-and-Long-Acting-Reversible-Contraception?IsMobileSet=false>.

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

<sup>17</sup> *Id.*

<sup>18</sup> New York City Council, “New York City Young Women’s Initiative: Report and Recommendations” (May 2016), available at <https://www.ggenyc.org/wp-content/uploads/2018/11/YWI-Report-and-Recommendations.pdf>.

<sup>19</sup> *Supra* note 15 at 10.

<sup>20</sup> *Id.* at 33.

<sup>21</sup> *Id.* at 39.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 109.

<sup>24</sup> *Id.*

<sup>25</sup> “NYC Health Clinics,” DOHMH, available at <https://www1.nyc.gov/site/doh/services/allclinics.page>.

- Medicaid Managed Care
- Affinity Health Plan
- AmeriChoice
- Amerigroup
- EmblemHealth (GHI/HIP)
- Healthfirst
- HealthPlus Amerigroup
- MetroPlus.<sup>26</sup>

Additionally, if an interested party has no health insurance or cannot pay the fee, they may still receive health services through these clinics.<sup>27</sup> Currently, due to the COVID-19 pandemic, these sexual health clinics are only serving patients at a reduced capacity, as sites are being utilized for COVID testing.<sup>28</sup>

*b. Breastfeeding*

In 2018, the City Council passed Local Law 185, which requires employers covered by the Human Rights Law to provide lactation rooms, as well as refrigerators, in reasonable proximity to work areas for the purposes of expressing and storing breast milk,<sup>29</sup> and Local Law 186, which requires employers in the City to establish, and distribute to all new employees, policies describing lactation room accommodations, including the process by which an employee can request such accommodation.<sup>30</sup> Additionally, Local Law 186 requires the NYC Commission on Human Rights to establish and make available a model lactation room accommodation policy.<sup>31</sup>

These laws, which went into effect in March 2019, expand the rights of working mothers in the workplace.<sup>32</sup> This includes acknowledgement of workplace barriers to expressing breast milk, including allowing for milk expression in the work schedule, accommodations to express and store milk, and workplace support.<sup>33</sup> While efforts to improve breastfeeding practices are often stymied by a lack of information, cultural and family traditions, and stigmatization of women in public places and at the workplace, studies consistently show that breast milk is generally safe, clean and includes antibodies,<sup>34</sup> and that breastfed children are more likely to survive and thrive.<sup>35</sup> Moreover, breastmilk substitutes constitute a \$70 billion industry dominated by a few American and European companies, and increasing breastfeeding rates for infants younger than six months of age to 90 percent in the U.S. could save the American healthcare systems at least \$2.45 billion.<sup>36</sup>

According to DOHMH, breastfeeding rates differ by race/ethnicity, poverty, neighborhood poverty and age in NYC.<sup>37</sup> As such, the City has been working to promote breastfeeding through several initiatives, including a Baby Café in Brownsville, Brooklyn, to provide spaces for pregnant and breastfeeding mothers to meet other parents and to learn from lactation consultants on staff, the compilation of an online accessible breastfeeding

<sup>26</sup> “Sexual Health Clinics,” DOHMH, available at <https://www1.nyc.gov/site/doh/services/sexual-health-clinics.page>.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> 2018 N.Y.C. Local Law No. 185, N.Y.C. Admin. Code §§17-199.1

<sup>30</sup> 2018 N.Y.C. Local Law No. 186, N.Y.C. Admin. Code §§8-107.

<sup>31</sup> *Id.*

<sup>32</sup> NYC Commission on Human Rights, Law: “Lactation Accommodations” (n.d.), available at <https://www1.nyc.gov/site/cchr/law/lactation.page>.

<sup>33</sup> 2018 N.Y.C. Local Law No. 185, N.Y.C. Admin. Code §§17-199.1; 2018 N.Y.C. Local Law No. 186, N.Y.C. Admin. Code §§8-107.

<sup>34</sup> Nigel C. Rollins, et al., “Why invest, and what it will take to improve breastfeeding practices?” *The Lancet* (Jan. 20, 2016), available at [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(15\)01044-2/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(15)01044-2/fulltext).

<sup>35</sup> United Nations, Office of the High Commissioner: *Joint statement by the UN Special Rapporteurs on the Right to Food, Right to Health, the Working Group on Discrimination against Women in law and in practice, and the Committee on the Rights of the Child in support of increased efforts to promote, support and protect breast-feeding*, News (n.d.), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20871&LangID=E>.

<sup>36</sup> Andrew Jacobs, “Opposition to Breast-Feeding Resolution by U.S. Stuns World Health Officials” *New York Times* (Jul. 8, 2018), available at <https://www.nytimes.com/2018/07/08/health/world-health-breastfeeding-ecuador-trump.html>.

<sup>37</sup> NYC Department of Health and Mental Hygiene, *Epi Data Brief* (Aug. 2015), available at <https://www1.nyc.gov/assets/doh/downloads/pdf/epi/databrief57.pdf>.

toolkit for businesses, as well as a list of breastfeeding-friendly spaces throughout the five boroughs.<sup>38</sup> Improving access helps to normalize breastfeeding, which is beneficial for both mother and baby.<sup>39</sup>

### c. Unnecessary and Harmful Medical Procedures: Preventing Surgeries on Intersex Youth

People who are intersex are born with sex characteristics that do not fit typical binary notions of male or female bodies.<sup>40</sup> Intersex is an umbrella term used to describe a wide range of natural bodily variations, including variations concerning one's genitals, gonads, and chromosome patterns.<sup>41</sup> Intersex traits can be visible at birth, become apparent at puberty, or may not be physically apparent at all.<sup>42</sup> According to estimates listed by the United Nations, between 0.05 percent and 1.7 percent of the population is born with intersex traits.<sup>43</sup>

Children born with variations in their sex characteristics are often subjected to "normalizing" surgeries that are irreversible, risky, and medically unnecessary.<sup>44</sup> Such procedures can cause permanent infertility, pain, incontinence, loss of sexual sensation, and lifelong mental suffering, including depression.<sup>45</sup> The surgeries are often performed when the child is too young to consent.<sup>46</sup> Despite their risks and lack of medical necessity, surgeries continue today, including in New York City.<sup>47</sup> There is much advocacy around promoting education and awareness of the harms of such surgeries, resulting in more medical professionals and institutions condemning the practice, as well as cities and states attempting to outlaw the surgeries outright.<sup>48</sup>

### d. Female Genital Cutting

Female Genital Cutting (FGC), also known as Female Genital Mutilation, is defined by the WHO as "all procedures that involve partial or total removal of the external female genitalia, or other injury to the female

<sup>38</sup> NYC Department of Health and Mental Hygiene, *Health Department Recognizes Breastfeeding-Friendly Spaces in Brooklyn, Launches Breastfeeding Toolkit and Baby Cafes*, News (Aug. 23, 2018), available at <https://www1.nyc.gov/site/doh/about/press/pr2018/pr069-18.page>.

<sup>39</sup> United Nations, Office of the High Commissioner: *Joint statement by the UN Special Rapporteurs on the Right to Food, Right to Health, the Working Group on Discrimination against Women in law and in practice, and the Committee on the Rights of the Child in support of increased efforts to promote, support and protect breast-feeding*, News (n.d.), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20871&LangID=E>.

<sup>40</sup> Fact Sheet Intersex, Free & Equal, The United Nations for LGBT Equality, available at <https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Intersex.pdf>

<sup>41</sup> *Id.* Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

<sup>42</sup> *Id.* Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

<sup>43</sup> *Id.* Laurie Sobel, et al., "Proposed Changes to Title X: Implications for Women and Family Planning Providers" Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

<sup>44</sup> *Intersex Children*, Human Rights Watch, available at <https://www.hrw.org/topic/childrens-rights/intersex-children#> New York Abortion Access Fund, *About* (n.d.), available at <https://www.nyaaf.org/about/>.

<sup>45</sup> Fact Sheet Intersex, Free & Equal, The United Nations for LGBT Equality, available at <https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Intersex.pdf>

<sup>46</sup> Human Rights Watch, "I Want to Be Like Nature Made Me": *Medically Unnecessary Surgeries on Intersex Children in the US*, available at <https://www.hrw.org/report/2017/07/25/i-want-be-nature-made-me/medically-unnecessary-surgeries-intersex-children-us>

<sup>47</sup> Carrie Battan, *Leading Cornell Doctor Performing Genital Cutting*, The Nation, June 21, 2020, available at <https://www.thenation.com/article/archive/leading-cornell-doctor-performing-genital-cutting/> & Jael Goldfine, *Intersex Activists Marched in NYC to #EndIntersexSurgery*, Paper, October 29, 2018, available at <https://www.papermag.com/end-intersex-surgery-2616342004.html?rebelltitem=20#rebelltitem20>

<sup>48</sup> Nora Neus, *Bill proposed by NY state senator would ban medically unnecessary surgeries on intersex children*, CNN, November 8, 2019, available at <https://www.cnn.com/2019/11/08/health/ny-bill-bans-intersex-surgery-children/index.html>; Muri Assunção, *Chicago hospital apologizes for performing genital surgery on intersex infants: 'Approach was harmful and wrong'*, The NY Daily News, August 1, 2020, available at <https://www.nydailynews.com/news/national/ny-chicago-hospital-apologizes-genital-surgery-intersex-infants-20200801-ixm75peugfh2jolunx5exfztmu-story.html>; & Shefali Luthra, *Boston Children's Hospital will no longer perform two types of intersex surgery on children*, the 19th, October 21, 2020, available at [https://19thnews.org/2020/10/boston-childrens-hospital-will-no-longer-perform-two-types-of-intersex-surgery-on-children/?utm\\_source=STAT+Newsletters&utm\\_campaign=2304913877-MR\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_8cab1d7961-2304913877-151778981](https://19thnews.org/2020/10/boston-childrens-hospital-will-no-longer-perform-two-types-of-intersex-surgery-on-children/?utm_source=STAT+Newsletters&utm_campaign=2304913877-MR_COPY_01&utm_medium=email&utm_term=0_8cab1d7961-2304913877-151778981)

genital organs for non-medical reasons.”<sup>49</sup> FGC is a historical and cultural practice performed in over 30 countries, including in the United States.<sup>50</sup> FGC is practiced in households across educational and socioeconomic divides, and occurs among many religious groups<sup>51</sup> for various sociocultural reasons, varying from one region and ethnic group to another.<sup>52</sup> While FGC is condemned as a human rights violation by many international treaties and conventions,<sup>53</sup> where it is practiced, FGC is often performed in line with social norms “to ensure that girls are socially accepted and marriageable, and to uphold their status and honor and that of the entire family.”<sup>54</sup> Other historical reasons and purposes expressed for the practice, beyond safeguarding virginity before marriage or enhancing fertility, range from cleanliness and beauty to acting as a rite of passage into adulthood.<sup>55</sup>

However, FGC has no known health benefits, and women and girls who have undergone FGC procedures are at great risk of suffering both short- and long-term health complications, including increased risks during childbirth, psychological trauma, and even death.<sup>56</sup> Further, the painful and traumatic procedure is performed mainly on children and adolescents between the ages of infancy and 15 and without anesthetic.<sup>57</sup> It is therefore also frequently performed without full, informed consent, with or without coercion.<sup>58</sup> Accordingly, FGC has been widely recognized as a violation of basic human rights, including the principles of equality and non-discrimination on the basis of sex, the right to life when the procedure results in death, and the right to freedom from torture or cruel, inhumane or degrading treatment or punishment, as well as the rights of the child.<sup>59</sup>

It is estimated that over 200 million women and girls worldwide have experienced FGC.<sup>60</sup> According to the United Nations Population Fund (UNFPA), if the current rate continues, a further 68 million girls could be

<sup>49</sup> WHO, *Female Genital Mutilation: Key Facts* (Jan. 31, 2018), available at <http://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>.

<sup>50</sup> **Note:** The United Nations Children Fund reports that FGC is found in countries beyond those listed in many guides and the 29 that the United Nations covers, and the total worldwide number is unknown. United Nations Children’s Fund (hereinafter UNICEF), *Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change* (2013), available at <https://data.unicef.org/resources/female-genital-mutilationcutting-statistical-overview-exploration-dynamics-change/>; WHO, *Supra* note 49; See Owolabi Bjälkander, Donald S. Grant, Vanja Berggren, Heli Bathija & Lars Almroth, *Female Genital Mutilation in Sierra Leone: Forms, Reliability of Reported Status, and Accuracy of Related Demographic and Health Survey Questions*, 2013(1) OBSTETRICS AND GYN INTL 1–14 (2013), available at <https://www.hindawi.com/journals/ogi/2013/680926/>.

<sup>51</sup> Population Reference Bureau (hereinafter PRB), *Female Genital Mutilation/Cutting: Data and Trends Update 2014 – Infographic* (2014), available at <https://www.prb.org/infographic-fgm/>.

<sup>52</sup> WHO, *Care of Girls & Women Living with Female Genital Mutilation: A Clinical Handbook* (2018), 16-7, available at <http://apps.who.int/iris/bitstream/handle/10665/272429/9789241513913-eng.pdf?ua=1>.

<sup>53</sup> See, e.g., Human Rights Watch, *They Took Me and Told Me Nothing: Female Genital Mutilation in Iraqi Kurdistan* (2010), 1, 8, available at <https://www.lawschool.cornell.edu/womenandjustice/upload/They-Took-Me-and-Told-Me-Nothing.pdf> (describing several international treaties, including a Convention of the Elimination of All Forms of Discrimination, or CEDAW, Committee decision in 1990 calling on all states to eradicate FGC).

<sup>54</sup> UNICEF, *Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change* (2013), available at <https://data.unicef.org/resources/female-genital-mutilationcutting-statistical-overview-exploration-dynamics-change/>; WHO, *Reproductive Health Indicators for Global Monitoring*, WHO Second Interagency Meeting, Geneva, Switz., 20-23 (July 17-19, 2000), available at [http://whqlibdoc.who.int/hq/2001/WHO\\_RHR\\_01.19.pdf](http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf).

<sup>55</sup> WHO, *Reproductive Health Indicators for Global Monitoring*, WHO Second Interagency Meeting, Geneva, Switz., 20-23 (July 17-19, 2000), available at [http://whqlibdoc.who.int/hq/2001/WHO\\_RHR\\_01.19.pdf](http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf).

<sup>56</sup> WHO, *Reproductive Health Indicators for Global Monitoring*, WHO Second Interagency Meeting, Geneva, Switz., 20-23 (July 17-19, 2000), available at [http://whqlibdoc.who.int/hq/2001/WHO\\_RHR\\_01.19.pdf](http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf).

<sup>57</sup> B.D. Williams-Breault, *Eradicating Female Genital Mutilation/Cutting: Human Rights-Based Approaches of Legislation, Education, and Community Empowerment*, HEALTH AND HUMAN RIGHTS JOURNAL (Aug. 2018), available at [https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#\\_edn49](https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#_edn49); Equality Now, *End FGM* (n.d.), available at [https://www.equalitynow.org/end\\_fgm?locale=en](https://www.equalitynow.org/end_fgm?locale=en).

<sup>58</sup> B.D. Williams-Breault, *Eradicating Female Genital Mutilation/Cutting: Human Rights-Based Approaches of Legislation, Education, and Community Empowerment*, HEALTH AND HUMAN RIGHTS JOURNAL (Aug. 2018), available at [https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#\\_edn49](https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#_edn49).

<sup>59</sup> B.D. Williams-Breault, *Eradicating Female Genital Mutilation/Cutting: Human Rights-Based Approaches of Legislation, Education, and Community Empowerment*, HEALTH AND HUMAN RIGHTS JOURNAL (Aug. 2018), available at [https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#\\_edn49](https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#_edn49).

<sup>60</sup> The United Nations Population Fund (hereinafter UNFPA), *Female Genital Mutilation (FGM) - Frequently Asked Questions* (Feb. 2018), available at <https://www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions>.

subjected to FGC by 2030.<sup>61</sup> In the U.S., the risk for FGC is especially high in areas with substantial ties to countries where FGC is legal or frequently practiced.<sup>62</sup> According to the Population Reference Bureau (PRB), a nonprofit organization specializing in statistical collection and supply, approximately ten percent of the at-risk women and girls in the U.S. (or 48,000) live in New York, which is second only to California.<sup>63</sup> Additionally, most women and girls at risk of FGC in this country reside in cities or suburbs of large metropolitan areas, and the New York-Newark-Jersey City Metro Area ranks first among all metropolitan areas in the country, with an estimated 65,893 women and girls at risk of FGC.<sup>64</sup>

*e.* Access to Abortion

While New York was the first state in the country to make abortion legal in 1971, if a pregnant woman requested it,<sup>65</sup> it was not until the New York state legislature passed and Governor Cuomo signed the Reproductive Health Act (RHA)<sup>66</sup> into law in 2019 that the full protections provided under *Roe v. Wade*<sup>67</sup> were codified into New York state law.<sup>68</sup> The RHA did not enact any major changes in the way abortion is provided in New York, but it is significant in that it brought New York into line with *Roe v. Wade* by:

- Removing abortion from the state Penal Code,<sup>69</sup>
- Legalizing abortions performed after 24-weeks' gestation in cases of fetal non-viability or threat to a woman's health;<sup>70</sup>
- Expanding upon those who can provide abortions to include health-care professionals other than doctors, such as nurse practitioners and physician assistants;<sup>71</sup> and
- Repealing Public Health Law § 4164,<sup>72</sup> which required an abortion after the 12th week of pregnancy be performed in a hospital and only on an in-patient basis, and repealing Penal Law §§ 125.40, 125.45, 125.50, 125.55 and 125.60, related to homicide, self-abortion, and related offenses.<sup>73</sup>

<sup>61</sup> UNFPA, *UNFPA-UNICEF Joint Programme to Eliminate Female Genital Mutilation* (Feb. 6, 2018), available at <https://www.unfpa.org/unfpa-unicef-joint-programme-eliminate-female-genital-mutilation>.

<sup>62</sup> Samantha Allen, *New York Cracks Down on Female Genital Mutilation*, THE DAILY BEAST (Dec. 2, 2015), available at <https://www.thedailybeast.com/new-york-cracks-down-on-female-genital-mutilation?ref=scroll>.

<sup>63</sup> PRB, *Female Genital Mutilation/Cutting: Data and Trends Update 2014 – Infographic* (2014), available at <https://www.prb.org/infographic-fgm/>.

<sup>64</sup> **Note:** When considering New Jersey, 13 percent of all women and girls at risk of FGC live in the NYC metropolitan area, see PRB, *Female Genital Mutilation/Cutting: Data and Trends Update 2014 – Infographic* (2014), available at <https://www.prb.org/infographic-fgm/>; Samantha Allen, *New York Cracks Down on Female Genital Mutilation*, THE DAILY BEAST (Dec. 2, 2015), available at <https://www.thedailybeast.com/new-york-cracks-down-on-female-genital-mutilation?ref=scroll>.

<sup>65</sup> See Julia Jacobs, “Remembering an Era Before Roe, When New York Had the ‘Most Liberal’ Abortion Law” New York Times (Jul. 19, 2018), available at <https://www.nytimes.com/2018/07/19/us/politics/new-york-abortion-roe-wade-nyt.html>

<sup>66</sup> Formerly Assembly Bill 1748 / Senate Bill 2796. New York State Senate, *Reproductive Health Act* (last visited Jan. 27, 2020), available at <https://www.nysenate.gov/issues/reproductive-health-act>.

<sup>67</sup> In 1973, the U.S. Supreme Court case *Roe v. Wade* ruled that the Constitution of the United States protects a pregnant woman's liberty to choose to have an abortion without excessive government restriction. See *Roe v. Wade*, 410 U.S. 113 (1973).

<sup>68</sup> See American Civil Liberties Union of New York, “Legislative Memo: Reproductive Health Act” (Jan. 23, 2019), available at <https://www.nyclu.org/en/legislation/legislative-memo-reproductive-health-act>.

<sup>69</sup> New York Senate, *Reproductive Health Act* (last visited Jan. 27, 2020), available at <https://www.nysenate.gov/issues/reproductive-health-act>; See Christina Cauterucci, *New York State Still Bans Abortions After 24 Weeks. A Proposed Law Could Offer Exceptions*, SLATE (May 25, 2017), available at <https://slate.com/human-interest/2017/05/new-york-state-still-bans-abortions-after-24-weeks-a-proposed-law-could-offer-exceptions.html>.

<sup>70</sup> Or, an “Act to amend the public health law, in relation to enacting the reproductive health act and revising existing provisions of law regarding abortion; to amend the penal law, the criminal procedure law, the county law and the judiciary law, in relation to abortion; to repeal certain provisions of the public health law relating to abortion; to repeal certain provisions of the education law relating to the sale of contraceptives; and to repeal certain provisions of the penal law relating to abortion.” See New York State Senator Liz Krueger, *Senate Bill S2796* (2017-2018), available at <https://www.nysenate.gov/legislation/bills/2017/S2796>; New York State Panel Law (last visited Jan. 27, 2020), available at <http://ypdcrime.com/penal.law/article125.htm#p125.05>.

<sup>71</sup> New York State Senator Liz Krueger, *Senate Bill S2796* (2017-2018), available at <https://www.nysenate.gov/legislation/bills/2017/S2796>.

<sup>72</sup> Public Health Law § 4164, available at <https://codes.findlaw.com/ny/public-health-law/pbh-sect-4164.html>.

<sup>73</sup> See New York Penal Law § 125.05, § 125.20, § 125.40-60.

It is estimated that nearly one in four women in the U.S. will have an abortion in their lifetimes.<sup>74</sup> In an age where the cost of unintended pregnancies continues to be high, and can be prevented through proper sex education, access to contraception and abortion,<sup>75</sup> and surgical abortion is one of the safest surgical procedures for women in the U.S.,<sup>76</sup> the RHA provides enhanced protections for women and ensures access to safe, legal abortion in New York.<sup>77</sup>

*f.* Title X

Title X, officially known as Public Law 91-572 or “Population Research and Voluntary Family Planning Programs,” is the sole federal program dedicated to family planning services.<sup>78</sup> Title X was created to promote positive birth outcomes and healthy families by allowing individuals to decide the number and spacing of their children, and provides funds assist low-income patients with accessing services such as contraceptive counseling and testing for sexually transmitted infections.<sup>79</sup> Title X has recently undergone substantial changes, the effects of which are still being ascertained.

On June 1, 2018, the Trump Administration issued a proposed rule change for the federal Title X family planning program that would make significant changes to the program and to the types of providers that qualify for funding.<sup>80</sup> A final Title X Rule was issued by the Department of Health and Human Services (HHS) on February 22, 2019 and finalized on March 4, 2019.<sup>81</sup> The current regulation has five major provisions:

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<sup>74</sup> Rebecca Wind, *Abortion is a Common Experience for U.S. Women, Despite Dramatic Declines in Rates*, GUTTMACHER INSTITUTE (Oct. 19, 2017), available at <https://www.guttmacher.org/news-release/2017/abortion-common-experience-us-women-despite-dramatic-declines-rates>.

<sup>75</sup> See James Trussell, “The Cost of Unintended Pregnancy in the United States” (3)75 *Contraception*, 163, 163 (2007), available at <https://doi.org/10.1016/j.contraception.2006.11.009>.

<sup>76</sup> The National Academies of Science, Engineering and Medicine, *The Safety and Quality of Abortion Care*

*in the United States* (Mat. 2018), available at <http://nationalacademies.org/hmd/reports/2018/the-safety-and-quality-of-abortion-care-in-the-united-states.aspx>; Guttmacher Institute; Tracy Weitz et al., *Safety of Aspiration Abortion Performed by Nurse Practitioners, Certified Nurse Midwives, and Physician Assistants under a California Legal Waiver*, 103(3) *AMERICAN JOURNAL OF PUBLIC HEALTH* 454–461 (2013).

<sup>77</sup> See ACLU of New York, *What You Need to Know about the Reproductive Health Act* (last visited October 26, 2020), available at <https://www.nyclu.org/en/campaigns/what-you-need-know-about-reproductive-health-act>; New York State Senator Liz Krueger, *FAQs about the Reproductive Health Act* (Feb. 12, 2019), available at <https://www.nysenate.gov/newsroom/articles/2019/liz-krueger/faqs-about-reproductive-health-act>.

<sup>78</sup> See New York Penal Law § 125.05, § 125.20, § 125.40-60.

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

<sup>80</sup> U.S. Federal Register, *Compliance With Statutory Program Integrity Requirements, A Proposed Rule by the Health and Human Services Department: “Compliance With Statutory Program Integrity Requirements”* (Jun. 1, 2018), available at <https://www.federalregister.gov/documents/2018/06/01/2018-11673/compliance-with-statutory-program-integrity-requirements>.

<sup>81</sup> U.S. Department of Health & Human Services, Office of Population Affairs, *Title X Statutes, Regulations, and Legislative Mandates* (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates>.

(1) service;<sup>82</sup> (2) training;<sup>83</sup> (3) research;<sup>84</sup> (4) information and education;<sup>85</sup> and (5) the prohibition of abortion.<sup>86</sup> While the Administration highlights that non-directive pregnancy counseling, including non-directive counseling on abortion, is permitted under the rule,<sup>87</sup> reproductive health advocates have expressed concerns about restrictions to health providers that receive federal Title X funds under the regulations and the “domestic gag rule” created by the rule’s provision on abortion.<sup>88</sup> Advocates explain that in addition to restricting abortion access, the regulations:

- Block the availability of federal funds to family planning providers like Planned Parenthood that also offer abortion services;<sup>89</sup>
- Curtail counseling and referrals to abortion services by Title X funded providers;<sup>90</sup>
- Eliminate current requirements that Title X sites offer a broad range of medically approved family planning methods and non-directive pregnancy options counseling that includes information about prenatal care/delivery, adoption, and abortion;<sup>91</sup> and

<sup>82</sup> See section 1001, U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “grants under Section 1001 assist in the establishment and operation of voluntary family planning projects which provide a broad range of acceptable and effective family planning methods and related preventive health services that include natural family planning methods, infertility services, and services for adolescents; highly effective contraceptive methods; breast and cervical cancer screening and prevention services that correspond with nationally recognized standards of care; STD and HIV prevention education, counseling, testing, and referral; adolescent abstinence counseling; and other preventive health services. The broad range of services does not include abortion as a method of family planning.”).

<sup>83</sup> See section 1003, U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “grants under Section 1003 provide training for personnel working in family planning services projects described under Section 1001. The purpose of this training is to promote and improve the delivery of family planning services. Read more about the National Training Centers.”).

<sup>84</sup> See section 1004, U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “grants and contracts under Section 1004 provide for projects for research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population. Projects under this Section conduct data analysis and related research and evaluation on issues of interest to the family planning field, as well as research into specific topic areas related to service delivery improvement. Research on male reproductive health has been a focus of applied research activities since 1997. All research activities funded under Section 1004 support ensuring and improving the quality of family planning services. Read more about Title X Service Delivery Improvement activities.”).

<sup>85</sup> See Section 1005, U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “grants and contracts under Section 1005 provide for the development and dissemination of informational and educational materials including the OPA website and the Title X family planning clinic locator database.”).

<sup>86</sup> See Section 1008; U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “none of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.”); U.S. Department of Health & Human Services, HHS Press Office “HHS Releases Final Title X Rule Detailing Family Planning Grant Program (Feb. 22, 2019), available at <https://www.hhs.gov/about/news/2019/02/22/hhs-releases-final-title-x-rule-detailing-family-planning-grant-program.html>; Note: Cuts to Title X eligibility also affects 340B funding, which allows health centers to negotiate significantly better drug pricing.

<sup>87</sup> U.S. Department of Health & Human Services, HHS Press Office “HHS Releases Final Title X Rule Detailing Family Planning Grant Program (Feb. 22, 2019), available at <https://www.hhs.gov/about/news/2019/02/22/hhs-releases-final-title-x-rule-detailing-family-planning-grant-program.html>.

<sup>88</sup> See U.S. Department of Health & Human Services, Office of Population Affairs, *Title X Service Grants* (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants>; Office of NYC Comptroller Scott M. Stringer, *Title X Funding in NYC: A Critical Resource That Must Be Protected* (Aug. 2017), available at [https://comptroller.nyc.gov/wp-content/uploads/documents/Title\\_X\\_Funding\\_in\\_NYC.pdf](https://comptroller.nyc.gov/wp-content/uploads/documents/Title_X_Funding_in_NYC.pdf); Public Law 91-572 (Dec. 25, 1970).

<sup>89</sup> Note: Sites that do not offer abortion services may still qualify for Title X funds, but may decide not to participate because of concerns about clinical standards of care, medical liability, and burdensome administrative requirements. See Laurie Sobel, et al., “Proposed Changes to Title X: Implications for Women and Family Planning Providers” Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

<sup>90</sup> Laurie Sobel, et al., “Proposed Changes to Title X: Implications for Women and Family Planning Providers” Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

<sup>91</sup> *Id.*

- Direct new funds to faith-based and other organizations that promote fertility awareness and abstinence as methods of family planning.<sup>92</sup>

When the Federal government implemented the “gag rule” that would have undermined the integrity of family planning programs in August 2019, at least six states,<sup>93</sup> including New York,<sup>94</sup> and a number of organizations, such as Planned Parenthood and Public Health Solutions,<sup>95</sup> who receive funding through Title X, formally withdrew from the Title X program.<sup>96</sup> To help make up for the \$25 million per year in Title X grants that the two grantees of Title X in New York, Public Health Solutions (PHS) and the New York State Department of Health (NYSDOH), were no longer receiving,<sup>97</sup> and ensure that New Yorkers continued to have access to sexual and reproductive health services, New York State included \$14.2 million in funding for such services in the Fiscal 2021 State Budget.<sup>98</sup> However, funding gaps remain, and advocates have expressed concern that limiting providers has major repercussions for low-income women across the country that rely on them for their family planning care.<sup>99</sup>

#### IV. BILL ANALYSIS

##### **INT. NO. 2064-A**

This bill would require DOHMH to create an advisory board to study gender and racial equity in healthcare and inequities related to gender at hospitals in New York City, and to analyze factors and social determinants leading to such inequities. The advisory board would consist of a multi-disciplinary panel of representatives and be required to submit a report including recommendations for addressing and eliminating such inequities by December 1, 2021, and December 1 annually thereafter. This law would take effect immediately.

The bill originally focused on gender equity, and was expanded to also include racial equity. Additionally, the advisory board was expanded to include a broader and more diverse range of experts and advocates.

**(The following is the text of the Fiscal Impact Statement for Int. No. 2064-A:)**

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<sup>92</sup> *Id.*

<sup>93</sup> Carter Sherman, *6 States Are Now Rejecting Federal Money Because of Trump's Abortion 'Gag Rule,'* VICE NEWS (Aug. 30, 2019), available at <https://www.vice.com/en/article/ne8n8b/6-states-are-now-rejecting-federal-money-because-of-trumps-abortion-gag-rule>.

<sup>94</sup> Andy Babusik, *New York State Says "No" to Trump's "Gag Rule" for Title X Funding,* FOX (Aug. 28, 2019), available at <http://www.wicz.com/story/40976715/new-york-state-says-no-to-trumps-gag-rule-for-title-x-funding>.

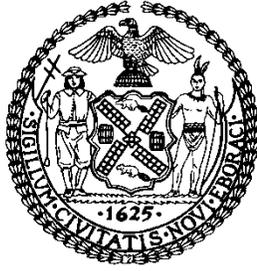
<sup>95</sup> See, e.g., Sarah MacCammon, *Planned Parenthood Withdraws From Title X Program Over Trump Abortion Rule,* NPR (Aug. 19, 2019), available at <https://www.npr.org/2019/08/19/752438119/planned-parenthood-out-of-title-x-over-trump-rule>; Public Health Solutions, *Statement from PHS President and CEO, Lisa M. David Rejecting Title X Funding* (Aug. 2, 2019), available at <https://www.healthsolutions.org/blog/statement-from-phs-president-ceo-lisa-m-david-rejecting-title-x-funding/>.

<sup>96</sup> See Jennifer Calfas, *States Look to Fill Funding Gaps for Clinics Providing Abortions,* WALL STREET JOURNAL (Feb. 14, 2020), available at <https://www.wsj.com/articles/states-look-to-fill-funding-gaps-for-clinics-providing-abortions-11581718953>.

<sup>97</sup> PHS sub-grantees included organizations like Community Health Network (CHN) and Planned Parenthood of New York (PPNY), while 11 hospitals in NYC receive funding through NYSDOH. Together, NYSDOH and PHS.

<sup>98</sup> New York State, *Making Progress Happen: FY 2021 Executive Budget (2020)*, available at <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/FY2021BudgetBook.pdf>.

<sup>99</sup> Ruth Dawson, *Trump Administration's Domestic Gag Rule Has Slashed the Title X Network's Capacity by Half* (Feb. 5, 2020), available at <https://www.gutmacher.org/article/2020/02/trump-administrations-domestic-gag-rule-has-slashed-title-x-networks-capacity-half#>; Judith M. Orvos, *Impact of Title X changes on family planning access for Texas teens,* Contemporary OB/GYN (Mar. 5, 2020), available at <https://www.contemporaryobgyn.net/view/impact-title-x-changes-family-planning-access-texas-teens>; Laurie Sobel, et al., “Proposed Changes to Title X: Implications for Women and Family Planning Providers” Kaiser Family Foundation (Sep. 20, 2019), available at <https://www.kff.org/womens-health-policy/issue-brief/data-note-impact-of-new-title-x-regulations-on-network-participation/>.



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

**PROPOSED INTRO. NO:** 2064-A

**COMMITTEE:** Health

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the creation of an advisory board for gender and racial equity in hospitals.

**SPONSORS:** Council Members Rosenthal, the Public Advocate (Mr. Williams), Chin, Louis, Rivera, Cumbo, Kallos, Levine, Ayala, Adams, Rose, Barron, Cornegy, Brannan, Constantinides, Menchaca, Koslowitz, Lander and Gibson.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2064-A would require the Department of Health and Mental Hygiene (DOHMH) to create an advisory board to study gender and racial equity in certain healthcare services and healthcare services at hospitals in New York City, and to analyze factors and social determinants leading to such inequities. The advisory board would consist of a multi-disciplinary panel of representatives and be required to submit a report including recommendations for addressing and eliminating such inequities by December 1, 2021, and December 1 annually thereafter.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY21</b>	<b>FY Succeeding Effective FY22</b>	<b>Full Fiscal Impact FY22</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Intro No. 2064-A as the agency would utilize existing resource to comply with the requirements of this legislation.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Department of Health and Mental Hygiene

**ESTIMATE PREPARED BY:** Lauren Hunt, Financial Analyst  
**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director, NYC Council Finance Division  
Cirlhien R. Francisco, Unit Head, NYC Council Finance Division  
Stephanie Ruiz, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on August 27, 2020 and was referred to the Committee on Health (Committee). A hearing was held by the Committee jointly with the Committee on

Women and Gender Equity on October 28, 2020, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2064-A, will be considered on February 11, 2021. Upon successful vote by the Committee, Proposed Intro. No. 2064-A will be submitted to the full Council for a vote on February 11, 2021.

**DATE PREPARED:** February 4, 2021.

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

**(The following is the text of Int. No. 2064-A:)**

Int. No. 2064-A

By Council Members Rosenthal, the Public Advocate (Mr. Williams), Chin, Louis, Rivera, Cumbo, Kallos, Levine, Ayala, Adams, Rose, Barron, Cornegy, Brannan, Constantinides, Menchaca, Koslowitz, Lander, Gibson, Van Bramer, Treyger, Ampry-Samuel, D. Diaz, Reynoso, Powers, Eugene, Rodriguez and Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of an advisory board for gender and racial equity in hospitals**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.15 to read as follows:

*§ 17-199.15 Gender and racial equity advisory board. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Covered health care services. The term “covered health care services” means professional medical services by primary care practitioners, including preventive, primary, diagnostic and specialty services; diagnostic and laboratory services, including therapeutic radiological services; prescription drugs, excluding drugs for uncovered services; and any other services determined by the department.*

*Direct care worker. The term “direct care worker” means any employee of a hospital that is responsible for patient handling or patient assessment as a regular or incident part of their employment, including any licensed or unlicensed health care worker.*

*Doctor. The term “doctor” means a practitioner of medicine licensed to practice medicine pursuant to article 131 of the education law.*

*Hospital. The term “hospital” means an institution or facility operating in New York city possessing a valid operating certificate issued pursuant to article 28 of the public health law.*

*Nurse. The term “nurse” means a practitioner of nursing licensed to practice nursing pursuant to article 139 of the education law.*

*Physician assistant. The term “physician assistant” means a person licensed as a physician assistant pursuant to article 131-b of the New York state education law.*

*b. There shall be a gender and racial equity advisory board to advise the mayor and the council on issues relating to gender and racial equity in the provision of covered health care services and healthcare services in hospitals. Factors that such advisory board may consider include, but need not be limited to:*

*1. Factors that contribute to gender and racial inequity in hospitals and other covered health care services, especially in relation to employment decisions and patient care, including but not limited to factors that result in observed disparate patient treatment and outcomes;*

*2. Existing protocols hospitals and other covered health care services use to address such inequity, including, but not limited to, actions taken by hospital and health care leadership to promote gender and racial equity for hospital and health care staff;*

*3. Recommended measures to address gender and racial inequity in hospitals and other covered health care services; and*

4. *Methods for raising awareness about gender and racial inequity in hospitals and other covered health care services and ways to address it at the local, state and national levels, including but not limited to strategies to support legislation addressing such inequity.*

c. *The advisory board shall consist of 13 members, as follows:*

1. *The speaker of the council or their designee;*

2. *The commissioner of the department or their designee;*

3. *The executive director of the commission on gender equity or their designee;*

4. *The chair of the New York city commission on human rights or their designee;*

5. *Executive Director of NYC Unity Project or their designee;*

6. *Eight public members, seven of whom shall be appointed by the mayor and one of whom shall be appointed by the speaker of the council. Public members shall represent a diverse range of individuals, of whom:*

(a) *at least two members shall represent advocates who specialize in gender equity;*

(b) *at least two members shall represent advocates who specialize in racial equity;*

(c) *at least two members shall be representatives from labor unions representing nurses, doctors, physician assistants or direct care workers employed by a hospital;*

(d) *at least one member shall be a representative from a labor union representing interns and residents; and*

(e) *at least one member shall be a representative from a trade association representing hospitals.*

d. *The advisory board shall hold its first meeting no later than 60 days from the appointment of all its public members and at such meeting shall elect a chairperson.*

e. *The advisory board shall meet quarterly and keep a record of its proceedings, and determine the rules of its own proceedings with special meetings to be called by the chairperson upon his or her own initiative or upon receipt of a written request signed by at least four members of the board. Written notice of the time and place of such special meetings shall be given to each member at least two weeks before the date fixed by the notice for such special meeting.*

f. *No later than December 1, 2021, and annually on December 1 thereafter, the advisory board shall submit to the mayor and the speaker of the council; post on the department's website; and share with a trade association representing hospitals, for distribution to its members operating in New York city, a report including the results of its review and recommendations pursuant to this section.*

§ 2. This local law takes effect immediately.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; INEZ D. BARRON ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS, DARMA V. DIAZ; Committee on Health, February 11, 2021 (Remote Hearing).

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

### **Report of the Committee on Housing and Buildings**

Report for Int. No. 2044-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law in relation to accessory sign violations and waiving penalties and fees for signs that are accessory to a use on the same zoning lot.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on August 27, 2020 (Minutes, page 1711), respectfully

**REPORTS:**

### Introduction

On February 10, 2021, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, Jr., held a hearing on Int. No. 2044-A. The original bill was first heard on January 19, 2021. More information about this bill, along with the materials for that hearing, can be found at <https://on.nyc.gov/3tHMK6q>.

### Int. No. 2044-A

In 2018, a significant increase in the issuance of Department of Buildings (DOB) violations related to accessory signs impacted many small businesses across the City. In response, Local Law 28 of 2019 established a two-year moratorium on the issuance of accessory sign violations. For certain respondents of judgments related to accessory signs, it also established a temporary DOB assistance program to facilitate the installation of accessory signs in compliance with the applicable laws and regulations, which included a 75% waiver of certain permit fees related to such installations.

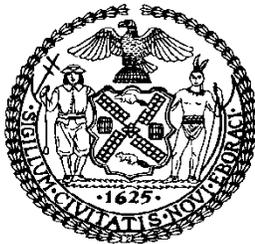
The temporary DOB assistance program established by Local Law 28 of 2019 expired six months after its enactment, and the moratorium on violations expired in early 2021. However, due to the COVID-19 crisis, the installation of compliant accessory signs has been delayed. Further, impacted small businesses are increasingly unable to pay for the installation of compliant signs or withstand the financial burden of a new violation. To address these concerns, Int. No. 2044-A would extend the moratorium and the temporary DOB assistance program established by Local Law 28 of 2019 for another two years. It would also increase the 75% waiver of permit fees related to installing an accessory sign to a 100% waiver.

This bill would take effect immediately and be retroactive to January 1, 2021.

### Update

On Wednesday, February 10, 2021, the Committee adopted Int. No. 2044-A by a vote of nine in the affirmative, zero in the negative, and zero abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 2044-A:)**



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

**PROPOSED INTRO. NO: 2044-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law in relation to accessory sign violations and waiving penalties and fees for signs that are accessory to a use on the same zoning lot.

**SPONSORS:** Council Members Holden, Yeger, Cornegy, Grodenchik, Brannan, D. Diaz, Ayala, and Borelli.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 2044-A would amend Local Law 28 of 2019 to extend the two-year moratorium on the issuance of accessory sign violations for two additional years. The proposed legislation would also extend the temporary accessory sign violation remediation assistance program established by Local Law 28 of 2019 for two years, and would increase the 75 percent waiver of certain permit fees for accessory sign installation permits to a 100 percent waiver of such fees.

**EFFECTIVE DATE:** This local law would take effect immediately and be retroactive to January 1, 2021.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2022

**FISCAL IMPACT STATEMENT:**

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

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

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

**ESTIMATE PREPARED BY:** Luke Zangerle, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Int. No. 2044 on August 27, 2020 and was referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on January 19, 2021, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 2044-A, will be considered by the Committee on February 11, 2021. Following a successful vote by the Committee, Proposed Int. No. 2044-A will be submitted to the full Council for a vote on February 11, 2021.

**DATE PREPARED:** February 9, 2021.

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

**(The following is the text of Int. No. 2044-A:)**

Int. No. 2044-A

By Council Members Holden, Yeger, Cornegy, Grodenchik, Brannan, D. Diaz, Ayala, Gjonaj and Borelli.

**A Local Law in relation to accessory sign violations and waiving penalties and fees for signs that are accessory to a use on the same zoning lot**

*Be it enacted by the Council as follows:*

Section 1. Section 3 of local law number 28 for the year 2019 is amended to read as follows:

§ 3. Violations for existing accessory signs. Notwithstanding any other provision of law, no applicable violations shall be issued on or after the effective date of *the local law that last amended* this section for an accessory sign in existence on or before [the effective date of this section] *such date* for a period of two years [commencing on the effective date of this section], unless such accessory sign creates an imminent threat to public health or safety or the commissioner of buildings determines that such sign is otherwise not eligible for the temporary waiver created under this section.

§ 2. Section 4 of local law number 28 for the year 2019 is amended to read as follows:

§ 4. Temporary assistance for respondents. a. Notwithstanding any other provision of law to the contrary, the commissioner of buildings shall establish a temporary program to provide assistance to respondents of judgments resulting from applicable violations resolved by payment by the respondent or other payor between June 1, 2006 and the effective date of [this legislation] *the local law that last amended this section* for a [180 day] *two-year period*. The assistance provided by such program shall include, but not be limited to:

1. Technical assistance in acquiring the permit or permits required to install an accessory sign;
2. Review of all permit applications relevant to the installation of an accessory sign including a preliminary review of compliance with paragraph (a) of section 32-653 or paragraph (a) of section 42-542 of the zoning resolution, or any provision amending, replacing or supplementing such sections of the zoning resolution within seven days of receiving such application; *and*
3. A waiver of [75 percent of] *all* fees in connection with permits relevant to the installation of an accessory sign[; and] *incurred on or after the effective date of the local law that last amended this section*.

§ 3. Section 5 of local law number 28 for the year 2019 is amended to read as follows:

§ 5. Business assistance for respondents. Respondents of judgments resulting from applicable violations resolved by payment by the respondent or other payor between June 1, 2006 and the effective date of [this legislation] *the local law that last amended this section* shall be directed by the department of buildings to the department of small business services for additional business assistance, financial or otherwise.

§ 4. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of January 1, 2021.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, February 10, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Holden.*

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

### **Report of the Committee on Land Use**

Report for L.U. No. 711

**Report of the Committee on Land Use in favor of approving Application No. 20215013 HAM (110 Lenox Avenue) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law requesting waiver of the designation requirements and the requirements of section 197-c and 197-d of the Charter, approval of an Urban Development Action Area Project, and approval of a real property tax exemption, for properties located at 110 Lenox Avenue (Block 1599, Lot 70), 128 West 116th Street (Block 1825, Lot 49), 1971 7th Avenue (Block 1903, Lot 38), Borough of Manhattan, Community District 10, Council District 9.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2021 (Minutes, page 28) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:*****SUBJECT*****MANHATTAN CB - 10****20215013 HAM**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and a real property tax exemption for property located at 110 Lenox Avenue (Block 1599, Lot 70), 128 West 116 Street (Block 1825, Lot 49), 1971 7th Avenue (Block 1903, Lot 64), and 102 West 119 Street (Block 1903, Lot 38) the approval of real property tax exemption, Council District 9.

***INTENT***

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the project which will provide thirty-seven (37) affordable cooperative dwelling units, along with eighteen (18) affordable rental units and four (4) storefront commercial spaces.

**PUBLIC HEARING****DATE:** January 20, 2021**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** February 10, 2021

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

**In Favor:**

Riley, Koo, Treyger.

**Against:**

None

**Abstain:**

Barron

**COMMITTEE ACTION****DATE:** February 11, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Borelli.

**Against:**

None

**Abstain:**

Barron

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

Res. No. 1541

**Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 110 Lenox Avenue (Block 1599, Lot 70), 128 West 116 Street (Block 1825, Lot 49), 1971 7th Avenue (Block 1903, Lot 64), and 102 West 119 Street (Block 1903, Lot 38), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 10, Borough of Manhattan (L.U. No. 711; 20215013 HAM).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 4, 2021 its request dated January 4, 2021 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 110 Lenox Avenue (Block 1599, Lot 70), 128 West 116 Street (Block 1825, Lot 49), 1971 7th Avenue (Block 1903, Lot 64), and 102 West 119 Street (Block 1903, Lot 38), Community District 10, Borough of Manhattan (the "Disposition Area or Exemption Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on January 20, 2021; and

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

**RESOLVED:**

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

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

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

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on January 4, 2021, a copy of which is attached hereto.

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

- a. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial use or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area ("Effective Date") and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company ("Expiration Date").
- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, nothing

herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

**ATTACHMENT:**

**PROJECT SUMMARY**

1. **PROGRAM:** AFFORDABLE NEIGHBORHOOD COOPERATIVE PROGRAM
2. **PROJECT:** 110 Lenox Avenue Cluster
3. **LOCATION:**
  - a. **BOROUGH:** Manhattan
  - b. **COMMUNITY DISTRICT:** 10
  - c. **COUNCIL DISTRICT:** 9
  - d. **DISPOSITION AREA:**

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>
1599	70	110 Lenox Avenue
1825	49	128 West 116 Street
1903	38	102 West 119 Street
1903	64	1971 7th Avenue
4. **BASIS OF DISPOSITION PRICE:** Nominal (\$1.00 per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of up to sixty (60) years, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven in the final year of that period
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** 4 Multiple Dwellings
7. **APPROXIMATE NUMBER OF UNITS:** 37 Cooperative Units and 18 affordable rental units
8. **HOUSING TYPE:** Cooperative and Rental. If the Cooperative units remain unsold at the end of the marketing period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then Sponsor may operate the building as rental housing in accordance with the written instructions of HPD.

**9. ESTIMATE OF INITIAL PRICE AND RENTS:**

The cooperative interests attributable to occupied apartments will be sold to the existing tenants for \$2,500 per apartment. The cooperative interests attributable to vacant apartments will be sold for a price affordable to families earning no more than 165% of the area median income. For the 18 units at 102 W 119<sup>th</sup> Street initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies.

**10. INCOME TARGETS:**

The Disposition Area contains four partially occupied buildings which will be sold subject to existing tenancies, or rented in compliance with federal regulations, where applicable. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 165% of the area median. Vacant units not subject to other aforementioned rental regulations will be rented to families with annual household incomes up to 165% of the area median.

**11. PROPOSED FACILITIES:**

One (1) storefront commercial space at 128 West 116<sup>th</sup> Street, and three (3) commercial storefront spaces at 110 Lenox Avenue.

**12. PROPOSED CODES/ORDINANCES:**

None

**13. ENVIRONMENTAL STATUS:**

Type II

**14. PROPOSED TIME SCHEDULE:**

Approximately 30 months from closing to cooperative conversion.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 11, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Powers.*

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

## Report for L.U. No. 712

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200123 ZSM (Cort Theatre) submitted by Cort Theatre LLC and Clarity 47 LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-745 of the Zoning Resolution to allow a floor area bonus for the substantial rehabilitation or restoration of a listed theater, as set forth in Section 81-742 (Listed theatres), and to allow the bonus floor area to be utilized anywhere on the zoning lot, on property located at 138 West 48th Street a.k.a. 145 West 47th Street (Block 1000, Lots 7, 11, 49, 55, 56, 57, 58, and 59), in C6-5.5 and C6-7T Districts, within the Special Midtown District (Theater Subdistrict), Borough of Manhattan, Community District 5, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2021 (Minutes, page 29), respectfully

**REPORTS:****SUBJECT****MANHATTAN CB-5 – TWO APPLICATIONS RELATED TO CORT THEATRE****C 200123 ZSM (L.U. No. 712)**

City Planning Commission decision approving an application submitted by Cort Theatre LLC and Clarity 47 LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-745 of the Zoning Resolution to allow a floor area bonus for the substantial rehabilitation or restoration of a listed theater, as set forth in Section 81-742 (Listed theaters), and to allow the bonus floor area to be utilized anywhere on the zoning lot, on property located at 138 West 48th Street a.k.a. 145 West 47th Street (Block 1000, Lots 7, 11, 49, 55, 56, 57, 58, and 59), in C6-5.5 and C6-7T Districts, within the Special Midtown District (Theater Subdistrict).

**N 200124 ZRM (L.U. No. 713)**

City Planning Commission decision approving with modifications an application submitted by Cort Theatre LLC and Clarity 47 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VIII Chapter 1 (Special Midtown District) for the purpose of amending the provisions of a special permit regulating theater rehabilitation bonuses.

**INTENT**

To grant an approval of the special permit pursuant to ZR Section 81-745 to authorize bonus floor area for the substantial rehabilitation and restoration of the Cort Theatre and amend zoning text to modify two provisions: (a) (2) of ZR Section 81-745 (Floor Area Bonus for Rehabilitation for Existing Listed Theaters) to allow portions of the proposed scope of work to be more clearly eligible for a floor area bonus and (b) would be amended to authorize the CPC to allow, under specified conditions, bonus floor area generated on a split zoning lot to be used anywhere on the zoning lot, to facilitate the renovation of the Cort Theater, located at 138 West 48th Street (Block 1000, Lot 49), as well as the development of a new hotel on the same zoning lot, located at 145 West 47th Street (Block 1000, Lot 11) in the Theater District neighborhood of Manhattan Community Board 5.

**PUBLIC HEARING****DATE:** January 7, 2021**Witnesses in Favor:** Ten**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** February 9, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 712 and approve with modifications the decision of the City Planning Commission on L.U. No. 713.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** February 11, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 11, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Powers.*

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

Report for L.U. No. 713

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200124 ZRM (Cort Theatre) submitted by Cort Theater LLC and Clarity 47 LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York,**

**modifying Article VIII Chapter 1 (Special Midtown District) for the purpose of amending the provisions of a special permit regulating theater rehabilitation bonuses, Borough of Manhattan, Community District 5, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 6, 2021 (Minutes, page 29), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 712 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 11, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Powers.*

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

Report for L.U. No. 717

**Report of the Committee on Land Use in favor of approving Application No. 20215011 HIK; N 210176 HIK (Angel Guardian Home) the designation by the Landmarks Preservation Commission of the Angel Guardian Home located at 6301 12th Avenue (aka 6301-6323 12th Avenue, 1202-1216 63rd Street, and 1201-1215 64th Street) Tax Map Block 5739, p/o Lot 1, as an historic landmark (DL-520/LP-2613), submitted pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York, Borough of Brooklyn, Council District 38, Community District 10.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 28, 2021 (Minutes, page 134) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 10**

**20215011 HIK (N 210176 HIK)**

Designation by the Landmarks Preservation Commission [DL-520/LP-2613] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Angel Guardian Home (Tax Map Block 5739, p/o Lot 1), as an historic landmark.

**PUBLIC HEARING****DATE:** January 20, 2021**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** February 10, 2021

The Subcommittee recommends that the Land Use Committee affirm the designation.

**In Favor:**

Riley, Koo, Barron, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** February 11, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

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

Res. No. 1542

**Resolution affirming the designation by the Landmarks Preservation Commission of the Angel Guardian Home located at 6301 12<sup>th</sup> Avenue (aka 6301-6323 12<sup>th</sup> Avenue, 1202-1216 63<sup>rd</sup> Street, and 1201-1215 64<sup>th</sup> Street) (Tax Map Block 5739, p/o Lot 1), Borough of Brooklyn, Designation List No. 520, LP-2613 (Preconsidered L.U. No. 717; 20215011 HIK; N 210176 HIK).**

By Council Members Salamanca and Riley.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on November 20, 2020 a copy of its designation report dated November 10, 2020 (the "Designation"), designating the Angel Guardian Home located at 6301 12<sup>th</sup> Avenue (aka 6301-6323 12<sup>th</sup> Avenue, 1202-1216 63<sup>rd</sup> Street, and 1201-1215 64<sup>th</sup>

Street), Community District 10, Borough of Brooklyn, as a landmark and Tax Map Block 5739, p/o Lot 1, as its landmark site pursuant to Section 3020 of the New York City Charter;

**WHEREAS**, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

**WHEREAS**, the City Planning Commission submitted to the Council on January 15, 2021, its report on the Designation dated January 6, 2021 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on January 20, 2021; and

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

**RESOLVED:**

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 11, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Powers.*

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

Report for L.U. No. 720

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 190517 ZMQ (42-01 28th Avenue Rezoning) submitted by Vlacich, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 9a and 9c, establishing within an R5 District a C1-2 District, changing from an R5 District to an R6A District, and establishing within the proposed R6A District a C1-2 District, Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 28, 2021 (Minutes, page 135), respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB-1 – TWO APPLICATIONS RELATED TO 42-01 28<sup>TH</sup> AVENUE  
REZONING**

**C 190517 ZMQ (Pre. L.U. No. 720)**

City Planning Commission decision approving an application submitted by Vlacich, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 9a and 9c by:

1. establishing within an R5 District a C1-2 District bounded by 42nd Street, a line 150 feet northeasterly of 28th Avenue, 43rd Street, a line 100 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, and a line 125 feet northeasterly of 28th Avenue;
2. changing from an R5 District to an R6A District property bounded by 41st Street, a line 100 feet northeasterly of 28th Avenue, 42nd Street, a line 125 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, a line 100 feet northeasterly of 28th Avenue, 43rd Street, and 28th Avenue;
3. establishing within the proposed R6A District a C1-2 District bounded by 42nd Street, a line 125 feet northeasterly of 28th Avenue, a line midway between 42nd Street and 43rd Street, a line 100 feet northeasterly of 28th Avenue, 43rd Street, and 28th Avenue;

as shown on a diagram (for illustrative purposes only) dated September 14, 2020, and subject to the conditions of CEQR Declaration E-578.

#### **N 190518 ZRQ (Pre. L.U. No. 721)**

City Planning Commission decision approving an application submitted by Vlacich, LLC, pursuant to Sections 200 and 201 of the New York City Charter, to amend Appendix F of the New York City Zoning Resolution establishing and mapping the area to be rezoned as a Mandatory Inclusionary Housing Area.

#### **INTENT**

To approve the amendment to the Zoning Map Section Nos. 9a and 9c, to change from R5 and R5/C1-2 districts to R6A and R6A/C1-2 zoning districts and amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area with Options 1 and 2, to facilitate the construction of an eight-story mixed-use building located at 42-01 28<sup>th</sup> Avenue in Astoria, Queens, Community District 1.

#### **PUBLIC HEARING**

**DATE:** January 26, 2021

**Witnesses in Favor:** Three

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** February 9, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 720 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 721.

**In Favor:**

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

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** February 11, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz Sr., Moya, Rivera, Riley, Borelli.

**Against:**

None

**Abstain:**

Barron

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 11, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Powers.*

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

Report for L.U. No. 721

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190518 ZRQ (42-01 28th Avenue Rezoning) submitted by Vlacich, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed Land Use item was referred on January 28, 2021 (Minutes, page 135), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 720 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, JOSEPH C. BORELLI; Committee on Land Use, February 11, 2021 (Remote Hearing). *Other Council Members Attending: Council Members Perkins and Powers.*

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

### **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 374-A -</b>               | Disqualification of persons from holding an elected city office for certain felony convictions.  |
| (2)  | <b>Int 1525-B -</b>              | Conducting 311 customer satisfaction surveys in designated citywide languages.   |
| (3)  | <b>Int 1592-A -</b>              | Transfer of land, buildings and facilities of Rikers Island to the department of citywide administrative services.   |
| (4)  | <b>Int 1593-A</b>                | Direct the Mayor's office of long-term planning and sustainability to study the feasibility of different types of renewable energy sources combined with battery storage on Rikers Island. |
| (5)  | <b>Int 1966-A -</b>              | Creating a pilot program to test sewage for SARS-CoV-2.  |
| (6)  | <b>Int 1830-A -</b>              | Publication of 311 service level agreements.   |
| (7)  | <b>Int 2044-A -</b>              | Accessory sign violations and waiving penalties and fees for signs that are accessory to a use on the same zoning lot.   |
| (8)  | <b>Int 2064-A -</b>              | Creation of an advisory board for gender and racial equity in hospitals.   |
| (9)  | <b>L.U. 711 &amp; Res 1541 -</b> | App. <b>20215013 HAM (110 Lenox Avenue)</b> Borough of Manhattan, Community District 10, Council District 9.   |
| (10) | <b>L.U. 717 &amp; Res 1542 -</b> | App. <b>20215011 HIK; N 210176 HIK (Angel Guardian Home)</b> Borough of Brooklyn, Council District 38, Community District 10.  |

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

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Constantinides, Cornegy, Deutsch, D. Diaz, R. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

**The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int. No. 374-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Chin, Constantinides, Cornegy, Deutsch, D. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

**Negative** – R. Diaz – **1**.

**Abstention** – Cabrera – **1**

The following was the vote recorded for **Int. No. 1592-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Brannan, Cabrera, Chin, Constantinides, Cornegy, Deutsch, D. Diaz, R. Diaz, Dromm, Eugene, Gibson, Grodenchik, Kallos, Koo, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Treyger, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **37**.

**Negative** – Borelli, Gjonaj, Holden, Salamanca, Ulrich, Vallone, and the Minority Leader (Council Member Matteo) – **7**.

**Abstention** – Barron and Miller – **2**.

The following was the vote recorded for **Int. No. 1593-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Constantinides, Cornegy, Deutsch, D. Diaz, R. Diaz, Dromm, Eugene, Gibson, Grodenchik, Holden, Kallos, Koo, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **42**.

**Negative** – Gjonaj and Salamanca – **2**.

**Abstention** – Barron and Miller – **2**.

The following was the vote recorded for **Int. No. 2064-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Constantinides, Cornegy, Deutsch, D. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **43**.

**Negative** – Borelli, R. Diaz, and the Minority Leader (Council Member Matteo) – **3**.

The following was the vote recorded for **L.U. No. 711 & Res. No. 1541**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Constantinides, Cornegy, Deutsch, D. Diaz, R. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

**Abstention** – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:*

Int. Nos. 374-A, 1525-B, 1592-A, 1593-A, 1830-A, 1966-A, 2044-A, and 2064-A.

## RESOLUTIONS

*presented for voice-vote*

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

Report for voice-vote item Res. No. 512-A

**Report of the Committee on Hospitals in favor of approving, as amended, a Resolution calling on New York State to require medical schools to train all students about "implicit bias".**

The Committee on Hospitals, to which the annexed amended resolution was referred on September 12, 2018 (Minutes, page 3488), respectfully

### REPORTS:

#### I. Introduction

On February 11, 2021, the Committee on Hospitals held a hearing and a vote on Resolution Number 0512-A (Res. No. 0512-A). Proposed Res. No. 0512 was originally heard on September 18, 2019 during a hearing held by the Committee on Hospitals, chaired by Council Member Carlina Rivera, on the Delivery of Culturally Competent & Equitable Health Care Services in New York City Hospitals. On February 11, 2021, the Committee passed this resolution by a vote of five in the affirmative, zero in the negative, and zero abstentions.

#### II. Background

##### *Cultural Competence and Health Equity*

According to the Commonwealth Fund, cultural competence is the ability of systems to provide care to patients with diverse values, beliefs, and behaviors.<sup>1</sup> Culture has been defined as “an integrated pattern of learned beliefs and behaviors that can be shared among groups [and] includes thoughts, styles of communicating, ways of interacting, views on roles and relationships, values, practices, and customs.”<sup>2</sup> Culture is shaped by multiple influences, including race, ethnicity, nationality, language, gender, socioeconomic status, physical and mental ability, sexual orientation, and occupation, among other factors.<sup>3</sup>

To provide culturally competent health care, delivery of care must be tailored to meet patients’ social, cultural, and linguistic needs.<sup>4</sup> A culturally competent health care system can help eliminate health disparities and inequities.<sup>5</sup> Health inequity is defined as a specific type of health inequality that denotes an unjust difference in health, such as when health differences are preventable or unnecessary, and when individuals face an unfair amount of health risks because of one or more of their identities.<sup>6</sup> Culturally competent health care can ultimately

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<sup>1</sup> J. Betancourt, A. Green, & E. Carrillo, *Cultural Competence in Health Care: Emerging Frameworks and Practical Approaches*, The Commonwealth Fund, 2002, [https://www.commonwealthfund.org/sites/default/files/documents/\\_media\\_files\\_publications\\_fund\\_report\\_2002\\_oct\\_cultural\\_competence\\_in\\_health\\_care\\_emerging\\_frameworks\\_and\\_practical\\_approaches\\_betancourt\\_culturalcompetence\\_576\\_pdf.pdf](https://www.commonwealthfund.org/sites/default/files/documents/_media_files_publications_fund_report_2002_oct_cultural_competence_in_health_care_emerging_frameworks_and_practical_approaches_betancourt_culturalcompetence_576_pdf.pdf)

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

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

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

<sup>5</sup> *Id.*

<sup>6</sup> M. Arcaya, A. Arcaya, & S.V. Subramanian, *Inequalities in health: definitions, concepts, and theories*, *Glob Health Action*, 2015, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4481045/>

help improve health outcomes and quality of care for all individuals, regardless of age, race, ability/disability, income, gender, and sexual orientation.<sup>7</sup>

Health inequities are pervasive in the American health care system. In the United States, Black people are 40 percent more likely to have high blood pressure and 30 percent more likely to die from heart disease than other groups.<sup>8</sup> The prevalence of diagnosed diabetes is twice as high in Mexican-American and Puerto Rican populations than in the non-Hispanic White population.<sup>9</sup> Native Americans have the highest rates of diagnosed diabetes, with a prevalence rate of about fifteen percent in the adult population.<sup>10</sup>

Studies have also shown the individuals who identify as lesbians have more barriers and are not screened for cervical cancer as often as heterosexual women, even though there are higher rates of cervical cancer in the lesbian population.<sup>11</sup> Transgender and gender non-conforming (TGNC) individuals are more likely to experience discrimination, marginalization, and poor physical and mental health outcomes, which can result in a variety of physical and mental health conditions.<sup>12</sup> When surveyed by The National Center for Transgender Equality, TGNC respondents rated their health as “poor” or “fair” at a rate 4 percent higher than the U.S. general population, and were experiencing serious psychological distress at a rate almost 8 times the rate of the U.S. population.<sup>13</sup> Further, the TGNC community is exposed to physical and psychological dangers from forced conversion therapy, from societal pressure to “de-transition,”<sup>14</sup> and from external physical and sexual violence toward the community.<sup>15</sup>

The same inequities exist in New York City. Although White women in New York City have higher rates of breast cancer diagnoses than Black women, at about 133 vs. 99 per 100,000 respectively, Black women are more likely to die from breast cancer.<sup>16</sup> The difference in diagnoses and death rates likely results from Black New Yorkers having the lowest rates of early diagnosis for both breast and cervical cancer.<sup>17</sup> Although colorectal diagnosis and deaths have decreased since 1994, Black men and women in New York City are still more likely to die from this type of cancer.<sup>18</sup> Furthermore, colorectal cancer mortality rates correlate with wealth disparities. New Yorkers living in the poorest areas are more likely to die from colorectal cancer than those from the richest areas, with a death rate of about 26 vs. 19 per 100,000 respectively.<sup>19</sup> This display of wealth disparity is greatest in the Asian population, with a gap in the rate of death of 51 percent between communities with the highest wealth and those with the lowest.<sup>20</sup> Following the Black population, Hispanic New Yorkers have the second highest rate of death due to colorectal, breast, and cervical cancers.<sup>21</sup> Diabetes is another health concern that disproportionately affects minority communities. Regardless of the poverty level of the neighborhoods in which they live, Black, Latinx, and Asian/Pacific Islander populations have higher rates of diabetes than White populations.<sup>22</sup>

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<sup>7</sup> *Cultural Competence in Health Care: Is it important for people with chronic conditions?*, Georgetown University, McCourt School of Public Policy, <https://hpi.georgetown.edu/cultural/>

<sup>8</sup> Graham, Garth, *Disparities in cardiovascular disease risk in the United States*, *Current cardiology reviews*, vol. 11,3, 2015, 238-45, doi:10.2174/1573403X11666141122220003, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4558355/>

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

<sup>10</sup> *Addressing Health Disparities in Diabetes*, The Centers for Disease Control, April 15, 2019, <https://www.cdc.gov/diabetes/disparities.html>

<sup>11</sup> Quinn, Gwendolyn P et al., *Cancer and lesbian, gay, bisexual, transgender/transsexual, and queer/questioning (LGBTQ) populations*, *CA: a cancer journal for clinicians*, vol. 65,5, 2015, 384-400, doi:10.3322/caac.21288, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4609168/>

<sup>12</sup> *The Report of the 2015 U.S. Transgender Survey*, The National Center for Transgender Equality, 2016, <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

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

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

<sup>15</sup> *Issues: Anti-Violence*, National Center for Transgender Equality, <https://transequality.org/issues/anti-violence>; *Doubly Victimized: Reporting on Transgender Victims of Crime*, GLAAD, <https://www.glaad.org/publications/transgendervictimsofcrime>.

<sup>16</sup> *Health Disparities in New York City*. NYC Department of Health and Mental Hygiene. July 2011. <https://www1.nyc.gov/assets/doh/downloads/pdf/episrv/disparitiestwo.pdf>

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Community Health Survey*, NYC Health, 2017, <https://a816-healthpsi.nyc.gov/epiquery/sasresults.jsp>

The health outcomes of pregnant people and their children also display terrible rates of inequity. Recent data suggests Black mothers in NYC are 12 times more likely to die from pregnancy-related causes than White mothers.<sup>23</sup> From 2006 to 2010, residents of the Bronx had the highest pregnancy-related mortality ratio with 26.0 deaths per 100,000 live births, followed by Brooklyn with 25.7, Queens with 24.6, Staten Island with 17.4 and Manhattan with 13.9.<sup>24</sup> Furthermore, government data suggests that Black infants are more than twice as likely to die as White infants; 11.3 per 1,000 Black babies, compared with 4.9 per 1,000 white babies, a racial disparity that is actually greater than in 1850, 15 years before slavery was abolished in the U.S.<sup>25</sup> Research points to race, rather than educational attainment or income level of the patient, as the cause of such discrepancies.<sup>26</sup> In fact, a Black woman with an advanced degree is more likely to lose her baby than a White woman with less than an eighth-grade education.<sup>27</sup>

In New York City, many TGNC individuals may avoid healthcare services because of discrimination or previous negative experiences.<sup>28</sup> Those who do access healthcare services may avoid discussing gender with providers or have difficulty finding providers who adequately understand their social and health concerns.<sup>29</sup> They also have less access to health insurance, according to a survey of 359 people within the LGBTQ/TGNC community by the City Comptroller's office.<sup>30</sup> In addition to the TGNC population, those with disabilities tend to face health care accessibility issues.<sup>31</sup> Almost 1 million New Yorkers, or roughly 11.2 percent of the city's population, have disclosed that they are living with a disability.<sup>32</sup> Inadequate access to care causes preventable health conditions, which contributes to people with disabilities experiencing worse health status than people without disabilities.<sup>33</sup> In 2014, 44.4 percent of New Yorkers with disabilities rated their health as fair or poor, compared to only 9.1 percent of those without disabilities.<sup>34</sup> Additionally, those with disabilities likely require greater health services than those without disabilities.

Individuals with Limited English Proficiency (LEP) may face increased barriers to accessing health care.<sup>35</sup> Immigrants disproportionately have LEP, meaning they “speak English less than ‘very well,’”<sup>36</sup> compared to the general population.<sup>37</sup> The American Medical Association's Journal of Ethics reports that individuals with LEP

<sup>23</sup> *Nothing Protects Black Women From Dying in Pregnancy and Childbirth*, ProPublica, Dec. 7, 2017, <https://www.propublica.org/article/nothing-protects-black-women-from-dying-in-pregnancy-and-childbirth>.

<sup>24</sup> Rates were also high among Puerto Rican and other Latina women compared to White non-Latina women and overall when examining other risk factors. *Pregnancy-Associated Mortality in New York City, 2006-2010*, 2015, <https://www1.nyc.gov/assets/doh/downloads/pdf/ms/pregnancy-associated-mortality-report.pdf>

<sup>25</sup> Linda Villarosa, *Why America's Black Mothers Are in a Life-or-Death Crisis*, New York Times, April 11, 2018, <https://www.nytimes.com/2018/04/11/magazine/black-mothers-babies-death-maternal-mortality.html>; See also J.D.B. De Bow, *Mortality Statistics of the Seventh Census of the United States 1850*, last visited June 15, 2018, <https://babel.hathitrust.org/cgi/pt?id=uc2.ark:/13960/t4qj7qt8w:view=1up:seq=40> (showing that the government started to track vital statistics related to mortality, disaggregating info by sex and race, in 1850); University of Minnesota, *Vital Statistics of the U.S., 1850-Present*, last visited June 15, 2018, [https://www.lib.umn.edu/govpubs/vitalstats\\_guide](https://www.lib.umn.edu/govpubs/vitalstats_guide).

<sup>26</sup> *Id.* (explicitly making this point and explaining, “by the late 1990s, other researchers were trying to chip away at the mystery of the black-white gap in infant mortality. Poverty on its own had been disproved to explain infant mortality, and a study of more than 1,000 women in New York and Chicago, published in *The American Journal of Public Health* in 1997, found that black women were less likely to drink and smoke during pregnancy, and that even when they had access to prenatal care, their babies were often born small . . . . Though it seemed radical 25 years ago, few in the field now dispute that the black-white disparity in the deaths of babies is related not to the genetics of race but to the lived experience of race in this country”).

<sup>27</sup> R.V. Reeves & D.B. Matthew, *Six Charts Showing Race Gaps Within the American Middle Class*, Brookings, October 21, 2016, <https://www.brookings.edu/blog/social-mobility-memos/2016/10/21/6-charts-showing-race-gaps-within-the-american-middle-class/>

<sup>28</sup> DOHMH, *Providing Primary Care to Transgender Adults*, <https://www1.nyc.gov/assets/doh/downloads/pdf/chi/chi-34-2.pdf>.

<sup>29</sup> *Id.*

<sup>30</sup> *Results of a Survey of LGBTQ New Yorkers*, New York City Comptroller Scott M. Stringer, 2017, available at <https://comptroller.nyc.gov/reports/results-of-a-survey-of-lgbtq-new-yorkers/>.

<sup>31</sup> *Increasing the Physical Accessibility of Health Care Facilities*, The Centers for Medicare and Medicaid Services (CMS), 2017, <https://www.cms.gov/About-CMS/Agency-Information/OMH/Downloads/Issue-Brief-Physical-AccessibilityBrief.pdf>

<sup>32</sup> *AccessibleNYC*, The Mayor's Office of People with Disabilities, 2017, [https://www1.nyc.gov/assets/mopd/downloads/pdf/accessiblenyc\\_2017.pdf](https://www1.nyc.gov/assets/mopd/downloads/pdf/accessiblenyc_2017.pdf)

<sup>33</sup> *ADA at 26 in New York City*, The Center for the Independence of the Disabled New York (CIDNY), 2016, <https://www.cidny.org/wp-content/uploads/2017/07/ADA-at-26-in-NYC.pdf>

<sup>34</sup> *Id.*

<sup>35</sup> *The Role of Language in Health Care Access and Utilization for Insured Hispanic Adults*, the Henry J Kaiser Family Foundation, 2015, <https://www.kff.org/report-section/the-role-of-language-in-health-care-access-and-utilization-for-insured-hispanic-adults-issue-brief/>

<sup>36</sup> *State of Our Immigrant City*, The Mayor's office of Immigrant Affairs, 2018, [https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia\\_annual\\_report\\_2018\\_final.pdf](https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report_2018_final.pdf)

<sup>37</sup> *Id.*

experience high rates of medical errors, have worse clinical outcomes, and receive lower quality of care by other metrics than their English-speaking counterparts.<sup>38</sup> Research has also found that having parents with LEP is associated with worse health outcomes among children.<sup>39</sup>

These inequities impact New Yorkers and their health. In New York City, approximately 49 percent of all immigrants have LEP, including nearly 63 percent of undocumented immigrants.<sup>40</sup> H+H serves many of the city's uninsured, including those that are ineligible for health insurance, i.e. the undocumented. Only 69 percent of non-citizen New Yorkers have health insurance compared to 94 percent of those who are U.S.-born, and only 42 percent of undocumented immigrants have health insurance.<sup>41</sup>

Nearly 41 percent of all foreign-born New Yorkers who speak a language other than English at home speak Spanish,<sup>42</sup> and more than 80 percent of people who are Latinx ages five and older report speaking Spanish at home.<sup>43</sup> English proficiency among those who are Latinx is associated with improved health literacy and more positive interactions with health care providers.<sup>44</sup> Among Latinx adults, 67 percent report their health as "excellent," "very good," or "good," compared with 81 percent of non-Latinx adults.<sup>45</sup>

Conversely, in 2017, the New York State Department of Health (NYSDOH) issued a report suggesting that when pooling all people who report English as a second language (ESL), the ESL population had equal or better preventative care and health outcomes when compared to the non-ESL population.<sup>46</sup> However, this data groups ESL individuals of different backgrounds into a single category.

### *Federal, State, and Local Action*

Section 1557 of the Affordable Care Act prohibits health programs or facilities that receive federal funds from discriminating based on race, color, national origin, age, disability or sex.<sup>47</sup> However, recently the Trump Administration has tried to roll back some of these protections,<sup>48</sup> potentially harming members of the TGNC community, individuals seeking abortion care, individuals with LEP, and others.<sup>49</sup> New York State, in turn, has strengthened protections for individuals seeking medical care, including those who are transgender<sup>50</sup> and women/pregnant people.<sup>51</sup> Those with disabilities have additional protections. Under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, New York State (NYS) Human Rights Law, and regulations promulgated under the New York State Public Health law, facilities have legal responsibilities

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<sup>38</sup> *Language-Based Inequity in Health Care: Who is the "Poor Historian"?*, The American Medical Association (AMA) Journal of Ethics, 2017, <https://journalofethics.ama-assn.org/article/language-based-inequity-health-care-who-poor-historian/2017-03>

<sup>39</sup> *Parental limited English proficiency and health outcomes for children with special health care needs: a systematic review*, The US National Library of Medicine National Institutes of Health, 2014, available at <https://www.ncbi.nlm.nih.gov/pubmed/24602575>

<sup>40</sup> *State of Our Immigrant City*, The Mayor's office of Immigrant Affairs, 2018, [https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia\\_annual\\_report\\_2018\\_final.pdf](https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report_2018_final.pdf)

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Health of Latinos in New York City*, The Department of Health and Mental Hygiene, 2017, <https://www1.nyc.gov/assets/doh/downloads/pdf/episrv/2017-latino-health.pdf>

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *2017 Health Care Disparities in the New York State*, New York State Department of Health, 2017, [https://www.health.ny.gov/health\\_care/managed\\_care/reports/docs/demographic\\_variation/demographic\\_variation\\_2017.pdf](https://www.health.ny.gov/health_care/managed_care/reports/docs/demographic_variation/demographic_variation_2017.pdf)

<sup>47</sup> *Section 1557 of the ACA: Proposed Rule Would Weaken the ACA's Anti-Discrimination Protections for Americans Accessing Healthcare*, Center for Public Representation, 2019, <https://centerforpublicrep.org/news/section-1557-of-the-aca-proposed-rule-would-weaken-the-acas-anti-discrimination-protections-for-americans-accessing-healthcare/>

<sup>48</sup> *Id.*

<sup>49</sup> Musumeci, M., et. al., *HHS's Proposed Changes to Non-Discrimination Regulations Under ACA Section 1557*, Kaiser Family Foundation, July 2019, <https://www.kff.org/disparities-policy/issue-brief/hhss-proposed-changes-to-non-discrimination-regulations-under-aca-section-1557/>

<sup>50</sup> *Statement from Governor Andrew M. Cuomo on Reports that the Trump Administration May Roll Back Healthcare Protections for Transgender People*, New York State, April 2019, <https://www.governor.ny.gov/news/statement-governor-andrew-m-cuomo-reports-trump-administration-may-roll-back-healthcare>

<sup>51</sup> *Governor Cuomo Signs Legislation Protecting Women's Reproductive Rights*, New York State, January 2019, <https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-protecting-womens-reproductive-rights>

to ensure that individuals with disabilities have full and equal access to programs and services.<sup>52</sup> An individual with a disability must have access to the same health care services that someone without a disability receives.<sup>53</sup>

New York State also has a Patients' Bill of Rights, which clearly outlines that a patient in a hospital in New York State has the right to receive treatment without discrimination as to race, color, religion, sex, gender identity, national origin, disability, sexual orientation, age or source of payment.<sup>54</sup> New York City's Department of Health and Mental Hygiene has also implemented a Center for Health Equity which works to ensure that every New Yorker, regardless of where they live, has the opportunity to lead their healthiest lives.<sup>55</sup>

In addition, the U.S. Department of Health and Human Services has an Office of Minority Health (OMH), which was created in 1986 as a result of the Secretary's Task Force Report on Black and Minority Health.<sup>56</sup> OMH works to develop and promote policies, programs, and practices to achieve health equity, and funds demonstration programs at the regional, state, and local level that contribute to health policy.<sup>57</sup> It also improves data collection, fosters research and evaluation, and performs other activities to address health inequity.<sup>58</sup>

### *Center for Linguistic and Cultural Competency in Health Care*

Within OMH is the Center for Linguistic and Cultural Competency in Health Care, which was created to address the health needs of populations with LEP.<sup>59</sup> OMH, alongside federal and nonfederal partners across the country, developed National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care (National CLAS Standards).<sup>60</sup> The National CLAS Standards aim to improve health care quality and advance health equity by establishing a framework for organizations to serve the nation's increasingly diverse communities.<sup>61</sup> Their principle standard is to provide effective, equitable, understandable, and respectful quality care and services that are responsive to diverse cultural health beliefs and practices, preferred languages, health literacy, and other communication needs.<sup>62</sup> OMH also developed a framework and toolkit to guide health care organizations' efforts in evaluating their implementation of the National CLAS Standards.<sup>63</sup> Federal and State laws prohibit national origin discrimination against individuals with LEP when they are provided health care services, and New York State also has specific protections for individuals with LEP that require language interpreters in hospital settings.<sup>64</sup> The NYSDOH included implementation of the National CLAS Standards as a part of its long-range planning in their *Prevention Agenda 2013-2017: New York State's Health Improvement Plan*, and has acted in line with the Standards in a variety of ways, including provider trainings, assessments of health plans, and surveys.<sup>65</sup>

<sup>52</sup> *Reminder to Facilities of Their Obligation to Provide Accessible Services to People with Disabilities*, The New York State Department of Health (NYSDOH) available at [https://www.health.ny.gov/professionals/hospital\\_administrator/letters/2013/2013-07-31\\_provide\\_accessible\\_services\\_to\\_persons\\_with\\_disabilities.htm](https://www.health.ny.gov/professionals/hospital_administrator/letters/2013/2013-07-31_provide_accessible_services_to_persons_with_disabilities.htm)

<sup>53</sup> *Id.*

<sup>54</sup> *Your Rights as a Hospital Patient in New York State – Section 2*. [https://www.health.ny.gov/publications/1449/section\\_2.htm#patients](https://www.health.ny.gov/publications/1449/section_2.htm#patients) New York State, January 2018.

<sup>55</sup> *Center for Health Equity*. <https://www1.nyc.gov/site/doh/health/neighborhood-health/center-for-health-equity.page> NYC Health.

<sup>56</sup> *About the Office of Minority Health*. <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=1&lvlid=1> U.S. Department of Health and Human Services, Office of Minority Health, 2018.

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

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

<sup>59</sup> *Center for Linguistic and Cultural Competency in Health Care*, U.S. Department of Health and Human Services, Office of Minority Health, 2018, <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=34>

<sup>60</sup> Davis et al., *Development of a Long-Term Evaluation Framework for the National Standards for Culturally and Linguistically Appropriate Services (CLAS) in Health and Health Care*, U.S. Department of Health and Human Services, Office of Minority Health, 2018, [https://minorityhealth.hhs.gov/assets/PDF/Natn\\_CLAS\\_Standards\\_Evaluation\\_Framework\\_Report\\_PR-3598\\_final\\_508\\_Compliant.pdf](https://minorityhealth.hhs.gov/assets/PDF/Natn_CLAS_Standards_Evaluation_Framework_Report_PR-3598_final_508_Compliant.pdf)

<sup>61</sup> *Cultural and Linguistic Competency*, U.S. Department of Health and Human Services, Office of Minority Health, 2018 <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=1&lvlid=6>

<sup>62</sup> *The National CLAS Standards*, U.S. Department of Health and Human Services, Office of Minority Health, 2018 <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53>.

<sup>63</sup> *Cultural and Linguistic Competency*, U.S. Department of Health and Human Services, Office of Minority Health, 2018 <https://minorityhealth.hhs.gov/omh/browse.aspx?lvl=1&lvlid=6>

<sup>64</sup> M. Mule, *Language Access Services in Health Care Settings*, NY Health Access, 2009, <http://www.wnylc.com/health/entry/73/>

<sup>65</sup> *National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care: Compendium of State-Sponsored National CLAS Standards Implementation Activities*, U.S. Department of Health and Human Services, Office of Minority Health, 2016, <https://thinkculturalhealth.hhs.gov/pdfs/CLASCompendium.pdf>

### *H+H and Cultural Competency*

In 2011, the New York City Council Committees on Civil Rights and Health held a hearing about H+H's cultural competency.<sup>66</sup> During the hearing, H+H spoke about their investments in training and services and their delivery of culturally competent and linguistically appropriate services.<sup>67</sup> H+H discussed their cultural competency training for all new staff as well as periodic ongoing trainings, and their language services.<sup>68</sup> In Fiscal Year 2011, H+H facilities provided interpretation services in response to more than 600,000 language interpretation requests in more than 160 languages, and, between FY 09 and FY 11, these figures grew to more than 1.5 million language interpretation requests at an estimated cost of more than \$10.4 million.<sup>69</sup>

In 2016, H+H released a *Plan to Enhance Equitable Care*, which outlined its commitment to provide each individual patient with a positive experience and to raise the bar on equitable care.<sup>70</sup> The report speaks to the importance of addressing health inequities and calls on “today’s doctors, nurses, and all other clinical and administrative staff [to] understand, take into account and incorporate cultural differences and social determinants of health [into their practice], and cannot assume these characteristics will be the same for all patients.”<sup>71</sup> The report also outlines five priorities: (1) an organizational assessment to obtain defined benchmarks to measure progress on their health equity agenda; (2) governance of race, ethnicity, and language data to ensure they are collecting meaningful and real data about their patients; (3) building up of organizational capacity through training, education, and enhancing recruitment strategies; (4) improvement of staff and community communication and engagement; and (5) standardization of policies and practices to ensure staff are educated and trained properly.<sup>72</sup>

Furthermore, H+H has received recognition for its work, including special designations from the Human Rights Campaign.<sup>73</sup> In 2019, 23 of H+H’s patient care locations, across all five boroughs, received the designation “2019 LGBTQ Healthcare Equality Leader” from the Human Rights Campaign Foundation, and it was the fourth consecutive year H+H received the designation.<sup>74</sup> H+H also addresses health inequity through its work as the lead entity for New York State’s largest Delivery System Reform Incentive Payment Program (DSRIP) Performing Provider System, known as OneCity Health.<sup>75</sup>

### **III. Implicit Bias**

#### *What is Implicit Bias?*

Unlike explicit bias, where consciously held beliefs influence the way a person evaluates or behaves towards a certain group, implicit bias results from unconscious attitudes or stereotypes.<sup>76</sup> Implicit bias should not be confused with biases that individuals choose to withhold for social or political correctness.<sup>77</sup> Harvard University started *Project Implicit* in 1998 in order to understand thoughts and feelings outside of conscious awareness.<sup>78</sup>

<sup>66</sup> *Oversight – Cultural Competency Training at New York City’s Public Hospitals*, New York City Council, 2011, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1016637&GUID=C5914C99-20F3-45EB-B32F-B030FB1EC313&Options=&Search=>

<sup>67</sup> *NYC Civil Rights Oversight Hearing: Cultural Competency Training at HHC*, NYC Health + Hospitals, 2011, <https://www.nychealthandhospitals.org/nyc-civil-rights-oversight-hearing-cultural-competency-training-at-hhc/>

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

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

<sup>70</sup> *Plan to Enhance Equitable Care*, NYC Health + Hospitals, 2016, [https://www.nychealthandhospitals.org/wp-content/uploads/2016/12/Whitepaper\\_EquitableCare.pdf](https://www.nychealthandhospitals.org/wp-content/uploads/2016/12/Whitepaper_EquitableCare.pdf)

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

<sup>72</sup> *Id.*

<sup>73</sup> *Healthcare Equality Index 2019*, Human Rights Campaign Foundation, 2019, [https://assets2.hrc.org/files/assets/resources/HEI-2019-FinalReport.pdf?\\_ga=2.164796031.1335641807.1566314228-888348643.1559233952](https://assets2.hrc.org/files/assets/resources/HEI-2019-FinalReport.pdf?_ga=2.164796031.1335641807.1566314228-888348643.1559233952)

<sup>74</sup> *Id.*

<sup>75</sup> *OneCity Health PPL Cultural Competency and Health Literacy Strategic Plan*, NYC Health + Hospitals, 2015, [https://www.health.ny.gov/health\\_care/medicaid/redesign/dsrp/cultural\\_competency/docs/hhc\\_cchl\\_strategy.pdf](https://www.health.ny.gov/health_care/medicaid/redesign/dsrp/cultural_competency/docs/hhc_cchl_strategy.pdf)

<sup>76</sup> J. Handelsman, N. Sakraney, *Implicit Bias*, White House Office of Science and Technology Policy, 2015, [https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/bias\\_9-14-15\\_final.pdf](https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/bias_9-14-15_final.pdf)

<sup>77</sup> *Implicit Bias Review 2015*, Ohio State University Kirwan Institute for the study of Race and Ethnicity, 2015, <http://kirwaninstitute.osu.edu/research/understanding-implicit-bias/>

<sup>78</sup> *Project Implicit: About Us*, Harvard University, 2011, <https://implicit.harvard.edu/implicit/aboutus.html>

They created the Implicit Association Test (IAT) to measure the association between groups of people based on race, age, gender etc. and evaluations, such as “good” or “bad”.<sup>79</sup> Through this testing, researchers found that most people have stronger positive feelings for one group over another, and these feelings are sometimes contradictory to what one consciously believes.<sup>80</sup> In other words, individuals who show preference for one group over another consciously believe that they have equal preference for both groups. Their results have also shown that even members of stigmatized groups tend to show preference for the more “socially valued” group.<sup>81</sup> For example, although Black people who took the test tended to have more positive implicit attitudes towards Black people than White people who took the test, Black people who took the test still showed a stronger positive bias for White people over Black people.<sup>82</sup> The presence of implicit bias can result in both action and inaction and can cause harm throughout all institutional practices.<sup>83</sup>

### *Consequences in the Health Care Setting*

Historically, there were many assumptions about what it meant to be healthy depending on the patient’s perceived identity.<sup>84</sup> For example, doctors used to firmly believe that people of color felt less pain than White people.<sup>85</sup> Although this idea is no longer accepted, studies have still shown that doctors prescribe more pain medication to White people than to people of color who present the same symptoms.<sup>86</sup> The presence of implicit bias can have serious negative effects on patients’ health, including high mortality rates.<sup>87</sup>

While implicit bias is not the only factor contributing to disparities in health care and health inequities, clinicians’ unconscious actions can certainly amplify the issues.<sup>88</sup> This is increasingly troubling because not only do minority groups report receiving lower quality care, but they also have poorer health outcomes.<sup>89</sup>

### *Implicit Bias Training*

In recent years, cultural competency and implicit bias training have become a greater priority.<sup>90</sup> The purpose of cultural competency and implicit bias training is to better understand the populations that one serves.<sup>91</sup> Researchers do warn, however, that these trainings need to be thought through carefully, so they do not perpetuate stereotypes.<sup>92</sup> The training also helps clinicians become aware of their biases as a step toward

<sup>79</sup> *Project Implicit: About the IAT*, Harvard University, 2011, <https://implicit.harvard.edu/implicit/iatdetails.html>

<sup>80</sup> *Project Implicit: Frequently Asked Questions*, Harvard University, 2011, <https://implicit.harvard.edu/implicit/faqs.html>

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

<sup>82</sup> *Id.*

<sup>83</sup> J. Handelsman & N. Sakraney, *Implicit Bias*, White House Office of Science and Technology Policy, 2015, [https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/bias\\_9-14-15\\_final.pdf](https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/bias_9-14-15_final.pdf)

<sup>84</sup> Hoffman, Kelly M et al., *Racial bias in pain assessment and treatment recommendations, and false beliefs about biological differences between blacks and whites*, Proceedings of the National Academy of Sciences of the United States of America, vol. 113,16, 2016, 4296-301, doi:10.1073/pnas.1516047113, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4843483/>

<sup>85</sup> K. Hoffman, *Study Link Disparities in Pain Management to Racial Bias*, April 4, 2016, UVA Today, <https://news.virginia.edu/content/study-links-disparities-pain-management-racial-bias>

<sup>86</sup> Hoffman, Kelly M et al., *Racial bias in pain assessment and treatment recommendations, and false beliefs about biological differences between blacks and whites*, Proceedings of the National Academy of Sciences of the United States of America, vol. 113,16, 2016, 4296-301, doi:10.1073/pnas.1516047113, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4843483/>

<sup>87</sup> Hall, William J et al., *Implicit Racial/Ethnic Bias Among Health Care Professionals and Its Influence on Health Care Outcomes: A Systematic Review*, American journal of public health, vol. 105,12, 2015, e60-76, doi:10.2105/AJPH.2015.302903, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4638275/>

<sup>88</sup> G. Friar, *Combating Bias in Medicine*, Harvard Medical School, August 7, 2017, <https://hms.harvard.edu/news/combating-bias-medicine>

<sup>89</sup> Hall, William J et al., *Implicit Racial/Ethnic Bias Among Health Care Professionals and Its Influence on Health Care Outcomes: A Systematic Review*, American journal of public health, vol. 105,12, 2015, e60-76, doi:10.2105/AJPH.2015.302903, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4638275/>

<sup>90</sup> G. Friar, *Combating Bias in Medicine*, Harvard Medical School, August 7, 2017, <https://hms.harvard.edu/news/combating-bias-medicine>

<sup>91</sup> White, A.A., Logghe, H.J., Goodenough, D.A. et al., *J. Racial and Ethnic Health Disparities*, 2018, 5:34, DOI 10.1007/s40615-017-0340-6

<sup>92</sup> *Id.*

overcoming cultural conditioning.<sup>93</sup> Our most vulnerable populations are suffering, and addressing biases is one step towards reducing health inequity.<sup>94</sup>

#### IV. Conclusion

At today's hearing, the Committee voted on Res. No. 0512-A, calling on New York State to require medical schools to train all students about "implicit bias".

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

**(The following is the text of Res. No. 512-A:)**

Res. No. 512-A

**Resolution calling on New York State to require medical schools to train all students about "implicit bias".**

By Council Members Rosenthal, Rivera, Ayala, Reynoso, Lander, Cornegy, Dromm, Chin, Ampry-Samuel, Cumbo, Adams, Rose, Barron, Louis, D. Diaz, Menchaca, Koslowitz, Gibson, Kallos, Treyger, Rodriguez, Eugene and the Public Advocate (Mr. Williams).

**Whereas**, In recent years, the health care community has shifted its focus to further address health inequity and its impact on individuals from traditionally marginalized communities, including people of color, people with disabilities, people who are lesbian, gay, bisexual, intersex, transgender, queer, questioning, gender non-conforming and/or non-binary (LGBTQ+/TGNCNB), children, individuals who are overweight, those experiencing behavioral health issues, and those who are female; and

**Whereas**, According to the Perception Institute, implicit bias is when individuals have attitudes towards people or associate stereotypes with them without their conscious knowledge; and

**Whereas**, Research has shown that people have implicit attitudes regarding race, gender, age, disability, weight, and sexual orientation, and several general patterns of bias have repeatedly been shown in research, such as socially-dominant groups often having implicit bias against subordinate groups; and

**Whereas**, According to Health Affairs, studies consistently recognize the role of implicit bias in worsening health outcomes, increasing health care costs, and exacerbating health disparities, resulting in disparate maternal health outcomes, substandard pain management for Black patients, unequal cardiovascular testing for women, lesser mental health services for patients with mental illness, and mistreatment and avoidance of obese patients; and

**Whereas**, Research shows that racial disparities can have an impact on a person's health outcomes and care in New York City, which is illustrated by the City's maternal mortality and morbidity rates; and

**Whereas**, According to the New York City Department of Health and Mental Hygiene (DOHMH), Black, non-Latinx people are eight to twelve times more likely to experience maternal mortality than their white counterparts; and

**Whereas**, According to the Center for the Independence of the Disabled New York (CIDNY), 44.4 percent of New Yorkers with disabilities rated their health as fair or poor in 2014, compared to only 9.1 percent of those without disabilities; and

**Whereas**, According to Independence Care System (ICS), because of lack of access to care for people with physical disabilities due to providers' lack of understanding of the populations' accessibility needs, people with physical disabilities have higher rates of obesity, arthritis, asthma, cardiovascular disease, diabetes, high blood pressure, high cholesterol and stroke; and

**Whereas**, National surveys of individuals who are transgender reveal that one-third of those who saw a health care provider had at least one negative experience related to being transgender, and nearly one-quarter

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<sup>93</sup> *Id.*

<sup>94</sup> *Improving Cultural Competence to Reduce Disparities for Priority Populations*, Agency for Healthcare Research and Quality, July 8, 2014, <https://effectivehealthcare.ahrq.gov/topics/cultural-competence/research-protocol>

reported that they did not seek the health care they needed due to fear of being mistreated as a transgender person; and

**Whereas**, Studies have shown that individuals who identify as lesbians have more barriers to care and are not screened for cervical cancer as often as heterosexual women, even though rates of cervical cancer are higher among lesbian women; and

**Whereas**, Children who are intersex, or are born with variations in their sex characteristics, are often subjected to "normalizing" surgeries that are irreversible, risky, and medically unnecessary; and

**Whereas**, Even though most babies born with intersex traits are healthy and do not require surgery, medically unnecessary operations still occur today, including in New York City; and

**Whereas**, According to DOHMH, although the number of new HIV diagnoses have decreased between 2014 and 2018, Black and Latinx people are still disproportionately impacted compared to their white counterparts; and

**Whereas**, With health outcomes so closely tied to one's race, gender, and other identities, our health care system must do a better job addressing health inequity; and

**Whereas**, As of now, not all medical students in the state of New York receive implicit bias training, which could hamper the goal of health equity for all; and

**Whereas**, According to experts, all medical students should receive ongoing, comprehensive training on implicit bias; and

**Whereas**, Training should include information about structural racism in the medical field and activities to promote reflection on one's own implicit biases; and

**Whereas**, All implicit bias trainings must include an explicit bias component; and

**Whereas**, Our medical system perpetuates racism, ableism, and other forms of oppression by not addressing both implicit and explicit bias, and medical professionals may also possess explicit biases which can result in the harm of a patient; and

**Whereas**, It is critical to have well-trained and culturally competent and humble providers who are educated about bias to ensure the fairer treatment of all individuals, and to ensure medical outcomes are not skewed because of bias, whether implicit or explicit; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on New York State to require medical schools to train all students about "implicit bias."

CARLINA RIVERA, *Chairperson*; MATHIEU EUGENE, MARK D. LEVINE, ALAN N. MAISEL, FRANCISCO P. MOYA; Committee on Hospitals, February 11, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Yeger.*

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

The following 2 Council Members formally noted their intention to vote **negative** on this item:  
Council Members Borelli and the Minority Leader (Council Member Matteo).

The following Council Member formally noted his intention to **abstain** on this item:  
Council Member Yeger.

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 2209

By Council Members Adams, Kallos, the Public Advocate (Mr. Williams), the Speaker (Council Member Johnson), Rosenthal and Ampry-Samuel.

### **A Local Law to amend the New York city charter, in relation to requiring advice and consent of the council for the police commissioner**

*Be it enacted by the Council as follows:*

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

§ 31. Power of advice and consent. Appointment by the mayor of the commissioner of investigation, *the police commissioner* and the corporation counsel, and of the members of the art commission, board of health (other than the chair), board of standards and appeals, city planning commission (other than the chair), civil service commission, landmarks preservation commission, tax commission, taxi and limousine commission and the public members of the environmental control board shall be made with the advice and consent of the council after a public hearing. Within 30 days after the first stated meeting of the council after receipt of a nomination, the council shall hold a hearing and act upon such nomination and in the event it does not act within such period, the nomination shall be deemed to be confirmed.

§ 2. Section 431 of the New York city charter is amended to read as follows:

§ 431 Department; commissioner. a. There shall be a police department the head of which shall be the police commissioner who shall be appointed by the mayor *with the advice and consent of the council* and shall, unless sooner removed, hold office for a term of [five] *four* years.

b. Whenever in the judgment of the mayor or the governor the public interests shall so require, the commissioner may be removed from office by either, and shall be ineligible for reappointment thereto.

c. [Whenever a vacancy shall occur in the office of police commissioner, a police commissioner shall be appointed by the mayor within ten days thereafter.] *Within 10 days following the occurrence of a vacancy in the office of the police commissioner, the mayor shall submit to the council the name of the mayor's nominee for police commissioner. If the council disapproves a nomination while the office of the police commissioner is vacant, the mayor shall submit a new nomination to the council within 10 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 10-day period.*

§ 3. This local law takes effect immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Public Safety.

Int. No. 2210

By Council Members Ayala, the Speaker (Council Member Johnson), the Public Advocate (Mr. Williams), Ampry-Samuel, Cornegy, Rosenthal, Adams, Louis, Cumbo and Kallos.

### **A Local Law to amend the administrative code of the city of New York, in relation to creating an office of community mental health and a citywide mental health emergency response protocol**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 20 to read as follows:

*Chapter 20*  
**COMMUNITY MENTAL HEALTH**

*§ 17-2001 Definitions. For the purposes of this chapter, the following terms have the following meanings.*

*Community mental health. The term “community mental health” refers to the provision, treatment, management and support of mental and behavioral illness within a community setting, including, but not limited to, hospital care, outpatient care, care provided by not-for-profit and community-based-organizations, emergency management, employment support, and housing support.*

*Mental health emergency. The term “mental health emergency” means (1) a medical or behavioral health condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical or behavioral health attention to result in a significant risk of serious harm to oneself or others; or (2) where a person’s actions, feelings, and behaviors can reasonably be expected to put them at risk of being unable to care for themselves or function in the community in a healthy manner; or (3) any other situation or circumstance designated as a mental health emergency by the office.*

*Office. The term “office” means the office of community mental health.*

*Public safety emergency. The term “public safety emergency” means a crime in progress, violence, or a situation likely to result in imminent harm or danger to the public, as defined by the office.*

*§ 17-2002 Office of community mental health. a. Establishment of office of community mental health. The commissioner shall establish an office of community mental health. Such office shall be headed by a deputy commissioner who shall be appointed by the commissioner.*

*§ 17-2003 Mental health response protocol. a. No later than December 31, 2021, the office shall develop a citywide mental health emergency response protocol and post such protocol on the department’s website. Such protocol shall establish guidelines:*

*1. for all emergency call operators, including, but not limited to, 911 call operators, to identify calls as potential mental health emergencies;*

*2. regarding the information that must be provided by a member of the public to establish that a mental health emergency is also a public safety emergency before authorizing the dispatch of a law enforcement officer; and*

*3. for all emergency first responders to utilize when responding to potential mental health emergencies, including the following circumstances:*

*(i) when the mental health emergency response unit responds without the assistance of the police department;*

*(ii) when the police department responds to public safety emergencies prior to the mental health emergency response unit, including guidelines for whether and how to engage with any member of the public suspected to be experiencing a mental health emergency,*

*(iii) when the police department and mental health emergency response unit staff are engaged in a joint response, including when and how to defer to office of community mental health employees on engaging with individuals suspected of experiencing a mental health emergency;*

*(iv) when emergency call responders should include the mental health emergency response unit during a 911 call; and*

*(v) how emergency responders should respond to a mental health emergency before mental health emergency response unit arrives at the scene.*

*b. Any changes to such protocol shall be posted on the office’s website within 24 hours of such change.*

*§ 17-2004 Mental health emergency response unit. a. The office shall include a unit of mental health clinicians and peers that shall respond to all mental health emergencies.*

*b. The mental health emergency response unit shall respond to all mental health emergencies within 30 minutes of receiving a call identified by the mental health emergency response protocol as a potential mental health emergency. The office shall follow-up with any individual interacting with the mental health emergency response unit within 48 hours of such a response.*

*c. The office shall provide appropriate training, medical equipment, vehicles, and adequate staff to the mental health emergency response unit.*

*d. The office shall identify best practices concerning titles, uniforms, training, qualifications, and professional and personal experience of such staff.*

*e. The office shall determine the geographic locations necessary for such equipment, vehicles, and staff in order to achieve the response time set forth in subdivision a of this section.*

*§ 17-2005 Coordination between city agencies and service providers. The office shall coordinate between city agencies and mental health service providers by:*

*a. incorporating city agencies and community-based-organizations involved in responding to mental health and public safety emergencies into the mental health emergency response protocol. Such agencies shall include, but not be limited to, the police department, the department of homeless services, the department of social services/human resources administration, the fire department bureau of emergency medical services, the administration for children's services, the department of education, the New York city health and hospitals corporation, and other offices or units within the department;*

*b. training city agencies and community-based-organizations involved in responding to mental health and public safety emergencies, including the police department, in the protocols established pursuant to section 17-2003;*

*c. providing referrals to community-based-organizations or mental health providers for individuals seeking connection to care; and*

*d. monitoring the usage of the city's emergency response infrastructure in order to improve community mental health services and reduce mental health emergencies through preventative care.*

*§ 17-2006 Public outreach and education. The office shall conduct public outreach and education. Such outreach and education shall include, but not be limited to:*

*a. Publicizing the mental health emergency response protocol;*

*b. Conducting targeted outreach campaigns in neighborhoods facing barriers to access of mental health care and in which there are a disproportionate number of mental health emergency calls; and*

*c. Providing information and resources regarding access to mental health care, particularly free, low-cost, and insurance-covered mental health care.*

*§ 17-2007 Reporting. a. Monthly reporting. Beginning February 1, 2022 and by the first day of each month thereafter, the office shall provide to the mayor and speaker of the council, and post to its website, a report on mental health emergency calls received and handled pursuant to the protocol, including but not limited to the following:*

*1. the number of potential mental health emergency calls received, in total and disaggregated by whether the call originated from 311, 911, or another source, and further disaggregated by the agency or agencies dispatched; and*

*2. the number of mental health emergency responses conducted, disaggregated by the responding agency or agencies, and further disaggregated by zip code, race, ethnicity, gender, age, and whether follow-up or referral services were provided to individuals.*

*b. Annual reporting. Beginning February 1, 2022 and by each February 1 thereafter, the office shall submit to the mayor and speaker of the council, and publish on its website a report on the activities of the office, including but not limited to:*

*1. an assessment of mental health service needs and gaps in care, including access to treatment, cost of services, utilization rates, and any racial, cultural, religious or economic barriers to accessing treatment, disaggregated by zip code, race, ethnicity, gender, and age; and*

*2. any changes to the mental health emergency protocol and the reasons for any such change.*

*§ 2. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding new sections 14-191 and 14-192 to read as follows:*

*§ 14-191 Mental health emergency response. The department and its officers and employees shall follow the mental health emergency response protocol established by the office of community mental health pursuant to section 17-2003.*

*a. The department shall not respond to a call designated by the mental health emergency response protocol as a potential mental health emergency call, unless the office of community mental health has notified the department that there is a public safety emergency pursuant to the emergency mental health response protocol.*

*b. Upon dispatch to a potential mental health emergency that is deemed by the office of community mental health to be a public safety emergency, the department and its officers shall follow the instructions of any employees of the office of community mental health emergency response unit present at the scene and refrain from engaging with an individual in mental health crisis unless instructed to do so by a member of the office of community mental health.*

*c. 911 call operators shall follow the mental health emergency response protocol established by the office of community mental health for identifying potential mental health emergency calls. In the event that such protocol identifies a potential mental health emergency call, the 911 operator shall connect the call to the office of community mental health emergency response established pursuant to section 17-2003.*

*§ 14-192 Mental health emergency response training. The department, in conjunction with the office of community mental health, shall:*

*a. Provide training for all current members of service regarding the citywide mental health emergency response protocol established pursuant to section 17-2003 no later than July 1, 2022;*

*b. Provide training for all 911 call operators regarding the citywide mental health emergency response protocol established pursuant to section 17-2003 no later than July 1, 2022;*

*c. Provide training for all new academy recruits and new 911 emergency call operators regarding the citywide mental health emergency response protocol established pursuant to section 17-2003; and*

*d. Provide retraining for all members of service within six months of any changes to the emergency response protocol established pursuant to section 17-2003 or no later than every two years if no changes are made.*

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

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 1537

**Resolution calling on the Governor of the State of New York to sign an executive order allowing candidates to gain access to the ballot through means other than petitioning, in the interest of public health and safety.**

By Council Members Cabrera and Kallos.

**Whereas**, In New York State, candidates for public office must collect a certain number of petition signatures to qualify for the ballot, depending on the office they are seeking; and

**Whereas**, Pursuant to the New York City Charter, the required number of signatures for New York City elected offices are 3,750 for Mayor, Comptroller, and Public Advocate, 2,000 for Borough President, and 450 for City Council; and

**Whereas**, On March 14, at the beginning of the COVID-19 pandemic in New York, recognizing that in-person signature gathering could exacerbate the spread of COVID-19, Governor Cuomo issued an executive order suspending petitioning for the June 2020 primaries and reducing the required number of signatures by 70 percent; and

**Whereas**, The Governor's executive order has not been extended to apply to petitioning requirements for the June 2021 primaries, and the Charter-mandated thresholds therefore apply; and

**Whereas**, Petitioning for the 2021 primaries runs from February 23 to April 1; and

**Whereas**, New York Senate bill 2733 (S.2733), sponsored by Senator Rachel May, and Assembly bill 3356 (A.3356), sponsored by Assembly member Bichotte Hermelyn, would reduce the required number of signatures for candidates running for office in 2021 by 70 percent, and would adjust the June 2021 primary petitioning period to March 2 through March 25; and

**Whereas**, S.2733/A.3356 passed their respective chambers on January 26, 2021, but have not yet been signed into law by the Governor; and

**Whereas**, According to the New York City Campaign Finance Board, as of late-January, over 400 candidates have registered with the Board to run in the 2021 local elections; and

**Whereas,** Since the start of the pandemic, New York City has confirmed approximately 500,000 COVID-19 cases and over 21,000 deaths; and

**Whereas,** The COVID-19 pandemic is still raging in New York, with the State reporting over 10,000 new cases a day and the City reporting over 5,000 new cases a day during late-January 2021; and

**Whereas,** A more contagious strain of COVID-19, first identified in the United Kingdom, has now been found in several states, including New York; and

**Whereas,** The rollout of the COVID-19 vaccine in New York has been slow, and according to the New York City Department of Health and Mental Hygiene, much of the population is unlikely to even be eligible to be vaccinated until summer 2021; and

**Whereas,** State- and City-mandated social distancing measures are still in effect and necessary to reduce the spread of the virus and keep the public safe; and

**Whereas,** Collecting petition signatures in such a large election cycle will necessitate close contact and exchange of paper and writing utensils between tens of thousands of people in New York City; and

**Whereas,** This face-to-face contact poses a severe and unnecessary health risk to candidates and New Yorkers who sign petitions, many of whom may be older or immunocompromised, during an ongoing global pandemic; and

**Whereas,** There are other means to demonstrate seriousness and meaningful support for one's candidacy for public office, such as qualifying for the City's public funds matching program, raising another threshold of financial contributions, or paying a fee; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the Governor of the State of New York to sign an executive order allowing candidates to gain access to the ballot through means other than petitioning, in the interest of public health and safety.

Referred to the Committee on Governmental Operations.

Int. No. 2211

By Council Members Constantinides, Treyger, Adams, the Speaker (Council Member Johnson), Levin and Perkins.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to public school safety and security**

*Be it enacted by the Council as follows:*

Section 1. Section 435 of the New York city charter is amended by adding a new subdivision e to read as follows:

*e. On and after the earlier of June 30, 2022 or the date on which the certification required by subdivision c of section eight of the local law that added this subdivision is made publicly available online and submitted to the speaker of the council, the police department and force shall not perform or supervise any safety or security functions for a public school, provided that nothing herein shall prevent an employee of such department and force from taking an action authorized or directed by a court of competent jurisdiction or that such employee reasonably believes to be necessary to address an imminent risk to public safety or property.*

§ 2. Section 14-106 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

*g. Notwithstanding subdivision c or e of this section or any other provision of law, the commissioner shall not appoint a person as a special patrolman, and shall by no later than August 31, 2021 revoke any such appointment made before such date, if (i) such person's duties include the performance or supervision of safety or security functions for a public school, or (ii) such person is an officer or employee of the department of education.*

§ 3. Section 14-107 of the administrative code of the city of New York is amended to read as follows:

§ 14-107. Unlawful use of police uniform or emblem. *a.* It shall be unlawful for any person not a member of the police force to represent himself or herself falsely as being such a member with a fraudulent design upon persons or property, or to have, use, wear or display without specific authority from the commissioner any uniform, shield, buttons, wreaths, numbers or other insignia or emblem in any way resembling that worn by members of the police force. A violation of this section shall constitute a misdemeanor punishable by a fine of not more than one hundred dollars or by imprisonment for not more than sixty days, or both.

*b.* *The commissioner shall not authorize a person to have, use, wear or display any such uniform, shield, buttons, wreaths, numbers or other insignia or emblem if, pursuant to subdivision g of section 14-106, such person is prohibited from being appointed as a special patrolman. The commissioner shall by no later than August 31, 2021 revoke any such authorization made before such date.*

§ 4. Section 14-121 of the administrative code of the city of New York is amended to read as follows:

§ 14-121. Details to special duty. A transfer, detail or assignment to special duty of any member of the force, except in cases authorized or required by law, shall not hereafter be made or continued, except for police purposes and in the interests of police service, *provided that no such transfer, detail or assignment to special duty that includes performance or supervision of safety or security functions for a public school, shall be made or continued after the earlier of June 30, 2022 or the date on which the certification required by subdivision c of section eight of the local law that added subdivision e of section 435 of the charter is made publicly available online and submitted to the speaker of the council.* The commissioner, however, whenever the exigencies of the case require it, may make a detail to special duty for a period not exceeding three days, at the expiration of which the member or members so detailed shall report for duty to the officer of the command from which the detail was made.

§ 5. Paragraph 3 of subdivision a of section 14-150 of the administrative code of the city of New York, as amended by local law number 5 for the year 2005, is amended to read as follows:

3. A report detailing the number of uniformed personnel and civilian personnel assigned to each and every patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. [Such] *Until the earlier of June 30, 2022 or the date on which the certification required by subdivision c of section eight of the local law that added subdivision e of section 435 of the charter is made publicly available online and submitted to the speaker of the council, such report shall also include, for each school operated by the department of education to which school safety agents are assigned, the number of school safety agents, averaged for the quarter, assigned to each of those schools.*

§ 6. Section 14-152 of the administrative code of the city of New York, as amended by local law number 93 for the year 2015, and subdivision b of such section as amended by local law number 71 for the year 2016 and subdivisions c, e and f of such section as added by local law number 93 for the year 2015, is amended to read as follows:

§ 14-152[.] School activity reporting. *a.* Definitions. For purposes of this section, the following terms [shall] have the following meanings:

*Data.* The term “data” means final versions of statistical or factual information in alphanumeric form that can be digitally transmitted or processed.

*Department personnel.* The term “department personnel” means police officers and, *until the transition date,* school safety agents employed by the department.

*English language learner.* The term “English language learner” means a student with limited English proficiency as defined in section 154-1.2 of title 8 of the official compilation of the codes, rules and regulations of the state of New York or any successor regulations.

*Force.* The term “force” includes but is not limited to the use of (i) a firearm; (ii) physical force; (iii) a chemical agent; (iv) a baton; (v) mechanical restraints, except when used in the course of making an arrest; or (vi) a conducted energy device.

*Mechanical restraints.* The term “mechanical restraints” means any device or material attached or adjacent to the body that restricts freedom of movement or normal access to any portion of the body and that the individual cannot easily remove, including handcuffs and nylon/Velcro restraining devices.

*Transition date.* The term “transition date” means the earlier of June 30, 2022 or the date on which the certification required by subdivision c of section eight of the local law that added subdivision e of section 435 of the charter is made publicly available online and submitted to the speaker of the council.

Violation. The term “violation” means alleged student misbehavior occurring within a New York city public school or on school grounds that does not constitute a felony or misdemeanor and that, if committed by an adult, would constitute an offense defined by a section of the penal law.

b. Report of activity relating to schools. The department shall submit to the council *and the department of education*, and post to the department’s website, on a quarterly basis a report based on data reflecting criminal summons, civil summons, arrest, and any violation activity and response by department personnel *in a New York city public school or on school grounds* from the preceding quarter. Such report shall be disaggregated by school building and the command of department personnel conducting the activity, and shall include, at a minimum:

1. The total number of individuals arrested or issued a criminal summons in a New York city public school or on school grounds by department personnel and whether those individuals were students, school personnel or other individuals;

2. The total number of violations that occurred in a New York city public school or on school grounds to which department personnel responded; and

3. [the] *The* total number of individuals issued a civil summons *in a New York city public school or on school grounds* by [school safety agents or police officers assigned to the school safety division of the department] *department personnel*; and

4. The total number of incidents where individuals were subjected by department personnel to mechanical restraints within a New York city public school or on school grounds, and whether those individuals were students, school personnel or other individuals.

c. For the data provided pursuant to paragraphs one and two of subdivision b, such report shall include: (i) the charges, [(including applicable section of law)]; (ii) whether the incident occurred in connection with metal detector or magnetometer scanning; and (iii) whether department personnel used force and the type of force used. The data provided pursuant to paragraph 1 of subdivision b shall also specify whether the charge was a felony, misdemeanor or violation and whether the incident with respect to which the arrest or issuance of a summons occurred was school-related, in that it occurred within a New York city public school or on school grounds or was otherwise related to the public school community.

d. The data provided pursuant to paragraphs one through three of subdivision b shall, for each such paragraph, where practicable based upon the manner in which the applicable records are maintained, be disaggregated by race/ethnicity, year of birth, gender, and, where the individual is a student, whether the individual is receiving special education services and whether the individual is an English [Language Learner] *language learner*, provided that such disaggregated data reported pursuant to this subdivision shall not be reported for each school building but rather shall be reported by patrol precinct.

e. Use of permanent and temporary metal detectors. The department shall submit to the council *and the department of education* on a quarterly basis a report including: (i) a list of school buildings with permanent metal detectors; (ii) a list of school buildings subjected to random scanning; (iii) a list of schools that have requested the removal of metal detectors; and (iv) a list of schools for which a requested removal of metal detectors has been honored. In addition, the department shall on an annual basis report on the amounts and types of contraband seized as a result of metal detector scanning, disaggregated by school building. Such types shall include but not be limited to firearms, knives, [boxcutters] *box cutters* and laser pointers.

f. Report of *school-related* complaints against [school safety agents] *department personnel*. The department shall submit to the council *and the department of education* on a quarterly basis a report of complaints *originating at or relating to a New York city public school or on school grounds* against [school safety agents] *department personnel* from the preceding quarter. Such report shall include, at a minimum, disaggregated by patrol precinct:

1. The total number of complaints originating at or relating to public schools *against department personnel during the preceding quarter, including but not limited to complaints* alleging excessive use of force, abuse of authority, discourtesy or use of offensive language, with abuse of authority complaints disaggregated by specific allegations of disputed arrest and confiscation of student property;

2. The number of [open] *such* complaints *that were open* at the end of the preceding quarter, [and] the number of days each *such open* complaint has been pending, [result] *the current status* of [the] *each such open*

complaint, and, for each complaint that originated during the preceding quarter and was resolved during the preceding quarter, the result of such complaint;

3. The total number of complaints that originated before the beginning of the preceding quarter and remained open at the end of the preceding quarter, the number of days each such open complaint has been pending, the current status of each such complaint, and, for each complaint that originated before the beginning of the preceding quarter and was resolved during the preceding quarter, the result of such complaint;

[3.] 4. The number of [school safety agents] department personnel with one or more open complaints, regardless of when such complaints originated, who have been the subject of a prior complaint and the average number of complaints of which such department personnel have been the subject; and

[4.] 5. The number of injuries sustained by department personnel resulting from student misconduct within a New York city public school or on school grounds, including the number of times that department personnel have as a result of such misconduct been transferred by emergency medical services, whether provided by the fire department or another authorized ambulance service, for medical evaluation or treatment.

g. Public education. [Operators] *Until the transition date, operators of the 311 system shall inform any caller seeking to make a complaint originating at or relating to public schools against a school safety agent that the complaint will be electronically transferred to the internal affairs bureau of the [New York city police] department. On and after the transition date, such operators shall inform (i) any caller seeking to make a complaint originating at or relating to public schools against school safety personnel, as such term is defined in section 21-1001, that the complaint will be electronically transferred to the department of education and (ii) any caller seeking to make a complaint originating at or relating to public schools against department personnel that the complaint will be electronically transferred to the internal affairs bureau of the department.*

h. Disclosure limitations. The information, data and reports required by this section shall be subject to the disclosure limitations of section 14-150 of this chapter.

i. Reports due at end of reporting period. The information, data and reports required by this section shall be provided to the council and the department of education, and posted to the department's website, within 30 days [of] after the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgment that such preliminary data is non-final and subject to change.

§ 7. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 29 to read as follows:

*CHAPTER 29  
SCHOOL SAFETY*

*§ 21-1001 Definitions.*

*§ 21-1002 Additional school safety plan requirements.*

*§ 21-1003 School safety personnel activity reporting.*

*§ 21-1001 Definitions. For purposes of this chapter, the following terms have the following meanings:*

*Data. The term "data" means final versions of statistical or factual information in alphanumeric form that can be digitally transmitted or processed.*

*English language learner. The term "English language learner" means a student with limited English proficiency as defined in section 154-1.2 of title 8 of the official compilation of the codes, rules and regulations of the state of New York or any successor regulations.*

*Force. The term "force" includes but is not limited to the use of (i) a firearm; (ii) physical force; (iii) a chemical agent; (iv) a baton; (v) mechanical restraints, except when used in the course of making an arrest; or (vi) a conducted energy device.*

*Mechanical restraints. The term "mechanical restraints" means any device or material attached or adjacent to the body that restricts freedom of movement or normal access to any portion of the body and that the individual cannot easily remove, including handcuffs and nylon/Velcro restraining devices.*

*School. The term "school" means a public school.*

*School function. The term "school function" means a school-sponsored or school-authorized extra-curricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.*

*School property.* The term “school property” means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a school, or in or on a school bus, as such term is defined in section 142 of the vehicle and traffic law.

*School safety personnel.* The term “school safety personnel” means persons who are primarily engaged in the performance or supervision of school safety or security functions, including school safety agents, supervisors of school security, associate supervisors of school security and administrative school safety managers.

*Transition date.* The term “transition date” means the earlier of June 30, 2022 or the date on which the certification required by subdivision c of section eight of the local law that added subdivision e of section 435 of the charter is made publicly available online and submitted to the speaker of the council.

*Violation.* The term “violation” means alleged student misbehavior occurring on school property or at a school function that does not constitute a felony or misdemeanor and that, if committed by an adult, would constitute an offense defined by a section of the penal law.

§ 21-1002 Additional school safety plan requirements. a. The chancellor shall adopt, update as needed and implement a school safety plan that complies with the requirements of this section. Such plan shall be developed and adopted in the same manner as a comprehensive district-wide school safety plan described by section 2801-a of the education law and may be included within the comprehensive district-wide school safety plan adopted under such section for the city district, as such term is defined in section 2590-a of the education law. Nothing in this section shall be construed to supersede any provision of the education law.

b. On and after August 31, 2021, the plan required pursuant to subdivision b of this section shall:

1. Establish that the duties of school safety personnel do not include making arrests;

2. Prohibit school safety personnel from doing any of the following while on duty, or on school property or at a school function:

(a) Carrying, possessing or using a weapon, including a firearm, a baton, oleoresin capsicum pepper spray or any other chemical agent intended for self-defense or subduing another person, a dangerous instrument as such term is defined in subdivision 13 of section 10.00 of the penal law or a deadly weapon as such term is defined in subdivision 12 of such section;

(b) Carrying, possessing or using any mechanical restraint;

3. Prohibit school safety personnel from wearing a uniform, shield, buttons, wreaths, numbers or other insignia or emblem in any way resembling that worn by employees of the police department or any other law enforcement entity; and

4. Require school safety personnel and school administrators to undergo periodic training in the following topics:

(a) Safety and security procedures that honor the dignity and humanity of students and educators;

(b) Child and youth development;

(c) Trauma-informed care;

(d) Therapeutic crisis intervention in schools;

(e) Restorative justice;

(f) Social-emotional learning;

(g) Prosocial behaviors among students and adults;

(h) De-escalation;

(i) Conflict mediation;

(j) The department’s supportive environment framework;

(k) Cultural responsiveness;

(l) Implicit bias;

(m) Equity;

(n) The department’s respect for all program based on chancellor’s regulation A-832;

(o) The requirements of title IX of the education amendments of 1972; and

(p) Community building.

§ 21-1003 School safety personnel activity reporting. a. On and after the transition date, the department shall submit to the council, and post to the department’s website, on a quarterly basis a report based on data reflecting school safety personnel activity and response to any incidents of misconduct that occurred on school property or at a school function from the preceding quarter. Such report shall be disaggregated by school and the type of school safety personnel conducting such activity and response, and shall include, at a minimum:

1. The total number of incidents of criminal misconduct on school property or at a school function to which school safety personnel responded, and whether the individuals involved were students, school personnel or other individuals; and

2. The total number of incidents of civil misconduct on school property or at a school function to which school safety personnel responded, and whether the individuals involved were students, school personnel or other individuals;

b. For the data provided pursuant to paragraph 1 of subdivision a of this section, such report shall include: (i) the type of response by the school safety personnel; (ii) whether the incident occurred in connection with metal detector or magnetometer scanning; (iii) whether school safety personnel used any force and the type of force used; and (iv) whether the incident involved misconduct that constitutes a felony, misdemeanor or violation.

c. The data provided pursuant to subdivision a shall, for each paragraph of such subdivision, where practicable based upon the manner in which the applicable records are maintained, be disaggregated by race, ethnicity, or both; year of birth; gender; and, where the individual is a student, whether the individual is receiving special education services and whether the individual is an English language learner.

d. Use of permanent and temporary metal detectors. The department shall submit to the council on a quarterly basis a report including: (i) a list of school buildings with permanent metal detectors; (ii) a list of school buildings subjected to random scanning; (iii) a list of schools that have requested the removal of metal detectors; and (iv) a list of schools for which a requested removal of metal detectors has been honored. In addition, the department shall on an annual basis report on the amounts and types of contraband seized as a result of metal detector scanning, disaggregated by school building. Such types shall include but not be limited to firearms, knives, box cutters and laser pointers.

e. Report of complaints against school safety personnel. The department shall submit to the council on a quarterly basis a report of complaints originating on school property or at a school function against school safety personnel from the preceding quarter. Such report shall include, at a minimum, disaggregated by school:

1. The total number of such complaints that originated during the preceding quarter, including but not limited to complaints alleging excessive use of force, abuse of authority, discourtesy or use of offensive language, with abuse of authority complaints disaggregated by specific allegations of disputed use of force and confiscation of student property;

2. The number of such complaints that were open at the end of the preceding quarter, the number of days each such open complaint has been pending, the current status of each such open complaint and, for each complaint that originated during the preceding quarter and was resolved during the preceding quarter, the result of such complaint;

3. The total number of complaints that originated before the preceding quarter and remained open at the end of the preceding quarter, the number of days each such open complaint has been pending, the current status of each such complaint, and for each complaint that originated before the preceding quarter and was resolved during the preceding quarter, the result of such complaint;

4. The number of school safety personnel with one or more open complaints, regardless of when such complaints originated, who have been the subject of a prior complaint and the average number of complaints of which such school safety personnel have been the subject; and

5. The number of injuries sustained by school safety personnel resulting from student misconduct on school property or at a school function, including the number of times that school safety personnel have as a result of such misconduct been transferred by emergency medical services, whether provided by the fire department or another authorized ambulance service, for medical evaluation or treatment.

f. Reports due at end of reporting period. The information, data and reports required by this section shall be provided to the council, and posted to the department's website, within 30 days after the end of the reporting period to which the reports correspond or for which the relevant data may be collected, whichever is later. Where necessary, the department may use preliminary data to prepare the required reports and may include an acknowledgment that such preliminary data is non-final and subject to change.

§ 8. a. For purposes of this section, the following terms have the following meanings:

Chancellor. The term "chancellor" has the meaning ascribed to such term in section 21-950 of the administrative code of the city of New York.

Department of education. The term “department of education” has the meaning ascribed to the term “department” in section 21-950 of the administrative code of the city of New York.

School. The term “school” means a public school.

School safety personnel. The term “school safety personnel” means persons who are primarily engaged in the performance or supervision of school safety or security functions, including school safety agents, supervisors of school security, associate supervisors of school security and administrative school safety managers.

b. As soon as practicable and by no later than June 30, 2021, the mayor, the police commissioner and the chancellor shall develop, make publicly available online and submit to the speaker of the council a plan for taking all necessary and appropriate steps, including the steps described in this section, to transfer to the department of education all school safety or security functions performed by the police department.

c. As soon as practicable and by no later than June 30, 2022, the mayor, the police commissioner and the chancellor shall (i) take all necessary and appropriate steps, including the steps described in this section, to transfer to the department of education all school safety or security functions performed by the police department and (ii) make publicly available online and submit to the speaker of the council a certification that all such steps have been taken.

d. School safety personnel employed by the police department shall be transferred to the department of education with corresponding civil service titles, in accordance with subdivision 2 of section 70 of the civil service law.

e. Any agency or officer to which are assigned any functions, powers and duties pursuant to this local law shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer which heretofore exercised the same and shall have power to continue any business, proceeding or other matter commenced by such agency or officer relating to such functions, powers and duties. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer which heretofore exercised the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned pursuant to this local law.

f. Any rule or regulation in force on the effective date of this local law, and promulgated by an agency or officer whose power to promulgate such type of rule or regulation is assigned pursuant to this local law to some other agency or officer, shall (i) continue in force as the rule or regulation of the agency or officer to whom such power is assigned, except as such other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation, and (ii) be reviewed by the chancellor or a designee thereof.

g. If any of the functions, powers or duties of any agency or officer is assigned pursuant to this local law to another agency or officer, all records, property and equipment relating to such assigned function, power or duty shall be transferred and delivered to the agency or officer to which such function, power or duty is so assigned.

h. No existing right or remedy of any character accruing to the city of New York shall be lost or impaired or affected by reason of the adoption of this local law.

i. No action or proceeding, civil or criminal, pending at the time that this local law takes effect that was brought by or against the city of New York or any agency or officer shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may pursuant to this local law be assigned to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned pursuant to this local law.

j. Except as provided in subdivision d, whenever pursuant to any provision of this local law, functions, powers or duties are assigned to any agency or officer which have been heretofore exercised by any other agency or officer, officers and employees in the classified city civil service who are engaged in the performance of such functions, powers or duties may, upon agreement by the mayor, the police commissioner and the chancellor, be transferred to the agency to which such functions, powers or duties may be assigned pursuant to this local law.

k. Nothing contained in this local law shall affect or impair the rights or privileges of officers or employees of the city of New York or of any agency existing at the time that this local law takes effect, or any provision of law in force at the time that this local law takes effect and not inconsistent with the provisions of this local law, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and

retirement rights, civil rights or any other rights or privileges of officers or employees of the city of New York generally or officers or employees of any agency.

l. Officers and employees who are transferred from the police department to the department of education pursuant to this local law shall be transferred without further examination or qualification and shall retain their respective civil service classification and status; and shall be transferred without affecting existing compensation or pension or retirement rights, or other privileges or obligations of such officers and employees.

m. It is the intent of this local law to protect those rights enumerated in this section as they apply to officers and employees of the police department and department of education who are affected by the transfer of school safety and security responsibilities from the police department to the department of education. In the event of a reduction in force or the elimination of a job title at the department of education, all affected employees, including employees who transferred to that agency as a result of the transfer of responsibilities authorized by this local law, shall be entitled to all the protections afforded under applicable provisions of the civil service law and collective bargaining agreements.

n. Any license, permit or other authorization in force on the effective date of this local law, and issued by an agency, where the power of such agency to issue such license, permit or authorization is assigned pursuant to this local law to another agency or officer, shall continue in force as the license, permit or authorization of such other agency or officer, except as such license, permit or authorization may expire or be altered, suspended or revoked by the appropriate agency or officer pursuant to law. Such license, permit or authorization shall be renewable in accordance with the applicable law by the agency or officer with such power pursuant to law, including this local law.

§ 9. This local law shall not be construed to change, require a change or authorize a change to the collective bargaining representation or rights of any employees affected by this local law. Where any law or rule relating to collective bargaining representation or rights refers to school safety agents, supervisors of school security, associate supervisors of school security or administrative school safety managers who are employed by the police department, such reference shall be deemed to include school safety agents, supervisors of school security, associate supervisors of school security or administrative school safety managers, as applicable, who are employed by the department of education.

§ 10. To the extent that any memorandum of understanding or other agreement between the mayor, the police commissioner and the chancellor, whether in effect on the effective date of this local law or thereafter, is inconsistent with this local law, the terms of this local law shall control.

§ 11. The provisions of this local law are severable and if any phrase, clause, sentence, paragraph, subdivision or section of this local law, or the applicability thereof to any person or circumstance, is held invalid, the remainder of this local law and the application thereof will not be affected thereby.

§ 12. This local law takes effect immediately.

Referred to the Committee on Education.

Res. No. 1538

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation removing the New York City Police Commissioner's exclusive authority over police discipline.**

By Council Members Cumbo, Levin, Rosenthal, Van Bramer, Kallos, Miller and Koslowitz.

**Whereas**, The Civilian Complaint Review Board (CCRB) is a police oversight body made up of appointees from the Mayor, the Police Commissioner, the City Council, and the Public Advocate; and

**Whereas**, The CCRB is responsible for receiving, investigating, hearing, making findings, and recommending actions regarding complaints against members of the New York City Police Department (NYPD) alleging excessive use of force, abuse of authority, discourtesy, or use of offensive language; and

**Whereas**, While the CCRB can recommend discipline against officers, the Police Commissioner has final authority over discipline and can choose to disregard these recommendations and may impose lesser or greater discipline, or no discipline at all; and

**Whereas,** The CCRB tracks the rate at which the Police Commissioner follows the CCRB’s recommendations, which is known as the “concurrency rate”; and

**Whereas,** According to the CCRB’s most recent annual report, the concurrency rate was only 51 percent in 2019, and for the most serious cases—those where “charges and specifications” are recommended by the CCRB for prosecution at an administrative trial—the concurrency rate was only 32 percent; and

**Whereas,** An analysis published by *The New York Times* in November 2020 found that the NYPD “regularly ignored the [CCRB’s] recommendations, overruled them or downgraded the punishments, even when police officials confirmed that the officers had violated regulations,” and found this “pattern of lenient punishment holds true for about 71 percent of the 6,900 misconduct charges over the last two decades in which the [CCRB] recommended the highest level of discipline and a final outcome was recorded”; and

**Whereas,** That same analysis “shows that since [Mayor] de Blasio took office in 2014, the [NYPD] has overruled the [CCRB’s] recommendations in more than half of the cases in which the [CCRB] sought the most severe discipline”; and

**Whereas,** Removing the Police Commissioner’s exclusive authority over police discipline and allowing the CCRB to impose discipline in certain cases would increase accountability and public trust in the NYPD; 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, legislation removing the New York City Police Commissioner’s exclusive authority over police discipline.

Referred to the Committee on Public Safety.

Preconsidered Int. No. 2212

By Council Members Gibson and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the New York city commission on human rights to investigate past professional conduct by employees of the police department found to have engaged in biased acts and to make remedial recommendations, and to repeal section 8-131 of such code, relating to the inapplicability of certain provisions of chapter 1 of title 8 of such code to acts committed by members of the police department in the course of performing their official duties**

*Be it enacted by the Council as follows:*

Section 1. Section 8-131 of the administrative code of the city of New York is REPEALED and a new section 8-131 is added to read as follows:

*§ 8-131 Investigation of police conduct. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Chairperson. The term “chairperson” means the chairperson of the commission.*

*Commission to combat police corruption. The term “commission to combat police corruption” means the police commission established pursuant to mayoral executive order number 18, dated February 27, 1995.*

*State. The term “state” means the state of New York.*

*b. The commission shall initiate its own investigation of past conduct in the course of performance of official duties by a current or former employee of the police department who is found by (i) the commission, (ii) the police department, (iii) the civilian complaint review board, (iv) the commission to combat police corruption, (v) the department of investigation, (vi) the attorney general of the state, (vii) a district attorney for a county within the city, (viii) a court of competent jurisdiction or (ix) any other officer or body designated by the commission to have engaged in an act exhibiting prejudice, intolerance or bigotry, or of unlawful discrimination against any person or group of persons, regardless of whether such employee was on or off duty when engaging*

*in such act, if such finding was made on or after January 1, 2016; provided further that the commission may at its discretion conduct such an investigation if such finding was made before January 1, 2016.*

*c. 1. The chairperson shall determine what constitutes an act exhibiting prejudice, intolerance or bigotry, or of unlawful discrimination, for purposes of initiating such investigation, in addition to the acts specified in this subdivision. Such acts include but are not limited to any conduct motivated by or based on animus against any protected class of person under this title, such as participation in any capacity in an online forum where racist, biased or hateful speech or racist, biased or hateful ideology is supported or promoted; any use of hate symbols on one's person, in the workplace or otherwise in public; or threatening or harassing another person verbally or in writing on the basis of such animus.*

*2. The chairperson shall determine what constitutes a finding that a former or current employee of the police department has engaged in such an act for purposes of initiating such investigation; provided that such employee shall be deemed to have engaged in such an act if (i) such employee has resigned or filed a resignation with the police department after a charge of incompetency or misconduct was brought against such employee, (ii) such charge includes an allegation that such employee engaged in such an act, (iii) such employee had an opportunity to answer such allegation and (iv) such allegation remained pending or was sustained on or before the date of such resignation or filing of resignation.*

*d. 1. If the police commissioner, civilian complaint review board, commission to combat police corruption or commissioner of investigation determines that a current or former employee of the police department engaged in such an act, such officer or body shall promptly provide notice to the commission in a time, form and manner designated by the commission. Within six months after the effective date of the local law that added this section, the police commissioner, chair of the civilian complaint review board, chairperson of the commission to combat police corruption and commissioner of investigation shall each provide the commission with a list of current and former employees of the police department whom such officer or body has determined engaged in such an act before the effective date of the local law that added this section but on or after January 1, 2016; provided that such list shall be provided in a form and manner designated by the commission and shall include such additional information as the commission may require.*

*2. The chairperson shall consult with the police commissioner, chair of the civilian complaint review board, chairperson of the commission to combat police corruption, commissioner of investigation, attorney general of the state, district attorneys for each county within the city, federal, state and local courts with jurisdiction within the state and any other officer or body designated by the commission pursuant to subdivision b of this section at least once every 30 days after the effective date of the law that added this section to obtain information about findings that a current or former employee of the police department has engaged in such an act, including information about such findings made before the effective date of the law that added this section but on or after January 1, 2016.*

*e. The chairperson shall determine which types of past conduct in the course of performance of official duties by such employee to investigate based on the professional rank of and roles assigned to such employee, in addition to the types of such conduct specified in this subdivision. Types of such conduct include but are not limited to the following types of conduct:*

- 1. Any past arrest made by such employee;*
- 2. Any past instance of detainment conducted by such employee;*
- 3. Any past response by such employee to a 911 call or any other emergency;*
- 4. Any past investigation conducted by the police department that was headed by such employee or in which such employee participated in any capacity, including but not limited to the questioning of suspects and witnesses and the rendering of any decisions by such employee; and*
- 5. Any past testimony provided at a hearing or in a court of law in the course of performance of official duties as an employee of the police department.*

*f. The commission shall investigate past conduct in the course of performance of official duties by such employee beginning from the date of hire by the police department of such employee until and including, in the case of a former employee of the police department, the last day of employment by the police department, or, in the case of a current employee of the police department, the date of initiation of an investigation pursuant to this section.*

*g. The chairperson may designate a third party to assist with such investigation and shall determine the functions of such third party. Any such third party shall keep confidential any information it obtains from the*

commission, or from any agency, another governmental unit or a person cooperating with the commission. Any employee, agent or representative of such third party is prohibited from disclosing outside the commission such information and any other information discovered in the course of such an investigation.

h. 1. Within 10 days after the commission initiates such investigation, the chairperson shall provide written notice to the employee of the police department being investigated, the police commissioner, the chair of the civilian complaint review board, the chairperson of the commission to combat police corruption, the commissioner of investigation, the attorney general of the state, the district attorneys for each county within the city, the corporation counsel and the United States attorneys for the southern and eastern districts of New York that such investigation has been initiated.

2. Within 10 days after the completion of such investigation, the chairperson shall provide a written statement of final determination to the parties who were required to be sent notice under paragraph 1 of this subdivision. Such statement shall include (i) the details of such investigation, including but not limited to the dates the investigation was initiated and concluded, the identity of the subject of such investigation, the objective of such investigation, a summary of the materials reviewed by the commission during such investigation, and other procedural details about such investigation; (ii) the investigative findings of the commission, including but not limited to the identification of any threat to the safety of an individual or the public, any action taken by the commission to address such threat and whether a past act in the course of performance of official duties by such employee exhibited prejudice, intolerance or bigotry, or amounted to unlawful discrimination against any person or group of persons, and the bases for any such findings; and (iii) any recommendations of the chairperson for disciplinary action, including but not limited to a disciplinary penalty, remedial action or both; or such statement shall indicate that the chairperson has determined to terminate such investigation and provide the basis for such termination.

3. The chairperson may promulgate rules that further prescribe the manner in which the commission is to conduct such investigation and the manner in which the chairperson is to present findings and make recommendations pursuant to paragraph 2 of this subdivision.

4. Within 30 days after receiving a written statement of final determination pursuant to paragraph 2 of this subdivision, the police commissioner shall report to the chairperson in writing on any action taken or planned to be taken in response, including the level of discipline and any penalty imposed or to be imposed upon such employee, as well as any other remedial action. In any instance where the action taken or planned to be taken in response by the police commissioner differs from that recommended by the chairperson, the police commissioner shall provide in such written report a detailed explanation for deviating from the recommendations of the chairperson and an explanation of how the final disciplinary or remedial decision was determined, including each factor the police commissioner considered in making such a determination. If the police commissioner takes action in response to such written statement of final determination after such 30-day period, the police commissioner shall provide another such written report to the chairperson within 10 days after taking such action.

5. Pursuant to paragraph 2 of subdivision d of section 905 of the charter, the commission has the power and duty to make, sign and file an administrative complaint upon its own motion alleging any violation of this title discovered in the course of an investigation initiated pursuant to this section; and pursuant to chapter 4 of this title as provided by paragraph 3 of subdivision d of section 905 of the charter, the commission has the power and duty to refer information disclosed by an investigation initiated pursuant to this section that a person or group of persons may be engaged in a pattern of practice that results in the denial to any person or group of persons of the full enjoyment of any right secured by this title to the corporation counsel for the purpose of commencing a civil action.

i. The commission shall initiate and undertake any investigation pursuant to this section in accordance with the requirements of this chapter and the charter for an investigation initiated by the commission on its own, including the recordkeeping requirements set forth in section 8-114 and in paragraph 4 of subdivision e of section 905 of the charter.

j. In carrying out an investigation pursuant to this section, the commission shall have the power to issue subpoenas and take the testimony of any person under oath pursuant to paragraphs 1 and 2 of subdivision e of section 905 of the charter, in addition to all other powers granted by such subdivision.

k. Other agencies shall make services available to the commission and furnish information to the commission pursuant to section 906 of the charter in the course of an investigation initiated pursuant to this section. The

*police department shall provide such assistance as the commission may request and cooperate fully with such investigation. The police commissioner shall ensure that employees of the police department respond to inquiries by the commission in connection with such investigation.*

*l. The chairperson shall submit a written report by September 30, 2021 and every 6 months thereafter to the mayor and the speaker of the council that concisely summarizes each investigation initiated pursuant to this section. For each such investigation, such report shall include but not be limited to the date of initiation and any date of completion or termination, the current status, a description of any investigative findings and recommendations set forth in a written statement of final determination and a description of any reports from the police commissioner in response to a written statement of final determination.*

*m. The provisions of this section shall not be construed to limit or impair the authority of the police commissioner to discipline employees of the police department. Nor shall the provisions of this section be construed to limit the rights of such employees with respect to disciplinary action, including but not limited to the right to notice and a hearing, which may be established by any provision of law or otherwise.*

*n. The provisions of this section shall not be construed to prevent or hinder any investigation or prosecution undertaken by the police department, civilian complaint review board, department of investigation, a court of competent jurisdiction, a grand jury, a district attorney or any other authorized officer, agency or body.*

§ 2. Subdivision a of section 14-190 of the administrative code of the city of New York, as added by local law number 68 for the year 2020, is amended to read as follows:

a. The department shall maintain a centralized system that is used to record, track, review[,] and evaluate officer activity and to identify officers who may be in need of enhanced training, monitoring[,] or reassignment. Such system shall collect and utilize, at a minimum, the following:

- (i) information reported pursuant to section 7-114;
- (ii) complaints received and results of investigations conducted by the civilian complaint review board;
- (iii) complaints received and *results of* investigations conducted by the department, including but not limited to investigations conducted by the internal affairs bureau, and any disposition resulting from any such investigation;
- (iv) complaints received pursuant to section 804 of the charter;
- (v) use of force incidents and incidents of excessive force, as those terms are defined in section 14-158;
- (vi) arrests and summonses for violations of sections 240.20, 195.05 and 205.30 of the penal law;
- (vii) judicial or departmental determinations that detentions of individuals were not legally justified;
- (viii) criminal arrests or investigations of an officer, to the extent known to the department;
- (ix) judicial determinations that an officer's testimony is not credible;
- (x) vehicle pursuits and collisions involving department equipment;
- (xi) violations of the department's patrol guide;
- (xii) disciplinary actions and ongoing disciplinary proceedings; [and]
- (xiii) non-disciplinary corrective actions[.]; *and*

*(xiv) results of investigations conducted by the New York city commission on human rights pursuant to section 8-131 and of any investigation conducted by such commission of all work performed and cases handled by the equal employment opportunity division of the office of equity and inclusion within the department between September 1, 2014 and November 30, 2020, inclusive, pursuant to the local law that added this section.*

§ 3. a. In addition to any other investigation required by section 8-131 of the administrative code of the city of New York, the New York city commission on human rights shall investigate all work performed and cases handled by the equal employment opportunity division of the office of equity and inclusion within the police department between September 1, 2014 and November 30, 2020, inclusive, to determine whether such work performed and cases handled by such division were done in accordance with the purpose, mission and protocols of such division as described by the police department in any policies of the police department and any publicly published materials.

b. The police department shall provide such assistance as such commission may request and cooperate fully with any investigation undertaken pursuant to this section, including by providing such commission with any and all materials containing policies of the police department that describe the purpose, mission or protocols of such division. The police commissioner shall ensure that employees of the police department and other persons acting on behalf of such department respond to inquiries by such commission in connection with such investigation.

c. The chairperson of such commission may designate a third party to assist with such investigation and shall determine the functions of such third party. Any such third party shall keep confidential any information it obtains from the commission, or from another governmental unit or a person, as defined in subdivision 10 of section 1-112 of the administrative code of the city of New York, cooperating with the commission. Any employee, agent or representative of such third party is prohibited from disclosing outside such commission such information and any other information discovered in the course of such investigation.

d. Upon the conclusion of such investigation, the chairperson of such commission shall make publicly available online and submit to the mayor, the police commissioner and the speaker of the council a report of the findings of such investigation. Such report shall include recommendations for improving the function of such division with respect to its purpose, mission and protocols and for remedying instances in which such division did not fulfill such purpose or mission or follow its protocols.

e. Within 30 days after receiving such report from such chairperson, the police commissioner shall report to such chairperson in writing on any action taken or planned to be taken in response. In any instance where the action taken or planned to be taken in response by the police commissioner differs from that recommended by such chairperson, the police commissioner shall provide in such written report a detailed explanation for deviating from the recommendations of such chairperson and an explanation of how any actions taken or planned to be taken in response were determined, including each factor the police commissioner considered in making such a determination. If the police commissioner takes action in response to such report after such 30-day period, the police commissioner shall provide another such written report to the chairperson within 10 days after taking such action.

§ 4. Sections one and two of this local law take effect 120 days after they become law, except that the chairperson of the New York city commission on human rights shall take such measures as are necessary for the implementation of section one of this local law, including the promulgation of rules, before such date.

§ 5. Section three of this local law takes effect 30 days after it becomes law.

Referred to the Committee on Civil and Human Rights (preconsidered but laid over by the Committee on Civil and Human Rights).

Res. No. 1539

**Resolution calling upon the New York State Legislature to adopt and the Governor to sign legislation to exempt small businesses in New York City from the local sales tax.**

By Council Members Gjonaj, Rodriguez, Perkins and Yeger.

**Whereas**, The New York State sales and compensating use taxes lay out a broad-based state sales tax, including on charges and sales of services, and provide cities, counties, and school districts of the State the authority to impose taxes of a similar nature, as well as other types of taxes, on a local basis; and

**Whereas**, Unless specifically exempted, the State and local sales tax applies to retail sales of tangible personal property and to certain services, and a compensating use tax applies to the use within the State of tangible personal property and services purchased outside the State; and

**Whereas**, In New York City, a local sales tax has been imposed with a total sales tax rate of 8.875 percent, which includes the City local sales tax rate of 4.5 percent, the State sales tax rate of four percent and the Metropolitan Commuter Transportation District surcharge of 0.375 percent; and

**Whereas**, According to a publication issued by the Office of the New York State Comptroller, *Local Sales Taxes in New York Allocations, Collections and Withholdings*, New York City ranks among the top localities in the State with the highest city portion of the local sales tax rate as of January 1, 2020; and

**Whereas**, Furthermore, according to an article in the Tax Foundation dated January 6, 2021, *State and Local Sales Tax Rates, 2021*, New York ranks among the top five states with the highest average local sales tax rate nationwide; and

**Whereas**, New York City was among the first cities in the nation impacted by COVID-19, and as a consequence, the local economy has suffered, affecting various City's industries and small businesses; and

**Whereas**, According to a report issued by the New York City Comptroller, *Save Main Street: A Crash Program to Help Save NYC Small Businesses*, of the 758,000 private sector jobs that have been lost in New York City through June, 187,000 were in food services, 71,000 in retail, and 36,000 in personal services; and

**Whereas**, Furthermore, according to the Comptroller's report, at least 2,800 small businesses closed permanently between March 1st and July 10th, including 1,289 restaurants and 844 retail establishments, marking a permanent loss of jobs, wages, and wealth; and

**Whereas**, Consumer spending has also declined in the City, dropping as low as 53 percent in March 2020, according to an article written by the Partnership for New York City, *Consumer Spending during COVID-19*; and

**Whereas**, Between the loss of jobs and wages, the sharp decline in consumer spending and the operational restrictions imposed on businesses in the City, small business revenues have dropped 50.1 percent as of December 2020, in comparison to January 2020, according to data compiled by Opportunity Insights, *Economic Tracker*; and

**Whereas**, In an effort rebuild the local economy and to encourage local buying, goods and services sold by small businesses in New York City should be exempted from the local sales tax; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to adopt and the Governor to sign legislation to exempt small businesses in New York City from the local sales tax.

Referred to the Committee on Finance.

Res. No. 1540

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, a bill which would amend the General Municipal Law to afford municipalities the ability to prioritize locally owned and operated businesses to contract with.**

By Council Members Gjonaj, Rodriguez and Yeger.

**Whereas**, The COVID-19 pandemic has wreaked havoc across New York City; and

**Whereas**, As of early February 2021, there have been more than 630,000 COVID-19 cases, and 27,600 deaths; and

**Whereas**, In Addition to the death and disease caused by the virus, the various steps taken to mitigate the spread have had severe financial effects; and

**Whereas**, A Comcast survey of around 600 small businesses, for example, showed that 86 percent of respondents faced a decline in business revenue in 2020; and

**Whereas**, More than half of the respondents had a grim outlook for their 2021 prospects too, predicting that it would take up to a year to return to previous notions of 'normal'; and

**Whereas**, In New York City, between March 2020 and July 2020, close to 3000 small businesses were closed permanently because of the pandemic; and

**Whereas**, Business advocacy group The Partnership predicts that a third of the City's small businesses will never reopen; and

**Whereas**, There have been various attempts by all levels of government to assist businesses during this time; and

**Whereas**, However, there have been many flaws and problems with many of the programs; and

**Whereas**, For example, only 12 percent of eligible businesses in New York City received assistance through the federal Paycheck Protection Program; and

**Whereas**, There were also inequities with the roll-out of two of the City-initiated support programs; and

**Whereas**, More than half (66 percent) of the money from the Small Business Continuity Loan Fund went to businesses in Manhattan; and

**Whereas,** The remainder was distributed between the four other boroughs with 18 percent going to businesses in Brooklyn, nine percent going to those in Queens; five percent going to businesses in Staten Island, with businesses in the Bronx receiving less than one percent; and

**Whereas,** A similar pattern was seen with the distribution of funds from the Employee Retention Grant Program; and

**Whereas,** Again, Manhattan businesses received a majority (53 percent) of the funds, while only 25 percent of businesses in Brooklyn, 16 percent of businesses in Queens and three percent of businesses in the Bronx and Staten Island received assistance through this program; and

**Whereas,** With one of the largest contracting budgets in the Country though, New York City could do more to support local struggling businesses; and

**Whereas,** For example, by prioritizing local businesses for contracts, the City could harness its purchasing power has a way to bolster the City's businesses; and

**Whereas,** In the spring of 2020, at the height of the pandemic, the NYC Economic Development Corporation (NYCEDC), a nonprofit funded through both private and public money, partnered with local businesses and manufactures to help supply much needed personal protective equipment (PPE); and

**Whereas,** Through this partnership, NYCEDC contracted with nine local manufacturers to produce over four million face shields, which supported more than 505 local jobs; and

**Whereas,** NYCEDC also worked with local manufactures, including a coalition of Broadway costume designers who were out of work due to the pandemic, to produce more than three million protective gowns; and

**Whereas,** Understanding that the pandemic was not going to end quickly, NYCEDC quickly pivoted to developing COVID-19 testing kits again by utilizing local expertise; and

**Whereas,** By developing a local supply chain, NYCEDC reported that, by the early summer of 2020, local manufacturers were producing 50,000 testing kits per week; and

**Whereas,** In fiscal year 2020, the City procured \$22.5 billion worth of goods and services through almost 114,500 transactions; and

**Whereas,** If city agencies were able to prioritize local procurement of these goods and services, as NYCEDC did during the pandemic, it would support New York City's struggling businesses and grow others, while keeping the money within the local economy; and

**Whereas,** State law, however, prevents the City from making this policy decision; and

**Whereas,** In most cases, the State's General Municipal Law § 103 requires contracting agencies to strictly award contracts to the lowest responsible bidder; and

**Whereas,** This means that the City is unable to give preference to a vendor simply because they are local; and

**Whereas,** Although this process helps to mitigate cases of nepotism, bribery, fraud or corruption, it also greatly limits the City's procurement policies, preventing the City from considering both social justice issues and our local economy; now, therefore, be it

**Resolved,** That the New York State Legislature pass, and the Governor sign, a bill which would amend the General Municipal Law to afford municipalities the ability to prioritize locally owned and operated businesses to contract with.

Referred to the Committee on Small Business.

Int. No. 2213

By Council Members Grodenchik and Vallone.

**A Local Law to amend the administrative code of the city of New York, in relation to exceptions to the covered buildings definition under local law 97 for the year 2019**

*Be it enacted by the Council as follows:*

Section 1. Exception 2 of the definition of “COVERED BUILDING” in section 28-320.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

[Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than 25,000 gross square feet (2322.5 m<sup>2</sup>), as certified by a registered design professional to the department.]

*A series of attached, detached or semidetached dwelling units, not more than three stories above grade, which are provided collectively with essential services such as, but not limited to, water supply and house sewers, and which units are located on a site or plot not less than 20,000 square feet (1858.0608 m<sup>2</sup>) in area under common ownership, and which units together and in their aggregate are arranged or designed to provide three or more apartments.*

§ 2. Exception 1 of the definition of “COVERED BUILDING” in section 28-321.1 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

[Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than 25,000 gross square feet (2322.5 m<sup>2</sup>), as certified by a registered design professional to the department.]

*A series of attached, detached or semidetached dwelling units, not more than three stories above grade, which are provided collectively with essential services such as, but not limited to, water supply and house sewers, and which units are located on a site or plot not less than 20,000 square feet (1858.0608 m<sup>2</sup>) in area under common ownership, and which units together and in their aggregate are arranged or designed to provide three or more apartments.*

§ 3. This local law takes effect immediately and shall be deemed to have been in full force and effect on the same date as local law 97 for the year 2019.

Referred to the Committee on Housing and Buildings.

Int. No. 2214

By Council Members Holden, Yeger and Kallos

**A Local Law to amend the New York city charter, in relation to a cable franchise agreements website**

*Be it enacted by the Council as follows:*

Section 1. Chapter 48 of the New York city charter is amended by adding a new section 1076 to read as follows:

*§ 1076 Cable franchise agreements website. a. The commissioner of information technology and telecommunications shall create and maintain an online portal containing information related to each franchise agreement for the provision of cable television services. Such portal shall include data on the non-confidential information maintained in connection with each such franchise agreement, including, but not limited to, the*

following:

1. The best available data on rates for any broadband internet services offered by franchisees, disaggregated by broadband technology, speed, and zip code. Such data shall be updated annually;
2. An interactive map of the geographical coverage areas for each such franchise agreement; and
3. A copy of all such franchise agreements signed on or after 2006, in a searchable, machine readable format.

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

Referred to the Committee on Technology.

Int. No. 2215

By Council Member Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting by the department of education on services provided in public schools related to dental, vision and sexual health and to substance abuse counseling**

*Be it enacted by the Council as follows:*

Section 1. Chapter 8 of title 21-a of the administrative code of the city of New York is amended by adding a new section 21-969 to read as follows:

§ 21-969 *Annual report on health services provided.* a. No later than November 1, 2018, and annually thereafter on November 1, the department shall submit to the council and post on its website a report on the following for each school in the city:

1. Whether the school provides dental services on site, a list of such services, the number of students who received such services during the preceding school year, what portion of the total student body that number constitutes, whether such school charges students for dental services and the amount of any such charge, and the number of students referred off site to receive a dental service;

2. Whether the school provides vision services on site, a list of such services, the number of students who received such services during the preceding school year, what portion of the total student body that number constitutes, whether such school charges students for vision services and the amount of any such charge, and the number of students referred off site to receive a vision service;

3. Whether the school provides vaccinations for the human papillomavirus on site, the number of students who received such vaccinations during the preceding school year, what portion of the total student body that number constitutes, whether such school charges students for such vaccinations and the amount of any such charge, and the number of students referred off site to receive such vaccinations;

4. Whether the school provides contraception to students and, if so, the types of contraception provided, the minimum number of students who were provided contraception directly during the preceding school year, what portion of the total student body that number constitutes, whether the school requires a prescription before providing contraception, whether such school charges students for contraception and the amount of any such charge, and the number of students referred off site to receive contraception; and

5. Whether the school provides substance abuse counseling to students and, if so, the nature of the counseling provided (for example, without limitation, individual counseling, group counseling or family counseling), the number of students who received such services during the preceding school year, what portion of the total student body that number constitutes, the types of substances for which students received substance abuse counseling, whether such school charges students for such counseling and the amount of any such charge, and the number of students referred off site to receive substance abuse counseling.

b. The department shall also include in such report:

1. The steps the department has taken to increase access to the services listed in subdivision a of this section for all students in the city district;

2. Information about any special initiatives the department has proposed or undertaken to increase student use of the services listed in subdivision a of this section, where offered;

3. A list of schools that have been designated to benefit from such special initiatives;

4. A comparison of outcomes for schools that provide services listed in subdivision a of this section with outcomes for schools that do not provide such services, both by individual school and by community school district; and

5. A year-to-year comparison of all data reported pursuant to this section.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law or the New York city health code relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If a category contains between 1 and 9 students, or allows another category to be narrowed to be between 1 and 9 students, the number shall be replaced with a symbol.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 2216

By Council Member Kallos.

**A Local Law to amend the New York city charter, in relation to requiring all job vacancies at city agencies to be posted online**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs (19) and (20) of subdivision a of section 815 of chapter 35 of the New York city charter are amended to read as follows:

(19) To establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women who are employed by, or who seek employment with, the agency and, in accordance with the uniform procedures and standards established by the department of citywide administrative services for this purpose, to adopt and implement an annual plan to accomplish this objective. Copies of such plans shall be filed with the mayor, council, department of citywide administrative services, equal employment practices commission, and city civil service commission and shall be made available for reasonable public inspection; [and]

(20) To provide assistance to minority group members and women interested in being employed by city agencies to ensure that such minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs[.]; and

§ 2. Subdivision a of section 815 of chapter 35 of the New York city charter is amended by adding a new paragraph (21) to read as follows:

(21) To post all vacant positions 14 days before the first interview, except for those filled using eligible lists pursuant to the civil service law, on a publicly accessible website, the city record, open data portal or all three.

§ 3. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

## Int. No. 2217

By Council Members Kallos and Yeger.

**A Local Law to amend the New York city charter, in relation to adding violations to the interactive crime map.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision r of section 1072 of the New York city charter is amended to read as follows:

r. to provide to the public, at no charge on the city's website, an interactive crime *and violation* map that[, for each segment of a street bounded by one or more intersections and/or a terminus,] shall visually display, *and provide in a machine readable format*, the aggregate monthly, yearly and year-to-date totals for the current and the most recent prior calendar years for *every non-criminal summons, violation, or ticket given out by a city governmental entity, as well as* each class of crime that is reported to the New York city police department, or for which an arrest was made, including crimes that occurred in parks and subway stations. *Such map shall display the location of each summons, violation, ticket, crime, and arrest with as much specificity as possible, including latitude and longitude if possible, but in all cases at least as specific as the nearest intersection, as well as date and time information.* Such map shall be searchable by address, zip code, and patrol precinct. All information required by this subdivision shall be available on the city's website as soon as [practicable] *possible* but in no case more than one month after a *summons, violation, or ticket has been issued, arrest has been made, or crime complaint has been filed*. The mayor shall ensure that all agencies provide the department with such assistance and information as the department requires to compile and update the interactive crime *and violation* map.

§2. This local law takes effect immediately.

Referred to the Committee on Technology.

## Int. No. 2218

By Council Member Koo.

**A Local Law in relation to expanding the city's temporary outdoor dining program to include food service establishments not located adjacent to sidewalks or roadways, and to allow limited food preparation activities on such sidewalks or roadways**

*Be it enacted by the Council as follows:*

Section 1. Local law number 77 for the year 2020, as amended by local law number 114 for the year 2020, is amended to add a new subdivision g to read as follows:

g. Food service establishments not located adjacent to sidewalks or roadways. The city shall allow food service establishments that are not located adjacent to sidewalks or roadways to use nearby sidewalk or roadway space for outdoor dining with the approval of the property owner adjacent to such space. The city shall also allow such food service establishments, with the permission of the adjacent property owner, to prepare food in such temporary outdoor dining area pursuant to guidance issued by the department of health and mental hygiene, the fire department and any other relevant city agencies.

§ 2. This local law takes effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

## Int. No. 2219

By Council Members Koo and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to guidelines for disinfecting and sanitizing clothing worn in medical facilities during public health emergencies**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 20 to read as follows:

**CHAPTER 20  
PUBLIC HEALTH EMERGENCY RESPONSE**

*§ 17-2001 Definitions. For the purposes of this chapter, the following terms have the following meanings: COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.*

*Public health emergency. The term “public health emergency” means a state of emergency declared by the governor or the mayor in response to an outbreak of an infectious disease.*

*§ 17-2002 Clothing disinfection and sanitation guidelines for medical facilities.*

*a. In general. 1. No later than 14 days after a declaration of a public health emergency, except as otherwise provided in subdivision b, the department shall develop voluntary guidelines regarding best practices for the disinfection and sanitation of clothing that has been worn in a medical facility during such public health emergency, including but not limited to guidance for medical facility staff, patients and visitors to such facilities. Such guidance shall, at a minimum, include recommended methods for effectively disinfecting and sanitizing clothing, and shall include guidance on whether wearing medical clothing, such as medical scrubs, in public poses a substantial risk to public health or safety.*

*2. Within 48 hours of developing guidelines required by subdivision a, the department shall submit them to the mayor and the speaker of the council, shall publish them conspicuously on the department’s website, and shall distribute them to every medical facility in the city.*

*b. Concerning COVID-19. 1. No later than the effective date of this chapter, the department shall develop guidelines that address the requirements of subdivision a and are specific to COVID-19.*

*2. Within 48 hours of developing such guidelines, the department shall submit them to the mayor and the speaker of the council, shall publish them conspicuously on the department’s website, and shall distribute them to every medical facility in the city.*

*§ 2. This local law takes effect 30 days after it becomes law.*

Referred to the Committee on Health.

## Int. No. 2220

By Council Members Levin, Rosenthal, Kallos, Van Bramer and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a right of security against unreasonable search and seizure that is enforceable by civil action and requiring the law department to post online certain information regarding such civil actions**

*Be it enacted by the Council as follows:*

Section 1. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 8 to read as follows:

CHAPTER 8  
THE RIGHT OF SECURITY AGAINST UNREASONABLE SEARCH AND SEIZURE

§ 8-801 Definitions.

§ 8-802 Right of security against unreasonable search and seizure.

§ 8-803 Civil action for deprivation of rights.

§ 8-804 Immunity not a defense.

§ 8-805 Relief.

§ 8-806 Indemnification.

§ 8-807 Statute of limitations.

§ 8-808 Construction.

§ 8-801 Definitions. For purposes of this chapter, the following terms have the following meanings:

*Covered individual.* The term “covered individual” means:

1. An employee of the police department; or
2. A peace officer, as defined in section 2.10 of the criminal procedure law, who is employed by the city or appointed by the police commissioner as a special patrolman pursuant to subdivision c or e of section 14-106.

*Person aggrieved.* The term “person aggrieved” means a natural person who is allegedly subjected to, or allegedly caused to be subjected to, the deprivation of a right created, granted or protected by section 8-802 by a covered individual even if the only injury allegedly suffered by such natural person is the deprivation of such right.

*Prevailing plaintiff.* The term “prevailing plaintiff” means a plaintiff whose suit was a substantial factor or significant catalyst in obtaining the results sought by the litigation.

§ 8-802 Right of security against unreasonable search and seizure. The right of natural persons to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrants shall be issued but upon probable cause supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

§ 8-803 Civil action for deprivation of rights. a. A covered individual who, under color of any law, ordinance, rule, regulation, custom or usage, subjects or causes to be subjected, including through failure to intervene, any other natural person to the deprivation of any right that is created, granted or protected by section 8-802 is liable to the person aggrieved for legal or equitable relief or any other appropriate relief.

b. A person aggrieved may make a claim pursuant to subdivision a of this section in a civil action in any court of competent jurisdiction by filing a complaint setting forth facts pertaining to the deprivation of any right created, granted or protected by section 8-802 and requesting such relief as such person aggrieved considers necessary to insure the full enjoyment of such right.

c. This section does not limit or abrogate any claim or cause of action a person aggrieved has under common law or pursuant to any other law or rule. Despite the availability of an alternative remedy under common law or pursuant to any other law or rule, the person aggrieved has and maintains a private right of action pursuant to this section. Exhaustion of any administrative remedies is not required for a person aggrieved to commence a civil action pursuant to this section. The remedies provided by this chapter are in addition to any other remedies that may be provided for under common law or pursuant to any other law or rule.

§ 8-804 Immunity not a defense. Immunity is not a defense to liability pursuant to this chapter, including any form of absolute or qualified immunity. It is not a defense to liability pursuant to this chapter that a covered individual has governmental or governmental function immunity, including but not limited to any immunity for discretionary acts involving the exercise of reasoned judgment taken during the performance of governmental functions. It is also not a defense to liability pursuant to this chapter that (i) the covered individual was acting in good faith or believed, reasonably or otherwise, that the conduct of such individual was lawful at the time it was committed or (ii) any right created, granted or protected by section 8-802 was not clearly established at the time of its deprivation by the covered individual or (iii) the state of the law was otherwise such that the covered individual could not reasonably have been expected to know whether the conduct of such covered individual was lawful.

§ 8-805 Relief. *a. In any civil action involving a claim made pursuant to section 8-803 against a covered individual, a court shall, in addition to awarding any other relief, including injunctive or other equitable relief, as such court determines to be appropriate:*

1. Award to a prevailing plaintiff on such claim (i) compensatory damages and, in such court's discretion, punitive damages or (ii) at the election of such plaintiff, damages of \$1,000;
2. Award to such plaintiff reasonable attorney's fees and court costs; and
3. Issue an order restraining such covered individual from engaging in further conduct in violation of such section.

*b. The court shall apply the hourly rate charged by attorneys of similar skill and experience litigating similar cases in New York county when it chooses to factor the hourly rate into an attorney's fee award.*

§ 8-806 Indemnification. *a. Notwithstanding any provision to the contrary in section 50-k of the general municipal law or any other provision of law, a covered individual who is employed by the city shall, with respect to any judgment or settlement entered against such individual for claims arising pursuant to section 8-803, be personally liable for a portion of such judgment or settlement equal to the lesser of \$25,000 or 5 percent of the amount of such judgment or settlement, and the city shall not indemnify or save harmless any covered individual, whether employed by the city or otherwise, for such portion; provided that, if such portion or a part thereof is uncollectible from such individual and the city would, in the absence of this section, have been required or reasonably likely to indemnify or save harmless such individual for such portion or part thereof, the city or an appropriate insurer thereof shall satisfy any such portion or part thereof not satisfied by such individual. The provisions of this section shall not be construed to (i) impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance or (ii) authorize or require indemnification of a covered individual.*

*b. Indemnification of a covered individual who is not employed by the city shall be governed by subdivision g of section 14-106 and any other applicable laws.*

§ 8-807 Statute of limitations. *Notwithstanding any provision to the contrary in section 50-k of the general municipal law or any other provision of law, a person aggrieved must make a claim pursuant to section 8-803 in a civil action within 3 years after the alleged deprivation of a right created, granted or protected by section 8-802 occurred.*

§ 8-808 Construction. *Except as otherwise provided in this chapter and notwithstanding section 8-130, any right created, granted or protected by section 8-802 shall be construed in the same manner as any right created, granted or protected by section 8 of the civil rights law and section 12 of article I of the state constitution.*

§ 2. Section 7-114 of the administrative code of the city of New York, as added by local law number 166 for the year 2017, is amended to read as follows:

§ 7-114 Civil actions regarding the police department *and certain peace officers. a. For purposes of this section, the term "covered individual" has the meaning ascribed to such term in section 8-801.*

*b. No later than January 31, 2018 and no later than each July 31 and January 31 thereafter, the law department shall post on its website, and provide notice of such posting to the individual responsible for implementing the duties set forth in paragraph one of subdivision c of section 803 of the charter, the comptroller, the police department, the civilian complaint review board, and the commission to combat police corruption the following information regarding civil actions filed in local, state or federal court against the police department or [individual police officers] a covered individual, or both, resulting from allegations of improper police conduct, including, but not limited to, claims involving the use of force, assault and battery, malicious prosecution, [or] false arrest or imprisonment, or deprivation of a right pursuant to chapter 8 of title 8:*

1. a list of civil actions filed against the police department or [individual police officers] a covered individual, or both, during the five-year period preceding each January 1 or July 1 immediately preceding each report;

2. for each such action: (i) the identities of the plaintiffs and defendants; (ii) the court in which the action was filed; [(ii)] (iii) the name of the law firm representing the plaintiff; [(iii)] (iv) the name of the law firm or agency representing each defendant; [(iv)] (v) the date the action was filed; and [(v)] (vi) whether the plaintiff alleged improper police conduct, including, but not limited to, claims involving use of force, assault and battery, malicious prosecution, [or] false arrest or imprisonment, or deprivation of a right pursuant to chapter 8 of title 8; and

3. if an action has been resolved: (i) the date on which it was resolved; (ii) the manner in which it was resolved; and (iii) whether the resolution included a payment to the plaintiff by the city, or by a covered

*individual or an employer or other person paying on behalf of a covered individual, and, if so, the amount of such payment.*

§ 3. Section 14-106 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

*g. The commissioner shall not make a special patrolman appointment on the application of any person, corporation, agency or public authority, or renew any such appointment, under subdivision c or e of this section unless such applicant shows to the satisfaction of the commissioner that, pursuant to a written agreement, such appointee shall, with respect to any judgment or settlement entered against such appointee for claims arising pursuant to section 8-803, be personally liable for a portion of such judgment or settlement equal to the lesser of \$25,000 or 5 percent of the amount of such judgment or settlement and such applicant will not indemnify or save harmless such appointee for such portion; provided that, if such portion or a part thereof is uncollectible from such appointee and such applicant would, in the absence of this section, have been required or reasonably likely to indemnify or save harmless such appointee for such portion or part thereof, such applicant or an appropriate insurer thereof shall satisfy any such portion or part thereof not satisfied by such appointee. The provisions of this subdivision shall not be construed to (i) impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance or (ii) authorize or require indemnification of any such appointee.*

§ 4. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 2221

By Council Members Menchaca, Kallos and Koslowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing an office of continuing education and adult literacy**

*Be it enacted by the Council as follows:*

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

*§ 20-k Office of continuing education and adult literacy. a. Definitions. For purposes of this section, the term “director” means the director of the office of continuing education.*

*b. The mayor shall establish an office of continuing education and adult literacy. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office, within any other office of the mayor or within any department, the head of which is appointed by the mayor. Such office shall be headed by a director who shall be appointed by the mayor.*

*c. Powers and duties. The director of the office of continuing education and adult literacy shall have the power and duty to:*

*1. Liaise and collaborate with relevant offices in the executive office of the mayor and with agencies including, but not limited to, the department of youth and community development, the human resources administration, the department of education, the department of correction, the city university of New York and the mayor’s office of immigrant affairs in coordinating and promoting adult educational and adult literacy opportunities and programming within the five boroughs;*

*2. Refer and facilitate connection to wraparound services for adults pursuing continued education including, but not limited to, childcare, transportation, mental, social and emotional support and meals;*

*3. Liaise with providers of adult and continuing education services and coordinate among such providers to maximize the number of low-income city residents who have knowledge of and access to adult education and literacy services in the city;*

*4. Promote adult English language and literacy services and programming for immigrant communities within such communities;*

5. Coordinate and promote resources and programming to increase digital and technological literacy in adults; and

6. Provide information about and promote training programs, classes and relevant adult education services offered by providers to help prepare adults for basic education, language and any such related tests meant to help adults qualify for and advance in the workforce, including, but not limited to, career-related English language tests and high school equivalency exams.

c. The director, in consultation with any agencies identified by the mayor, shall engage in outreach and education efforts, including the creation of relevant informational materials, to inform adults about adult education programs within the city and about the services offered by the office of continuing education and adult literacy.

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

Referred to the Committee on Education.

Int. No. 2222

By the Public Advocate (Mr. Williams), Council Members Cornegy, Rosenthal, Louis and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a three-digit mental health emergency hotline**

*Be it enacted by the Council as follows:*

Section 1. Chapter 20 of title 17 of the administrative code of the city of New York is amended by adding a new chapter section 17-2008 to read as follows:

§ 17-2008 *Mental health emergency hotline.* a. *Three-digit hotline.* The office shall establish a three-digit hotline for individuals experiencing a mental health emergency. Such hotline:

1. Shall direct calls to a centralized call center operated by the office and staffed by mental health call operators;

2. Shall not direct calls to the 911 system unless the mental health call operator determines that there is a public safety emergency;

3. Shall be capable of receiving calls originating through the 911 and 311 systems; and

4. Shall be available for use no later than December 31, 2021.

b. *Mental health emergency response protocol.* In accordance with the mental health emergency response protocol established pursuant to section 17-2003 of this chapter, the office shall establish guidelines for call operators of the three-digit hotline established pursuant to subdivision a of this section, to identify calls as potential mental health emergencies.

c. *Public outreach.* The office shall conduct public outreach and education publicizing the three-digit hotline established pursuant to subdivision a of this section.

§ 3. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to creating an office of community mental health and a citywide mental health emergency response protocol, as proposed in introduction number \_\_\_ for the year 2021, takes effect.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 2223

By Council Members Rivera and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to excluding community land trusts and affordable cooperative rentals from the housing portal**

*Be it enacted by the Council as follows:*

Section 1. The definition of “affordable unit” in section 26-1801 of the administrative code of the city of New York, as amended by local law number 81 for the year 2020, is amended to read as follows:

Affordable unit. The term “affordable unit” means a dwelling unit for which occupancy or initial occupancy is required to be restricted based on the income of the occupant or prospective occupant thereof as a condition of (i) a loan, grant, tax exemption or conveyance of property from the department pursuant to the private housing finance law, other than article viii-b of such law, or the general municipal law, (ii) a tax exemption pursuant to section 420-c, 421-a or 489 of the real property tax law or (iii) generating a floor area bonus for the provision of affordable inclusionary housing or providing mandatory inclusionary housing pursuant to the New York city zoning resolution; provided that (i) such dwelling unit is not subject to federal or state requirements the department determines would be inconsistent with the provisions of this chapter and not filled by direct referral by a governmental agency or instrumentality, (ii) such dwelling unit is not owned in the form of shares of a cooperative corporation that is incorporated pursuant to articles ii, iv, v or xi of the private housing finance law, (iii) *such dwelling unit is not a rental unit in a building that is incorporated pursuant to articles ii, iv, v or xi of the private housing finance law*, (iv) *such dwelling unit is not in a community land trust, as such term is defined in subdivision a of section 26-2001*, and provided further that [(iii)] (v) such dwelling unit satisfies the additional conditions of paragraph 1 and 2:

1. Before July 1, 2021, such unit satisfies the conditions of subparagraph (a) or, on or after such date, such unit satisfies the conditions of subparagraph (a) or subparagraph (b):

(a) The issuance or renewal of such loan, grant or tax exemption, conveyance of such property or generation of such floor area bonus or effective date of such mandatory inclusionary housing requirement occurs or is executed or renewed, as determined by the department, on or after January 1, 2018.

(b) For the purposes of a requirement imposed pursuant to this chapter, such unit is deemed to have satisfied the conditions of this paragraph unless such unit is subject to a regulatory agreement with the department, such agreement was executed before January 1, 2018 and has not been thereafter renewed and the department determines that such agreement is inconsistent with such requirement; provided that, where the department determines that one or more dwelling units are exempt from one or more requirements imposed pursuant to this chapter because of a regulatory agreement that satisfies the foregoing conditions, the department shall electronically submit each year to the mayor and the speaker of the council a report identifying the number of such units, disaggregated by the affordable housing program to which such agreements apply; and

2. On or after July 1, 2020, such unit is offered by the owner for lease or sale, or shares of a cooperative corporation that would entitle the shareholder to occupancy of such unit under a proprietary lease are offered by the owner for sale.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 2224

By Council Members Rodriguez, Lander, the Speaker (Council Member Johnson), Levin and Van Bramer.

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a crash investigation and analysis unit within the department of transportation**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-182.3 to read as follows:

§ 19-182.3 *Crash investigation and analysis unit. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Serious vehicular crash. The term “serious vehicular crash” means any collision between a motor vehicle and a pedestrian, cyclist, motorist or any other person that results in significant injury to or the death of any person.*

*Significant injury. The term “significant injury” means any injury categorized as an “A” injury by the New York state department of motor vehicles, or any injury which requires hospitalization, or any other injury as determined by the department.*

*b. Powers and duties. No later than January 1, 2022, the department shall establish a crash investigation and analysis unit, which shall have the primary responsibility for investigating, analyzing and reporting on all serious vehicular crashes. In coordination with the police department, such unit shall have the power and duty to investigate serious vehicular crashes, including but not limited to, inspecting crash sites, documenting vehicle and party positions, measuring and collecting data, preserving evidence, interviewing witnesses, and conducting collision reconstructions. The unit shall also have the primary responsibility for all public statements, press releases or any other public communications regarding serious vehicular crashes and related investigations.*

*c. Review of street design. As part of any investigation required pursuant to subdivision b of this section, the crash investigation and analysis unit shall review the existing street design and infrastructure at the location of each serious vehicular crash, and any available crash data or reports on locations with similar street design or infrastructure citywide. In conducting the review, the unit may coordinate with the police department, department of health and mental hygiene, office of the chief medical examiner, or any other agency, office or organization as determined by the department. Following each such review, the unit shall determine whether changes to street design or improvements to infrastructure could reduce the risk of subsequent serious vehicular crashes. As part of each report required pursuant to this section, the unit shall make recommendations, if any, for safety maximizing changes to street design or infrastructure at the location of such crash, or citywide.*

*d. Reporting. Following each investigation required by this section, the department shall post on its website a report including, but not limited to:*

- 1. All evidence and data collected pursuant to the investigation;*
- 2. Determinations as to fault, including any potential criminal wrongdoing;*
- 3. Any factors that may have contributed to the crash, or increased or mitigated the severity of such crash;*

*and*

*4. A determination as to whether changes to street design or improvements to infrastructure could reduce the risk of subsequent serious vehicular crashes, at the crash location or other similar locations, and a recommendation as to any such changes or improvements that should be made.*

*§ 2. This local law takes effect immediately.*

Referred to the Committee on Transportation.

Int. No. 2225

By Council Members Treyger, Yeger, Kallos, Holden, Lander, Vallone, Gibson, Chin, Louis, Gjonaj, Moya and Rivera.

**A Local Law in relation to the establishment of a plan for COVID-19 vaccination of homebound seniors, reporting on such plan, and providing for the repeal of such provisions upon the expiration thereof**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. For purposes of this local law, the term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

b. The commissioner of health and mental hygiene shall establish a plan to vaccinate homebound seniors for COVID-19. Such plan shall be published on the website of the department of health and mental hygiene and provided to the speaker of the city council no later than 30 days after the effective date of this local law.

c. No less frequently than once every 2 months after the plan is provided to the speaker of the council in accordance with subdivision b, the commissioner of health and mental hygiene shall provide a report to the speaker of the council on the implementation of such plan. Such report shall include the number of homebound seniors vaccinated, disaggregated by zip code, and any obstacles to implementation of such plan.

§ 2. This local law takes effect immediately and expires and is deemed repealed on June 30, 2024.

Referred to the Committee on Aging.

Int. No. 2226

By Council Members Treyger, Rosenthal, Perkins and Lander.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring annual reports on employment turnover of school safety agents and other school safety personnel**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-152.1 to read as follows:

*§ 14-152.1 Reporting on employment turnover of school safety agents. a. Report required.*

*1. Not later than March 31, 2021, and quarterly thereafter, the commissioner shall submit to the mayor and the speaker of the council and post on its website a report on employment turnover of school safety agents during the preceding quarter. At a minimum, the report shall include the following information regarding the employment of school safety agents, disaggregated by school district:*

*(a) For any school safety agent who began employment during the relevant reporting period, the date that such employment began;*

*(b) Whether any school safety agent's employment was involuntarily terminated, and if so, the reason for the termination;*

*(c) Whether any school safety agent was transferred, and if so, (i) the reason for the transfer; and (ii) the number of times such school safety agent has been transferred, as applicable;*

*(d) Whether any school safety agent resigned, and if so, the reason for resignation where such information is available; and*

*(e) The average length of employment of the school safety agents employed in the school district.*

*2. Any information required to be included in the report under paragraph 1 that is not ascertainable shall be indicated as such in the report.*

*3. The report required under paragraph 1 shall not include any individually identifiable information with respect to a school or a school safety agent.*

*b. Agents employed by the department of education. In any case in which a school safety agent is an employee of the department of education, the reporting requirement under subdivision a shall not apply with respect to the commissioner, but shall apply instead with respect to the chancellor of the city school district of the city of New York.*

2. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 29 to read as follows:

**CHAPTER 29  
SCHOOL SAFETY**

*§ 21-1000 Reporting on employment turnover of school safety personnel.*

*§ 21-1000 Reporting on employment turnover of school safety personnel. On June 30, 2022, and annually thereafter, the department shall submit to the mayor and the speaker of the council and post on its website a report on employment turnover of school safety personnel during the preceding year. At a minimum, the report shall include the following information regarding the employment of school safety personnel, disaggregated by school district:*

(a) For any school safety personnel who began employment during the calendar year, the date that such employment began;

(b) Whether any school safety personnel's employment was involuntarily terminated, and if so, the reason for the termination;

(c) Whether any school safety agent was transferred, and if so, (i) the reason for the transfer; and (ii) the number of times such school safety agent has been transferred, as applicable;

(d) Whether any school safety personnel resigned, and if so, the reason for resignation where such information is available; and

(e) The average length of employment of the school safety personnel employed in the school district.

2. Any information required to be included in the report under paragraph 1 that is not ascertainable shall be indicated as such in the report.

3. The report required under paragraph 1 shall not include any individually identifiable information with respect to a school or school safety personnel.

§ 3. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 2227

By Council Members Treyger, Rosenthal, Perkins and Lander

**A Local Law in relation to reporting on school principal evaluations of school safety agents**

*Be it enacted by the Council as follows:*

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

Department. The term "department" means the New York city department of education.

Memorandum of understanding. The term "memorandum of understanding" refers to the 2019 agreement made and entered into among the department of education of the city of New York, the New York police department of the city of New York, and the city of New York regarding the maintenance of safety and security in New York city public schools.

School safety agent. The term "school safety agent" means personnel assigned to the school safety division of the police department of the city of New York.

School safety division. The term "school safety division" means the school safety division within the police department of the city of New York.

School safety personnel. The term "school safety personnel" means persons who are primarily engaged in the performance or supervision of public school safety or security functions, including school safety agents, supervisors of school security, associate supervisors of school security and administrative school safety managers.

b. No later than March 31, 2021, the department shall submit to the mayor and the speaker of the council and post on its website the following information:

1. The policies and procedures that were developed by the department and the police department of the city of New York pursuant to section V. 36 of the memorandum of understanding to ensure that principals or their designees are advised of any changes to deployment of school safety division personnel in their school buildings, absences by school safety division personnel and replacement school safety division personnel during such absences; and

2. The input principals have given with respect to the performance of school safety agents pursuant to section IV. 31 of the memorandum of understanding.

c. No later than October 1, 2022, the department shall submit to the mayor and the speaker of the council and post on its website the following information:

1. The policies adopted, and mechanisms of dissemination used, to ensure that principals or their designees are advised of any changes to deployment of school safety personnel in their school buildings, absences by public school safety personnel and replacement public school safety personnel during such absences; and

2. A description of the input principals have given with respect to the performance of school safety personnel.

§ 2. This local law takes effect immediately and is deemed repealed after submission of the report required pursuant to subdivision c of section 1 of this local law.

Referred to the Committee on Education.

Int. No. 2228

By Council Members Treyger and Kallos

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the disclosure of school admissions policies and procedures**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 21-978 of the administrative code of the city of New York, as added by local law number 72 for the year 2018, is relettered subdivision e.

§ 2. Section 21-978 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

*d. For each school, the department shall make available on its website, and update at least once per year, information regarding the admissions policies and procedures for such school, including an explanation, in plain language, of:*

*1. The application process for such school;*

*2. All priority groups and selection criteria used to assign seats and any minimum standards for admission;*

*3. Procedures and methods for evaluation of applications; and*

*4. Any other information necessary to understand admissions policies and procedures at such school.*

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

Referred to the Committee on Education.

Preconsidered L.U. No. 726

By Council Member Salamanca:

**Application No. C 210067 HUM (Harlem East Harlem URP Amendment) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the sixteenth amendment to the Harlem East Harlem Urban Renewal Plan for the Harlem East Harlem Urban Renewal Area, Borough of Manhattan, Community Districts 10 and 11, Council Districts 8 and 9.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions (preconsidered but laid over by the Subcommittee on Landmarks, Public Sitings & Dispositions).

## Preconsidered L.U. No. 727

By Council Member Salamanca:

**Application No. C 190447 ZMK (9114 5<sup>th</sup> Avenue Rezoning) submitted by BayRide Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22b, changing from an existing C8-2 District to an R7A District and establishing within a proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 10, Council District 43.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

## Preconsidered L.U. No. 728

By Council Member Salamanca:

**Application No. N 190448 ZRK (9114 5<sup>th</sup> Avenue Rezoning) submitted by BayRide Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 10, Council District 43.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

## Preconsidered L.U. No. 729

By Council Member Salamanca:

**Application No. C 200190 ZMQ (214-32 Hillside Avenue Rezoning) submitted by Munir M. Islam, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 15a, by establishing within an existing R2 District a C2-3 District, Borough of Queens, Community District 13, Council District 23.**

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises (preconsidered but laid over by the Subcommittee on Zoning & Franchises).

## L.U. No. 730

By Council Member Salamanca:

**Application No. 20215015 HAK (Sutter Ave-East New York Partnership Homes) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law requesting waiver of the designation requirements of Section 693 of the General Municipal Law and the requirements of 197-c and 197-d of the New York City Charter, and approval of the project as an Urban Development Action Area Project, for property located at Block 4049, p/o Lot 25, Borough of Brooklyn, Community District 5, Council District 42.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions).

NEW YORK CITY COUNCIL**A N N O U N C E M E N T S****Tuesday, February 16, 2021****★ Deferred**

Committee on Finance..... Daniel Dromm, Chairperson  
**Oversight** – IBO's Evaluation of the New York City Industrial Development Agency's Industrial Program.  
 Remote Hearing (Virtual Room 2).....10:00 a.m.

Committee on Public Safety..... Adrienne E. Adams, Chairperson  
**Int 1671** - By Council Members Adams, Van Bramer, Brannan, Cornegy, Chin, Salamanca, Rosenthal and the Public Advocate (Mr. Williams) (by request of the Queens Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the police department to report on traffic encounters.  
**Int 2209** - By Council Members Adams, Kallos, the Public Advocate (Mr. Williams), and the Speaker (Council Member Johnson) - **A Local Law** to amend the New York city charter, in relation to requiring advice and consent of the council for the police commissioner.  
**Int 2220** - By Council Member Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to creating a right of security against unreasonable search and seizure that is enforceable by civil action and requiring the law department to post online certain information regarding such civil actions.  
**Res 1538** - By Council Members Cumbo and Levin - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, legislation removing the New York City Police Commissioner's exclusive authority over police discipline.  
 Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Environmental Protection..... Costa Constantinides, Chairperson  
**Int 1576** - By the Public Advocate (Mr. Williams) and Council Member Constantinides (by request of the Queens Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to increasing penalties for failure to comply with backflow prevention requirements.  
**Int 2170** - By Council Members Constantinides and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to the sustainable energy loan program.  
 Remote Hearing (Virtual Room 3).....11:00 a.m.

**Wednesday, February 17, 2021**

Subcommittee on Capital Budget..... Helen Rosenthal, Chairperson  
**Oversight** - Restarting the City's Capital Program in Light of COVID-19.  
 Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Economic Development..... Paul Vallone, Chairperson  
**Int 2026** - By Council Members Vallone, Kallos, Chin, Rosenthal and Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to reducing noise caused by chartered helicopters.  
**Int 2027** - By Council Members Vallone, Chin, Kallos and Levin - **A Local Law** in relation to requiring the department of citywide administrative services to study electric powered takeoff and landing vehicles.

**Int 2067** - By Council Members Vallone, Chin, Kallos and Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to collection of safety and route information regarding helicopters operating on city-owned property.  
Remote Hearing (Virtual Room 3).....10:00 a.m.

Committee on Health jointly with the  
Committee on Aging and the  
Committee on Technology

Mark Levine, Chairperson  
Margaret Chin, Chairperson  
Robert Holden, Chairperson

**Oversight** - COVID-19 and Seniors: Addressing Equity, Access to the Vaccine, and Scheduling Vaccination Appointments Online in NYC.

**Int 2225** - By Council Member Treyger - **A Local Law** in relation to the establishment of a plan for COVID-19 vaccination of homebound seniors, reporting on such plan, and providing for the repeal of such provisions upon the expiration thereof.

**Preconsidered Int \_\_\_\_** - By Council Member Levine - **A Local Law** in relation to the creation of a unified scheduling system for COVID-19 vaccinations.

**Res 1529** - By Council Members Levine and Louis - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, legislation to protect New York State's safety net providers and Special Needs Plans by eliminating the Medicaid pharmacy carve-out.

Remote Hearing (Virtual Room 2).....10:00 a.m.

#### Thursday, February 18, 2021

Committee on Cultural Affairs, Libraries &  
International Intergroup Relations

James Van Bramer, Chairperson

**Int 293** - By Council Members Rodriguez, Van Bramer, Levin, Levine, Rose, Ampry-Samuel, the Public Advocate (Mr. Williams), Perkins and Chin - **A Local Law** in relation to establishing a freedom trail task force.

**Int 1814** - By Council Members Van Bramer, Kallos and Rosenthal - **A Local Law** to amend the New York city charter, in relation to the selection of outdoor works of art for the percent for art program.

**Int 2048** - By Council Member Levine - **A Local Law** in relation to the creation of a frontline worker memorial task force.

Remote Hearing (Virtual Room 3).....10:00 a.m.

Committee on Education

Mark Treyger, Chairperson

**Int 2188** - By Council Members Ayala, Kallos and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to the police department's response to students in emotional crisis in public schools.

**Int 2211** - By Council Members Constantinides, Rosenthal, Treyger, Adams, the Speaker (Corey Johnson), the Public Advocate (Mr. Williams) 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 public school safety and security.

**Int 2226** - By Council Member Treyger - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring annual reports on employment turnover of school safety agents and other school safety personnel.

**Int 2227** - By Council Member Treyger - **A Local Law** in relation to reporting on school principal evaluations of school safety agents.

Remote Hearing (Virtual Room 2).....10:00 a.m.

Subcommittee on Landmarks, Public Sitings and Dispositions

Kevin C. Riley, Chairperson

**See Land Use Calendar**

Remote Hearing (Virtual Room 1).....2:00 p.m.

**Friday, February 19, 2021****★ Addition**Committee on Finance

Daniel Dromm, Chairperson

Oversight - IBO's Evaluation of the New York City Industrial Development Agency's Industrial Program.  
 Remote Hearing (Virtual Room 2).....10:00 a.m.

Committee on General Welfare

Stephen Levin, Chairperson

**Oversight** - The Juvenile Justice System During COVID-19.

Remote Hearing (Virtual Room 3).....10:00 a.m.

**Monday, February 22, 2021**Committee on Mental Health, Disabilities & Addiction

Farah N. Louis, Chairperson

**Oversight** - New York City's Mental Health Emergency Response.

**Int 2210** - By Council Members Ayala, the Speaker (Council Member Johnson), the Public Advocate (Mr. Williams), Ampry-Samuel, Cornegy, Rosenthal, Adams, Louis, and Cumbo - **A Local Law** to amend the administrative code of the city of New York, in relation to creating an office of community mental health and a citywide mental health emergency response protocol.

**Int 2222** - By the Public Advocate (Mr. Williams), Council Members Cornegy, Rosenthal and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to creating a three-digit mental health emergency hotline.

Remote Hearing (Virtual Room 2).....10:00 a.m.

Committee on Youth Services

Deborah Rose, Chairperson

**Oversight** - Youth Count.

Remote Hearing (Virtual Room 3).....11:00 a.m.

Committee on Parks and Recreation

Peter Koo, Chairperson

**Oversight** - Examining the Parks Department's Permitting Process for the Use of Athletic Fields at Parks.

**Int 1959** - By Council Member Rodriguez and the Public Advocate (Mr. Williams) - **A Local Law** to amend the New York city charter, in relation to the establishment of an office of sports recreation and the repeal of chapter 21-A of such charter relating to the New York city sports commission.

Remote Hearing (Virtual Room 1).....1:00 p.m.

**Tuesday, February 23, 2021**Committee on Governmental Operations

Fernando Cabrera, Chairperson

**Int 2186** - By The Speaker (Council Member Johnson) and Council Members Reynoso, Lander, Rivera, Gibson, Kallos, Salamanca, Brannan, Levin, Rodriguez, Powers, Constantinides and Rosenthal - **A Local Law** to amend the New York city charter, in relation to requiring a comprehensive long-term plan.

Remote Hearing (Virtual Room 3).....10:00 a.m.

Committee on Higher Education

Inez Barron, Chairperson

**Oversight** - Admissions Policies at CUNY Early College High Schools.

Remote Hearing (Virtual Room 2).....10:00 a.m.

Subcommittee on Zoning & Franchises

Francisco Moya, Chairperson

**See Land Use Calendar**

Remote Hearing (Virtual Room 1).....10:00 a.m.

**Wednesday, February 24, 2021**

Committee on Transportation

Ydanis Rodriguez, Chairperson

**Int 2224** - By Council Members Rodriguez, Lander, the Speaker (Council Member Johnson) and Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to the establishment of a crash investigation and analysis unit within the department of transportation.

Remote Hearing (Virtual Room 3).....10:00 a.m.

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**  
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Remote Hearing (Virtual Room 1)..... 11:00 a.m.

Committee on Public Housing

Alicka Ampry-Samuel, Chairperson

**Oversight** - Public Safety at NYCHA

Remote Hearing (Virtual Room 2).....11:00 a.m.

**Thursday, February 25, 2021**

***Stated Council Meeting (Virtual Room 1).....Agenda –1:30 p.m***

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

The Speaker (Council Member Johnson) acknowledged that February 11<sup>th</sup> was Lunar New Year’s Eve which marks the end of the Year of the Rat. He also noted that the new Year of the Ox would be welcomed in the next day on February 12th. He added that the ox stood for strength and steadiness which were qualities he felt were needed for the city to recover from the pandemic. The Speaker Council Member Johnson) wished a healthy and prosperous Lunar New Year to Council Members Chin and Koo and to every New Yorker who would be celebrating the holiday.

The Speaker (Council Member Johnson) acknowledged that February marks Black History Month which is when the achievements that black Americans have made to this country and to this city are honored and celebrated. He noted that the Council was proud of its work in confronting inequality and in striving to make New York a national role model for equity. The Speaker (Council Member Johnson) reiterated that the Council was committed to fighting for equality in every action it undertook.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these virtual proceedings to meet again for the Stated Meeting on Thursday, February 25, 2021.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council