

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Wednesday, February 13, 2019, 2:07 p.m.

The Majority Leader (Council Member Cumbo)

presiding as the Acting President Pro Tempore

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Mark Gjonaj	Antonio Reynoso
Alicia Ampy-Samuel	Barry S. Grodenchik	Donovan J. Richards
Diana Ayala	Robert F. Holden	Carlina Rivera
Inez D. Barron	Ben Kallos	Ydanis A. Rodriguez
Joseph C. Borelli	Andy L. King	Deborah L. Rose
Justin L. Brannan	Peter A. Koo	Helen K. Rosenthal
Fernando Cabrera	Karen Koslowitz	Rafael Salamanca, Jr
Margaret S. Chin	Rory I. Lancman	Ritchie J. Torres
Andrew Cohen	Bradford S. Lander	Mark Treyger
Costa G. Constantinides	Stephen T. Levin	Eric A. Ulrich
Robert E. Cornegy, Jr	Mark D. Levine	Paul A. Vallone
Laurie A. Cumbo	Alan N. Maisel	James G. Van Bramer
Chaim M. Deutsch	Steven Matteo	Jumaane D. Williams
Daniel Dromm	Carlos Menchaca	Kalman Yeger
Rafael L. Espinal, Jr	Francisco P. Moya	
Mathieu Eugene	Bill Perkins	
Vanessa L. Gibson	Keith Powers	

Absent: Council Member Diaz and Miller.

There is a vacancy in the office of Public Advocate pending the swearing-in of the certified winner of the non-partisan citywide Special Election scheduled to be held on Tuesday, February 26, 2019. Pursuant to the City Charter, the Speaker (Council Member Johnson) assumes the role of Acting Public Advocate until the new Public Advocate is officially certified to take the oath of office.

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and presiding officer for these proceedings.

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 Acting President Pro Tempore (Council Member Cumbo).

There were 49 Council Members marked present at this Stated Meeting held in the Council Chambers of City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Pastor Reginald Belton of First Baptist Church of Brownsville, 357 Chester St, Brooklyn, NY 11212.

Let us pray.

Dear God we thank you for the beauty our eyes behold
each day in your Creation.
Lord, thank you for entrusting us as stewards
of that which you've created.
As this government body assembles,
please guide the hearts of each Council Person
as they make decisions concerning the people of this great city.
We pray they seek you in all—first in all they do.
Lord, we pray your blessings would rest upon this body.
Give them vision and enthusiasm for their work.
Please bless the efforts of their hand and influence
of their work in this location and beyond.
Lord as they plan and share together
continue to make them mindful of their service.
Allow each of them to examine their own hearts
and be open minded to change and the ideas of others.
Open their minds so they may receive your eternal wisdom.
Open their spirit that they may know
your leading and guiding principles.
It is in your name we pray.
Amen.

Council Member Ampry-Samuels 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) asked for a Moment of Silence in memory of the following individuals:

NYPD Detective Brian Simonsen, 42, was shot and killed during an attempted robbery in Queens on February 12, 2019. Detective Simonsen was a nineteen-year veteran of the force. The Speaker (Council Member Johnson) noted that he and Council Members Richards and Adams had gone to Jamaica Hospital where the late Detective was rushed to. He offered his sympathies and the love and support of the entire Council to Detective Simonsen's family. NYPD Sergeant Matthew Gorman was also shot in the same robbery that Detective Simonsen had responded to. The Speaker (Council Member Johnson) asked everyone to keep Sgt. Gorman in their thoughts and to pray for his full recovery.

NYPD Detective Joseph Roman, a first responder during the September 11th World Trade Center attack, died of a 9/11 related illness and was being remembered at this Stated Meeting by the Speaker (Council Member Johnson). Detective Roman had made front page news in 1986 after he and his partner came to the aid of a young woman who was attacked in the Hell's Kitchen neighborhood of Manhattan.

Stanley Hill, the first African-American Executive Director of District Council 37, died on January 25, 2019 at the age of 82. The Speaker (Council member Johnson) extended his deepest sympathies to his family.

At this point, a Moment of Silence was observed in the Chambers.

ADOPTION OF MINUTES

On behalf of Council Member Gjonaj, Council Member Richards moved that the Minutes of the Stated Meeting of December 20, 2018 and Charter Meeting of January 9, 2019 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-130

Communication from the Mayor - Submitting Preliminary Expense, Revenue, and Contract Budget for Fiscal Year 2020, pursuant to Sections 225 and 236 of the New York City Charter.

(For text, please refer to the Mayor's Office of Management and Budget (OMB) at 255 Greenwich Street, 8th Floor, New York, N.Y. 10007; please also refer to the Publications section of the OMB website for the Preliminary Expense, Revenue, and Contract Budget at <https://www1.nyc.gov/assets/omb/downloads/pdf/perc2-19.pdf>)

Referred to the Committee on Finance.

M-131

Communication from the Mayor – Submitting February 2019 Financial Plan Detail for Fiscal Years 2019-2023, pursuant to Sections 101 and 213 of the New York City Charter.

(For text, please refer to the Mayor's Office of Management and Budget (OMB) at 255 Greenwich Street, 8th Floor, New York, N.Y. 10007; please also refer to the Publications section of the OMB website for the 2019 Financial Plan Detail for Fiscal Years 2019-2023 at <https://www1.nyc.gov/assets/omb/downloads/pdf/tech2-19.pdf>)

Referred to the Committee on Finance.

M-132

Communication from the Mayor - Submitting Geographic Reports for Expense Budget for Fiscal Year 2020, pursuant to Sections 100 and 231 of the New York City Charter.

(For text, please refer to the Mayor's Office of Management and Budget (OMB) at 255 Greenwich Street, 8th Floor, New York, N.Y. 10007; please also refer to the Publications section of the OMB website for the Geographic Reports for Expense Budget for Fiscal Year 2020 at <https://www1.nyc.gov/assets/omb/downloads/pdf/cbgeo2-19.pdf>,)

Referred to the Committee on Finance.

M-133

Communication from the Mayor - Submitting Departmental Estimates for Fiscal Year 2020, pursuant to Sections 100, 212 and 231 of the New York City Charter.

(For text, please refer to the Mayor's Office of Management and Budget (OMB) at 255 Greenwich Street, 8th Floor, New York, N.Y. 10007; please also refer to the Publications section of the OMB website for the Departmental Estimates for Fiscal Year 2020 at <https://www1.nyc.gov/assets/omb/downloads/pdf/de2-19.pdf>)

Referred to the Committee on Finance.

M-134

Communication from the Mayor - Submitting the Preliminary Capital Budget, Fiscal Year 2020, pursuant to Section 213 and 236 of the New York City Charter.

(For text, please refer to the Mayor's Office of Management and Budget (OMB) at 255 Greenwich Street, 8th Floor, New York, N.Y. 10007; please also refer to the Publications section of the OMB website for the Preliminary Capital Budget, Fiscal Year 2020 at <https://www1.nyc.gov/assets/omb/downloads/pdf/pcb2-19.pdf>)

Referred to the Committee on Finance.

M-135

Communication from the Mayor - Submitting the Capital Commitment Plan, Fiscal Year 2019, Volumes 1, 2, 3, & 4, pursuant to Section 219 of the New York City Charter.

(For text, please refer to the Mayor's Office of Management and Budget (OMB) at 255 Greenwich Street, 8th Floor, New York, N.Y. 10007; please also refer to the Publications section of the OMB website for the Capital Commitment Plan, Fiscal Year 2019, Volumes [1](#), [2](#), [3](#), & [4](#))

Referred to the Committee on Finance.

M-136

Communication from the Mayor – Submitting the Preliminary Ten-Year Capital Strategy, Fiscal Years 2020-2029.

(For text, please refer to the Mayor’s Office of Management and Budget (OMB) at 255 Greenwich Street, 8th Floor, New York, N.Y. 10007; please also refer to the Publications section of the OMB website for the Preliminary Ten-Year Capital Strategy, Fiscal Years 2020-2029 at <https://www1.nyc.gov/assets/omb/downloads/pdf/ptyp2-19.pdf>)

Referred to the Committee on Finance.

M-137

Communication from the Mayor - Submitting Preliminary certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2020 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250(16) of the New York City Charter.

February 7, 2019

Honorable Members of the Council

Honorable Scott M. Stringer, Comptroller

Honorable Ruben Diaz, Jr., Bronx Borough President

Honorable Eric L. Adams, Brooklyn Borough President

Honorable Gale A. Brewer, Manhattan Borough President

Honorable Melinda R. Katz, Queens Borough President

Honorable James S. Oddo, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify on a preliminary basis that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2020 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2020	\$10,136 Million
2021	11,363 Million
2022	12,713 Million
2023	13,288 Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed

have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2020 — 2023:

2020	\$8,084	Million
2021	9,296	Million
2022	10,561	Million
2023	10,995	Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2020 — 2023:

2020	\$2,052	Million
2021	2,067	Million
2022	2,152	Million
2023	2,293	Million

I further certify on a preliminary basis that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2020, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2020	\$10,894	Million
2021	12,703	Million
2022	13,906	Million
2023	12,834	Million

Sincerely,

Bill de Blasio

Mayor

Received, Ordered, Printed and Filed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-138

Communication from the Bronx County Democratic Committee recommending the name of Miguelina Camilo to the Council regarding her appointment to the office of Commissioner of Elections of the Board of Elections pursuant to § 3-204 of the New York State Election Law.

(For text of the appointment letter, please see the New York City Council website at www.council.nyc.gov and refer to the Search Legislation option for the attachments to [the M-138 of 2019 file](#))

Received, Ordered, Printed and Filed.

PETITIONS & COMMUNICATIONS

M-139

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 the Report, please see the New York City Council website at www.council.nyc.gov and refer to the Search Legislation option for the attachments to [the M-139 of 2019 file](#))

Received, Ordered, Printed and Filed.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Rules, Privileges, and Elections

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

Report for Res. No. 739

Report of the Committee on Rules, Privileges, and Elections in favor of approving a Resolution amending Rule 7.00 of the Rules of the Council in relation to dissolving the Committee on For Hire Vehicles and transferring the jurisdiction of For Hire Vehicles, expressly the Taxi and Limousine Commission, to the Standing Committee on Transportation.

The Committee on Rules, Privileges, and Elections to which the annexed preconsidered resolution was referred on February 13, 2019, respectfully

REPORTS:

PRECONSIDERED RES. NO. 739: By Council Member Karen Koslowitz

SUBJECT: Resolution amending Rule 7.00 of the Rules of the Council in relation to dissolving a Standing Committee and transferring its jurisdiction.

ANALYSIS: Before the Committee, for its consideration, are proposed changes to the Standing Committees of the Council. See the Preconsidered Resolution for the particular changes.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 739:)

Res. No. 739

Resolution amending Rule 7.00 of the Rules of the Council in relation to dissolving the Committee on For Hire Vehicles and transferring the jurisdiction of For Hire Vehicles, expressly the Taxi and Limousine Commission, to the Standing Committee on Transportation.

By Council Members Koslowitz and Kallos:

RESOLVED, pursuant to Rule 7.00 of the Rules of the Council, the Council does hereby consent to amending the Standing Committees under Rule 7.00(a) by dissolving the Committee on For Hire Vehicles and transferring the jurisdiction of For Hire Vehicles to the Committee on Transportation.

7.00. Appointment - a. Prior to the establishment of the membership of any other committee, and after the selection of the Speaker, the Council shall elect the membership of the Committee on Rules, Privileges and Elections. All other committees and appointments thereto shall be recommended by the Committee on Rules, Privileges and Elections, approved by the Council and published in the Calendar. All standing committee chairpersons shall be elected by the Council as a whole. Once elected, a standing committee or subcommittee chairperson may be removed prior to the end of the session without their consent only by the uncoupled vote of 2/3 of all the members. The standing committees of the Council shall bear the following titles and possess the following substantive matter jurisdictions:

AGING - Department for the Aging and all federal, state and municipal programs pertinent to senior citizens.

CIVIL AND HUMAN RIGHTS – Human Rights Commission, Equal Employment Practices Commission and Equal Employment Opportunity.

CIVIL SERVICE AND LABOR - Municipal Officers and Employees, Office of Labor Relations, Office of Collective Bargaining, Office of Labor Services, and Municipal Pension and Retirement Systems.

CONSUMER AFFAIRS AND BUSINESS LICENSING- Department of Consumer Affairs and Office of Nightlife.

CONTRACTS - Procurement Policy Board, review of City procurement policies and procedures, oversight over government contracts, Mayor's Office of Contract Services and collection agency contracts.

CRIMINAL JUSTICE – Department of Correction and Department of Probation.

CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS - Department of Cultural Affairs, libraries, museums, Art Commission, New York City Commission for the United Nations, Consular Corps and Protocol, Mayor's Office of Special Projects and Community Events, and to encourage harmony among the citizens of New York City, to promote the image of New York City and enhance the relationship of its citizens with the international community.

ECONOMIC DEVELOPMENT - Economic Development.

EDUCATION - Department of Education, School Construction Authority, and Charter Schools.

ENVIRONMENTAL PROTECTION - Department of Environmental Protection and Office of Long Term Planning and Sustainability and Office of Recovery and Resiliency.

FINANCE - Executive Budget review and Budget modification, Banking Commission, Comptroller's Office, Department of Design and Construction, Department of Finance, Independent Budget Office and fiscal policy and revenue from any source.

FIRE AND EMERGENCY MANAGEMENT - Fire/EMS (non-health-related issues), and Emergency Management Department (OEM).

[FOR HIRE VEHICLES - Taxi and Limousine Commission]

GENERAL WELFARE - Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services, and charitable institutions.

GOVERNMENTAL OPERATIONS - Municipal governmental structure and organization, Department of Citywide Administrative Services, Office of Administrative Trials and Hearings, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, Commission on Public Information and Communication, Department of Records and Information Services, Financial Information Services Agency and Law Department.

HEALTH - Department of Health and Mental Hygiene, Office of the Chief Medical Examiner and EMS (health-related issues).

HIGHER EDUCATION - City University of New York.

HOSPITALS - Public and private hospitals, Health and Hospitals Corporation.

HOUSING AND BUILDINGS - Department of Housing Preservation and Development, Department of Buildings and rent regulation.

IMMIGRATION - Mayor's Office of Immigrant Affairs and other matters affecting immigration.

JUSTICE SYSTEM - Mayor's Office of Criminal Justice, courts, legal services, District Attorneys and the Office of the Special Narcotics Prosecutor

JUVENILE JUSTICE - Division of Youth and Family Justice within the Administration for Children's Services.

LAND USE - City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications, Landmarks Preservation Commission, land use and landmarks review.

MENTAL HEALTH, DISABILITIES AND ADDICTION - Department of Health and Mental Hygiene (issues of mental health, developmental disability and addiction services) and Mayor's Office for People with Disabilities.

OVERSIGHT AND INVESTIGATIONS - To investigate any matters within the jurisdiction of the Council relating to property, affairs, or government of New York City and the Department of Investigation.

PARKS AND RECREATION - Department of Parks and Recreation.

PUBLIC HOUSING - New York City Housing Authority.

PUBLIC SAFETY - Police Department and Civilian Complaint Review Board.

RULES, PRIVILEGES AND ELECTIONS - Council structure and organization and appointments.

SANITATION AND SOLID WASTE MANAGEMENT - Department of Sanitation and the Business Integrity Commission.

SMALL BUSINESS - Department of Small Business Services and matters relating to retail business and emerging industries.

STANDARDS AND ETHICS - Conflicts of Interest Board and Council Ethics.

STATE AND FEDERAL LEGISLATION - Federal legislation, State legislation and Home Rule requests.

TECHNOLOGY - Technology in New York City, Department of Information Technology and Telecommunications (non- land use-related issues), Mayor's Office of Media & Entertainment, NYC TV, and dissemination of public information through the use of technology.

TRANSPORTATION - Mass Transportation Agencies and facilities, Taxi and Limousine Commission, Department of Transportation and New York City Transit Authority.

VETERANS - Department of Veterans' Services and other veteran related issues.

WOMEN - Issues relating to advancing the economic mobility, social inclusion, leadership and civic participation of women and girls, domestic violence, Office to Combat Domestic Violence and Commission on Gender Equity.

YOUTH SERVICES - Youth Board, Department of Youth and Community Development, Interagency Coordinating Council on Youth, and youth related programs.

b. Each standing committee shall be composed of no fewer than five members.

c. The Speaker may create such subcommittees or special committees as he or she deems necessary and appropriate.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, VANESSA L. GIBSON, ROBERT E. CORNEGY, Jr., RAFAEL L. ESPINAL, Jr., RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, April XX, 2018.

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

At this point, the Speaker (Council Member Johnson) asked for a separate Roll Call vote on Preconsidered Res. No. 739:

ROLL CALL on Res. No. 739

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

Affirmative – Adams, Ampy-Samuel, Ayala, Barron, Borelli, Brannan, Chin, Cohen, Constantinides, Cornegy, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, Matteo, Cumbo, and the Speaker (Council Member Johnson) – **45**.

Negative – Deutsch – **1**.

Abstention – Cabrera, King, and Rodriguez – **3**.

The Roll Call vote recorded for Res. No. 739 was 45-1-3 as shown above.

Report of the Committee on Civil Service and Labor

Report for Int. No. 1235-A

Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law in relation to the department of citywide administrative services provisional employee reduction plan.

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on November 14, 2018 (Minutes, page 4390), respectfully

REPORTS:

INTRODUCTION

On Monday, February 11, 2019, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, held a hearing to vote on Int. No. 1235-A, introduced by Council Member Miller. Int. No. 1235-A is a local law requiring the Department of Citywide Administrative Services (DCAS) to submit to the state civil service commission for its approval a comprehensive revision of its provisional employee reduction plan. This bill would also require DCAS to submit this plan to the City Council. The Committee of Civil Service and Labor and the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, held a joint oversight hearing on November 27, 2018 entitled “Examining the Civil Service System (focus on the Provisional Employee Reduction Plan),” of which Int. No. 1235 and Res. No. 566 were heard. Witnesses that testified during this previous hearing included DCAS, with written testimony submitted by Local 372. This previous hearing generally addressed the Civil Service System, with a focus on the issue of provisional employees.

On February 11, 2019, the Committee passed Int. No. 1235-A by a vote of four in the affirmative, zero in the negative, with zero abstentions.

BACKGROUND

On October 22, 2008, the DCAS Provisional Reduction Plan (the Plan) was approved by the State Civil Service Commission (SCSC) in efforts to reduce the number of provisional employees within five years and achieve “substantial compliance.”¹ At the time the Plan was approved, the City employed 36,855 provisional employees (19.31% of the City workforce under the jurisdiction of DCAS in a civil service competitive class title).² To achieve substantial compliance the City would have had to reduce the number of provisional employees to fewer than 9,500 (no more than 5% of those serving in competitive class titles).³ While progress had initially been made by the City, it was clear more time was needed because, as of May 1, 2014, the number of provisional employees in the employ of DCAS was below 23,000, “a substantial reduction of almost 15,000 from the number in May 2008.”⁴ An extension was granted by the State in 2014 (Chapter 284 of the Laws of 2014) and 2016 (Chapter 467 of the Laws of 2016).

The New York State Legislature has passed, and the New York State Governor has signed, A.11241/S.8837-A that would provide even more time for the City to implement appropriate actions to further reduce the number of provisional appointments that have continued beyond the time periods permitted by state Civil Service Law.⁵ Int. No. 1235-A is a bill related to this state bill.

¹ Department of Citywide Administrative Services, *2008 DCAS 5-Year Plan*, March 28, 2008, page 3. Available at: <https://www.cs.ny.gov/commission/DCAS/EntirePlan.pdf>

² *Id.*

³ *Id.*

⁴ A.9970. Assemb. Reg. Sess. 2013-2014, Sponsors Memo (N.Y. 2014).

⁵ See N.Y. Civil Service Law § 65(2)- “No provisional appointment shall continue for a period in excess of nine months.”

NEW YORK STATE CIVIL SERVICE LAW

Following the decision in *Long Beach*, the State Legislature passed a law in 2008 requiring DCAS to submit a five-year plan to the SCSC to reduce the number of provisional employees employed by the City, at the time in the tens of thousands.⁶

Having received approval in 2008 from the SCSC to implement an orderly and expeditious plan to reduce the number of provisional employees, the City made substantial progress toward its goal through various means authorized by the 2008 law. As of November 31, 2018, the number of provisional employees on the payrolls of DCAS employers was approximately 17,175, a substantial reduction from the number in December 2007, and the pace of provisional reduction has increased markedly.⁷ More than 12 percent of the total reduction in provisional appointments since 2008 was achieved during the period of January 1, 2017 to March 31, 2018. By increasing its capacity to administer competitive examinations through the use of automated examination development systems and other measures, during this 15-month period the City reduced the number of newly appointed provisional employees by more than 14 percent, and in addition, the administration of qualified incumbent examinations and other competitive civil service examinations led to a reduction of 15.5 percent in the number of long-term provisional appointees.⁸ The City is thus steadily approaching the objective of achieving substantial compliance with the length of provisional appointments permitted by section 65 of the Civil Service Law.

The State Legislature has passed, and the Governor has signed, A.11241/S.8837A to allow the City to update and continue to implement the plan, with appropriate revisions to timeframes and plan strategies. The bill requires DCAS to provide a report to the SCSC by the end of 2020 on the implementation of the provisional reduction plan, and the prospects for substantial compliance to be achieved by the end of 2021. A.11241/S.8837-A would allow the City to update and continue to implement its provisional reduction plan. It would ensure the City's continued quality and effectiveness of governmental operations while the revised plan is being developed and implemented. It would require DCAS to provide a report to the SCSC by the end of 2020 on the implementation of the provisional reduction plan, and the prospects for substantial compliance to be achieved by the end of 2021.⁹

Moreover, if the report does not reflect substantial compliance when submitted, the state bill would provide for the establishment of an advisory workgroup for provisional appointments in the City comprised of members appointed by the Governor, Legislature and Mayor.¹⁰ The workgroup would be charged with preparing a recommended plan for substantial compliance, to be adopted by or pursuant to state legislation.¹¹

ANALYSIS OF INT. NO. 1235-A: 2018

The New York State Legislature passed, and the New York State Legislature signed, legislation (A11241/S8837A) that would allow New York City to update and continue to implement its Provisional Employee Reduction Plan. The City has made substantial progress in approaching the objective of achieving substantial compliance with the length of provisional appointments permitted by section 65 of the Civil Service Law. The state legislation requires DCAS to produce a single comprehensive revised reduction plan and submit it to the State for approval. Int. No. 1235-A would require DCAS to send a copy of that revised plan to the City Council.

The bill was amended from its' previous version by adding an additional requirement in Section 1 to require DCAS to notify the speaker of the New York City Council of the final decision, including any recommended changes to the plan, by the state civil service commission within 30 days of such decision. In addition, the bill

⁶ Chapter 5 of the Laws of 2008.

⁷ New York City Department of Citywide Administrative Services 2008 DCAS 5-Year Plan. Available at: <https://www.cs.ny.gov/commission/DCAS/EntirePlan.pdf>

⁸ A.11241/S.8837-A Sponsors Memo

⁹ A.11241/S.8837-A

¹⁰ *Id.*

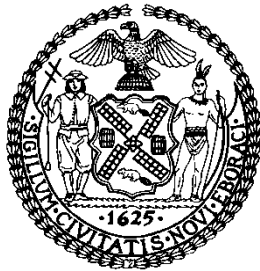
¹¹ *Id.*

was amended to reflect that the local law would take effect immediately and is deemed repealed on December 31, 2021.

UPDATE

On February 11, 2019, the Committee passed Int. No. 1235-A by a vote of four in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 1235-A:)



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

PROPOSED INTRO. NO: 1235-A
COMMITTEE: Civil Service and Labor

TITLE: A Local Law in relation to the Department of Citywide Administrative Services provisional employee reduction plan
SPONSOR(S): Council Members Miller, Cabrera, and Kallos

SUMMARY OF LEGISLATION: The New York State Legislature passed a bill (A11241/S8837A) requiring the Department of Citywide Administrative Services (DCAS) to submit to the state Civil Service Commission for its approval a comprehensive revision of its provisional employee reduction plan. That bill also provided an extension to the City to reduce its number of provisional employees. Proposed Intro. No. 1235-A would require DCAS to submit their revised plan to the City Council.

EFFECTIVE DATE: This local law would take effect immediately after its enactment into law and is deemed repealed on December 31, 2021.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues 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 legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Kendall Stephenson, Senior Economist, Finance Division
Stephanie Ruiz, Assistant Counsel, Finance Division

ESTIMATE REVIEWED BY: Paul Sturm, Supervising Economist, Finance Division

LEGISLATIVE HISTORY: Intro. No. 1235 was introduced to the Council on November 14, 2018, and was referred to the Committee on Civil Service and Labor. A hearing was held on November 27, 2018 and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Intro. No. 1235-A, will be voted on by the Committee on Civil Service and Labor at a hearing on February 11, 2019. Upon successful vote by the Committee, Proposed Intro. No. 1235-A will be submitted to the full Council for a vote on February 13, 2019.

DATE PREPARED: February 8, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1235-A:)

Int. No. 1235-A

By Council Members Miller, Cabrera and Kallos.

A Local Law in relation to the department of citywide administrative services provisional employee reduction plan

Be it enacted by the Council as follows:

Section 1. On or before April 1, 2019, the department of citywide administrative services shall submit to the speaker of the council its comprehensive plan revision for provisional employees required pursuant to paragraph c-4 of subdivision 5 of section 65 of the civil service law. Such department shall notify the speaker of the council of the final decision, including any recommended changes to the plan, by the state civil service commission within 30 days of such decision.

§ 2. This local law takes effect immediately and is deemed repealed on December 31, 2021.

I. DANEEK MILLER, *Chairperson*; DANIEL DROMM, ADRIENNE E. ADAMS, ALAN N. MAISEL; Committee on Civil Service and Labor, February 11, 2019.

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. 780-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to clarifying responsibilities of owners and the department of housing preservation and development to address indoor asthma allergen hazards.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on April 11, 2018 (Minutes, page 1479), respectfully

REPORTS:

Introduction

On February 11, 2019, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., held a hearing on two bills: Int. No. 780-A, and Int. No. 1004-A. Int. No. 780-A, sponsored by Council Member Carlina Rivera, relates to clarifying responsibilities of owners and the department of housing preservation and development to address indoor asthma allergen hazards. This bill was originally heard on October 16, 2018. Int. No. 1004-A, sponsored by Council Member Brad Lander, relates to establishing a demonstration program to facilitate the creation and alteration of habitable apartments in basements and cellars of certain one- and two-family dwellings. This bill was originally heard on November 13, 2018. More information on these bills is available with the materials for their respective hearings. Information for Int. No. 780-A can be found at <https://on.nyc.gov/2SjHMxB>, and information for Int. No. 1004-A can be found at <https://on.nyc.gov/2SfIRHI>.

Int. No. 780-A

Int. No. 780-A (Rivera) amends Local Law 55 of 2018, which established requirements related to the investigation and remediation of indoor allergens. This bill would require that owners of multiple dwellings keep such dwellings free from indoor allergen hazards and underlying causes of these hazards, prevent reasonably foreseeable occurrences of indoor allergen hazards, and expeditiously remediate underlying defects that may lead to the situations conducive to indoor allergen hazards. Int. No. 780-A also amends the language of Local Law 55 that requires owners to take reasonable efforts to eradicate pests and indoor mold hazards, and instead requires that owners take definitive measures to eradicate pests and indoor mold hazards. Finally, Int. No. 780-A further expands the conditions that can be considered indoor allergen hazards, and gives DOHMH discretion to take enforcement actions.

This bill would take effect immediately and be retroactive to and deemed to have been in effect as of the date that Local Law 55 of 2018 took effect.

Int. No. 1004-A

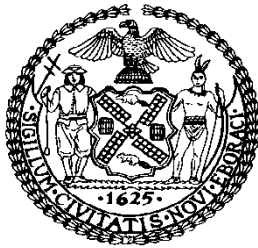
Int. No. 1004-A (Lander) would establish a demonstration program in Brooklyn Community Board 5 in East New York to facilitate the creation and alteration of habitable apartments in basements and cellars of certain dwellings. As the City continues to endure a housing crisis, many basements and cellars cannot legally be used for housing because such spaces cannot comply with existing safety and habitability standards. By adjusting these standards for the purposes of this demonstration program, the City aims to create 40 legal below-grade apartments. This demonstration program would also assist eligible participant homeowners with low-cost loans, which would be conditioned upon an HPD regulatory agreement requiring that units created by this program maintain certain affordability criteria and tenant protections for 15 years.

This bill would take effect 120 days after becoming law.

Update

On Monday, February 11, 2019, the Committee adopted Int. No. 780-A by a vote of ten in the affirmative, none in the negative and no abstentions, and Int. No. 1004-A by a vote of nine in the affirmative, one in the negative and no abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 780-A:)



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

PROPOSED INTRO. NO: 780-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to clarifying responsibilities of owners and the department of housing preservation and development to address indoor asthma allergen hazards

SPONSORS: Council Members Rivera and Chin

SUMMARY OF LEGISLATION: Proposed Intro. No. 780-A would further clarify the existing requirements for landlords to take measures to eradicate pests and remediate the existence of indoor allergen hazards, as set forth in Local Law 55 of 2018. This legislation would also allow the Department of Housing Preservation and Development (HPD) to take enforcement action to eradicate indoor allergen hazards or arrange for the correction of such conditions.

EFFECTIVE DATE: This local law would take effect immediately and would be retroactive to and deemed to have been in effect as of January 19, 2019.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used by HPD to implement the provisions of this local law and because non-City entities would bear the costs of remediating the existence of indoor allergen

hazards in accordance with the legislation. Lastly, while HPD may take enforcement action to eradicate indoor allergen hazards, such action is not mandated under this legislation, and thus not assumed in this cost estimate.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Noah Brick, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on April 11, 2018, as Intro. No. 780 and was referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on October 16, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 780-A, will be considered by the Committee on February 11, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 780-A will be submitted to the full Council for a vote on February 13, 2019.

DATE PREPARED: February 6, 2019.

(For text of Int. No. 1004-A and its Fiscal Impact Statement, please see the Report of the Committee on Housing and Buildings for Int. No. 1004-A, respectively, printed in these Minutes; for text of Int. No. 780-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 780-A and 1004-A.

(The following is the text of Int. No. 780-A:)

Int. No. 780-A

Council Members Rivera, Chin, Cumbo, Ayala and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to clarifying responsibilities of owners and the department of housing preservation and development to address indoor asthma allergen hazards

Be it enacted by the Council as follows:

Section 1. The definition of “integrated pest management” of section 27-2017 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

Integrated pest management. The term “integrated pest management” means ongoing prevention, monitoring and pest control activities [and reasonable efforts] to eliminate pests from any building, lot, or dwelling. This includes, but is not limited to, [reasonable efforts to eliminate] *the elimination* of harborages and conditions conducive to pests, the use of traps, and, when necessary, the use of pesticides.

§ 2. The definition of “remediation” or “remediate” of section 27-2017 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

Remediation or remediate. The term “remediation” or “remediate” means [reasonable efforts] *measures to eradicate pests in accordance with section 27-2017.8 and [reasonable efforts] measures to eradicate indoor mold hazards in accordance with rules promulgated pursuant to section 27-2017.9.*

§ 3. Section 27-2017.1 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

§ 27-2017.1 Owners' responsibility to remediate. The existence of an indoor allergen hazard in any dwelling unit in a multiple dwelling is hereby declared to constitute a condition dangerous to health. An owner of a dwelling shall [take reasonable measures to] keep the premises free from pests and other indoor allergen hazards and from any condition conducive to indoor allergen hazards, and shall [take reasonable measures to] prevent the reasonably foreseeable occurrence of such a conditions and shall expeditiously [take reasonable measures to] remediate such conditions and any underlying defect, when such underlying defect exists, consistent with section 27-2017.8 and the rules promulgated pursuant to section 27-2017.9.

§ 4. Subdivision a of section 17-199.6 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

a. The department shall establish procedures to permit doctors, nurses, or other health professionals, upon the consent of their patients, to request a department investigation of possible indoor allergen hazards in dwellings where persons reside who have been medically diagnosed with moderate persistent or severe persistent asthma. Such procedures shall provide for the referral to the department of housing preservation and development of such requests that would be subject to section 27-2017.6. The procedures shall also provide for an investigation to be made when the department is notified that a person who has been medically diagnosed with moderate persistent or severe persistent asthma is residing in a dwelling with possible indoor allergen hazards not otherwise subject to enforcement by the department of housing preservation and development under section 27-2017.6. Such indoor allergen hazards *may* include, but are not limited to, mold that is not readily observable to the eye, including mold that is hidden within wall cavities, construction dust or such other conditions as the department shall from time-to-time determine by rule are indoor allergen hazards.

§ 5. Subdivision c of section 17-199.6 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 55 for the year 2018, is amended to read as follows:

c. In the event that the department determines that the owner or other person having the duty or liability to comply with an order issued pursuant to this section fails to substantially comply therewith within twenty-one days after service thereof, the department shall, in accordance with section 27-2017.10, refer such order to the department of housing preservation and development. The department of housing preservation and development [shall] *may* take such enforcement action as is necessary, including performing or arranging for the performance of the work to correct the certified condition.

§ 6. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of the date that local law number 55 for the year 2018 took effect.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, February 11, 2019.

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. 1004-A

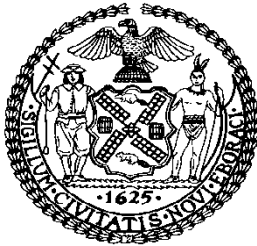
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to establish a demonstration program to facilitate the creation and alteration of habitable apartments in basements and cellars of certain one- and two-family dwellings.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on June 28, 2018 (Minutes, page 2592), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 780-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1004-A:



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

PROPOSED INTRO. NO: 1004-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to establish a demonstration program to facilitate the creation and alteration of habitable apartments in basements and cellars of certain one- and two-family dwellings

SPONSORS: Council Members Lander, Cabrera, Espinal, Barron, Yeger, Rivera, Deutsch and Williams (by request of the Mayor)

SUMMARY OF LEGISLATION: Proposed Intro. No. 1004-A would create a three-year pilot program to facilitate the creation and alteration of habitable apartments in basements and cellars of certain one- and two-family dwellings in Brooklyn Community District 5 and within the City's six Enhanced Commercial Districts. The bill would require the Department of Housing Preservation and Development (HPD) to conduct education and outreach to eligible homeowners in the program area, and to assist homeowners who participate in the program by providing technical assistance and city financial assistance to allow for specific alterations that would render basement apartments both safe and legal. The legislation would also require that completed construction documents be filed with the Department of Buildings (DOB) within 18 months after its passage and would also establish criteria for which DOB may issue permits and certificates of occupancy where a basement apartment is created or altered pursuant to the legislation. Under the bill, DOB and the Department of Environmental Protection (DEP) would also be required to waive all fees in connection with applications, permits and inspections for participating basement apartments.

Lastly, this bill would also require an agency appointed by the Mayor to issue a report within four years to the Mayor and the City Council that details the impact of the basement apartment program.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law, but would not apply to any building in the program area for which a complete application for construction document approval is filed more than 18 months after the date this local law would take effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2019

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation. The expenses associated with establishing and implementing a basement apartment pilot program administered by HPD are already assumed and accounted for in the City's financial plan. The Fiscal 2019 Preliminary Budget provided \$2.2 million in Fiscal 2019 and \$2.2 million in Fiscal 2020 to HPD's operating budget to support public education and outreach to interested and eligible homeowners in the program area. Additionally, HPD's Fiscal 2019 Executive Capital Budget included \$3.4 million in Fiscal 2019 and \$3.4 million in Fiscal 2020 to support no interest and/or low interest loans to facilitate the creation and renovation of basement apartments in the program. Thus, it is anticipated that the creation of basement apartment pilot program for eligible households would not impact City expenditures in Fiscal 2019 and in the outyears. Lastly, it is anticipated that the reporting, impact assessments and other administrative requirements of this legislation would be implemented using existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Noah Brick, Assistant Counsel
Chima Obichere, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on June 28, 2018, as Intro. No. 1004 and was referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on November 13, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1004-A, will be considered by the Committee on February 11, 2019. Upon a successful vote by the Committee, the Proposed Intro. No. 1004-A will be submitted to the full Council for a vote on February 13, 2019.

DATE PREPARED: February 6, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1004-A:)

Int. No. 1004-A

By Council Members Lander, Cabrera, Espinal, Barron, Yeger, Rivera, Deutsch, Williams, Cumbo, Ayala, Eugene and Kallos (by request of the Mayor).

A Local Law to establish a demonstration program to facilitate the creation and alteration of habitable apartments in basements and cellars of certain one- and two-family dwellings

Be it enacted by the Council as follows:

Section 1. Definitions. a. Except as indicated in subdivision b of this section, the terms used in this local law have the meanings ascribed to such terms in title 28 of the administrative code of the city of New York.

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

PROGRAM AREA. The term “program area” means Brooklyn community district 5, excluding:

(1) the area of any special enhanced commercial district as described in section 132-11 of the zoning resolution of the city of New York; and

(2) the area of such community district that is generally south of a line drawn across such district that reflects the area of such community district at risk of future flooding,

- (i) beginning at the intersection of Van Sinderen Avenue and Linden Boulevard;
- (ii) then east along Linden Boulevard to the point of intersection with Williams Avenue;
- (iii) then east along Hegeman Avenue to the point of intersection with Malta Street;
- (iv) then south along Malta Street to the point of intersection with Linden Boulevard;
- (v) then east along Linden Boulevard to the point of intersection with Georgia Avenue;
- (vi) then north along Georgia Avenue to the point of intersection with Hegeman Avenue;
- (vii) then east along Hegeman Avenue to the point of intersection with Barbey Street;
- (viii) then north along Barbey Street to the point of intersection with McClancy Place;
- (ix) then west along McClancy Place to the point of intersection with Schenck Avenue;
- (x) then north along Schenck Avenue to the point of intersection with New Lots Avenue;
- (xi) then east along New Lots Avenue to the point of intersection with Barbey Street;
- (xii) then north along Barbey Street to the point of intersection with Dumont Avenue;
- (xiii) then east along Dumont Avenue to the point of intersection with Warwick Street;
- (xiv) then south along Warwick Street to the point of intersection with New Lots Avenue;
- (xv) then east along New Lots Avenue to the point of intersection with Montauk Avenue;
- (xvi) then north along Montauk Avenue to the point of intersection with Sutter Avenue;
- (xvii) then west along Sutter Avenue to the point of intersection with Atkins Avenue;
- (xviii) then north along Atkins Avenue to the point of intersection with Belmont Avenue;
- (xix) then east along Belmont Avenue to the point of intersection with Fountain Avenue;
- (xx) then south along Fountain Avenue to the point of intersection with Sutter Avenue;
- (xxi) then east along Sutter Avenue to the point of intersection with Hemlock Street;
- (xxii) then south along Hemlock Street to the point of intersection with Blake Avenue;
- (xxiii) then east along Blake Avenue to the point of intersection with Lincoln Avenue;
- (xxiv) then north along Lincoln Avenue to the point of intersection with Sutter Avenue; and
- (xxv) then east along Sutter Avenue and ending at the intersection of Sutter Avenue with Conduit Boulevard.

1968 BUILDING CODE. The term “1968 building code” has the same definition as such term is defined in section 28-101.5 of the administrative code.

ADMINISTRATIVE CODE. The term “administrative code” means the administrative code of the city of New York.

APARTMENT. The term “apartment” means a dwelling unit providing permanent provisions for both sanitation and kitchen facilities, occupied or arranged to be occupied, by not more than 1 family maintaining a common household.

BASEMENT. The term “basement” means a story partly below the grade plane and having less than one-half its clear height (measured from finished floor to finished ceiling) below the grade plane.

CELLAR. The term “cellar” means that portion of a building that is partly or wholly underground, and having one-half or more of its clear height (measured from finished floor to finished ceiling) below the grade plane. Notwithstanding any local law to the contrary, as used herein, a cellar shall be counted as a story in measuring the height of a building.

CITY FINANCIAL ASSISTANCE. The term “city financial assistance” means any loan, grant, tax credit, tax exemption, tax abatement, subsidy, mortgage, debt forgiveness, land conveyance for less than appraised value, land value or other thing of value allocated, conveyed or expended by the city.

PRE-EXISTING VIOLATION. The term “pre-existing violation” means a violation issued by the department of buildings for which a notice of violation, administrative summons, criminal court summons or other process was issued prior to the date of issuance of the initial permit for work pursuant to this local law.

QUALIFIED ENVIRONMENTAL PROFESSIONAL. The term “qualified environmental professional” has the same meaning as in section 24-03 of title 15 of the rules of the city of New York.

§ 2. Scope and applicability. a. There shall be a time-limited demonstration program to facilitate the creation and alteration of habitable apartments in basements and cellars in certain dwellings within the program area in accordance with this local law.

b. Except as otherwise indicated herein, this local law applies to existing buildings within the program area that are:

(1) existing one-family dwellings to be converted to two-family dwellings where any new apartment is entirely on a floor partially below the grade plane; or

(2) existing two-family dwellings with an apartment entirely on a floor partially below the grade plane to be altered to create at least 1 additional sleeping room in such apartment.

§ 3. Financial and technical assistance and outreach. a. The department of housing preservation and development shall assist homeowners who participate in the demonstration program by providing city financial assistance to homeowners who meet the criteria for participation in such program to be established by such department

b. The department of housing preservation and development shall also provide technical assistance to homeowners who participate in the demonstration program. Such assistance may be provided by the department or a not-for-profit corporation identified by the department as capable of providing such assistance.

c. The department of housing preservation and development shall also conduct public education and outreach regarding the demonstration program to eligible homeowners in the program area. Such public education and outreach may be provided directly by the department or by a qualified not-for-profit corporation selected by the department.

§ 4. Apartments in basements. Notwithstanding any inconsistent provisions of section 27-751 of the 1968 building code, paragraphs 1 and 3 of subdivision c of section 27-2087 of the administrative code, section 1208.2 of the New York city building code or of applicable laws in existence prior to December 6, 1968 (i) a habitable apartment with a clear ceiling height in all habitable rooms of 7 feet and 6 inches, which may be lowered to 7 feet at the request of the department of housing preservation and development subject to approval by the fire department for cellars or basements identified by the department as otherwise eligible for the demonstration program, with projections as allowed by exception 1 of section 1208.2 of the New York city building code but in no event with such projections lower than 7 feet, or (ii) a habitable apartment in a fully detached two-family dwelling with all exterior walls at least 3 feet from any lot line and with a minimum clear ceiling height in all habitable rooms of 7 feet including projections, may be created or altered subject to the conditions set forth in this local law, including compliance with the construction standards in the specific provisions of law cited in this section even if not otherwise required by such law or any other law:

1. General. Such apartment must comply with provisions of law applicable to an apartment in such dwelling not located in the cellar or basement except that where there is a conflict with a provision of this section the provision of this section shall apply.

2. Sprinklers. Such apartment must have an automatic sprinkler system that meets the construction requirements of section 903 of the New York city building code and section thirteen of this local law.

3. Emergency escape and rescue openings. All sleeping rooms in such apartment must have emergency escape and rescue openings meeting the construction requirements of section 1029 of the New York city building code and section 1025 of the New York city fire code.

4. Smoke and carbon monoxide alarms. Such apartment must contain smoke and carbon monoxide alarms meeting the requirements of chapter 9 of the New York city building code.

5. Fire separation. Such apartment must have all of the following fire separations:

(a) Boilers and furnaces. All boilers and furnaces in such apartment must be enclosed and separated from the rest of the building by noncombustible construction having at least a one-hour fire-resistance rating meeting the requirements of section 703 of the New York city building code.

(b) Egress stairs. All stairways providing required means of egress in such apartment must be separated from the rest of the apartment and the existing above grade apartment by noncombustible construction having at least a one-hour fire-resistance rating meeting the requirements of section 1022 of the New York city building code.

(c) Existing above grade apartment. Such apartment must be separated from the existing above grade apartment by noncombustible construction having at least a one-hour fire-resistance rating meeting the requirements of section 420 of the New York city building code.

6. Means of egress. Such apartment must be provided with a means of egress directly to the outdoors complying with the construction standards of chapter 10 of the New York city building code, including access to a public way. The exterior door shall be provided with landings on both the interior and exterior sides in accordance with Section 1008.1.6 of the New York city building code.

7. Windows.

(a) Each habitable room in such apartment must have at least 1 window with 6 square feet of openable area to provide natural ventilation as required pursuant to section 1203.4.1.2.1 of the New York city building code and additional windows, including glazed area in doors providing light directly into such room, cumulatively with the minimum net glazed area to provide natural light as required pursuant to section 1205.2.1 of the New York city building code.

(b) Portions of windows below grade plane may be included in calculations of such minimum net glazed area required to provide natural light if:

(1) The window head is located between 0 and 6 inches below the lowest permitted projection below ceiling height;

(2) Such portions are surrounded by a window well or similar open area that:

(A) is at least 6 inches deeper than the bottom of the window;

(B) is at least 3 times as wide, in the direction perpendicular to the window, as the depth below grade plane of such window portions;

(C) is at least twice as wide, in the direction parallel to the window, including 6 inches wider on each side, as the depth below grade plane of such window portions; and

(D) is provided with a drain to prevent any ponding of storm water, in accordance with chapter 11 of the New York city plumbing code.

(3) No cantilever, permanent shading structure, or other obstruction is less than 3 feet above the window head or protrudes more than 1 foot in the direction perpendicular to the window; and

(4) No other encroachment or obstruction is within the window well, except as otherwise required pursuant to the New York city building code. Supplemental steps that provide access to the required yard, court, open space or street may also be permitted. Where provided, such steps shall be dimensioned in accordance with section 1009.4 of the New York city building code and shall include a landing at the bottom of such window well in accordance with section 1009.5 of the New York city building code.

§ 5. Apartments in cellars. Notwithstanding any inconsistent provisions of section 502.1 of the New York city building code, sections 27-232 and 27-2004 of the administrative code, subdivision a of section 27-2087 of the administrative code or of applicable laws in existence prior to December 6, 1968, a habitable apartment may be created in a cellar if such apartment complies with section four of this local law and has a second, remote means of egress directly to the outdoors complying with the construction standards of chapter 10 of the New York city building code, including access to the public way, even if compliance with such standards is not otherwise required by such chapter or any other law. Such means of egress shall be provided with landings on both the interior and exterior sides of the door in accordance with section 1008.1.6 of the New York city building code. Such cellar must have at least 2 feet of height above grade plane. Such cellar shall be counted as a story for the purposes of the New York city housing maintenance code, the 1968 building code, and the New York city construction codes or applicable laws in existence prior to December 6, 1968 and the space in such apartment

shall be counted as floor area in accordance with section 12-10 of the zoning resolution of the city of New York. Occupancy in such a cellar shall be considered occupancy in a basement for the purposes of subdivision c of section 27-2087 of the administrative code.

§ 6. Deferral or waiver of penalties by the department of buildings. a. Notwithstanding the provisions of sections 28-213.1.1, 28-213.1.2, 28-213.3, and 28-219.1 of the administrative code, civil penalties for the department of buildings violations that would otherwise be required to be paid by a homeowner participating in the demonstration program before the issuance of a permit may be deferred or waived pursuant to a determination by the department that such penalties would preclude such homeowner's participation in the demonstration program in connection with the following:

1. the issuance of a permit to create or alter an apartment in a basement or cellar pursuant to this local law; or

2. the issuance of a permit after the effective date of this local law to a building in the program area to create either a new apartment entirely on a floor partially below the grade plane or at least 1 additional sleeping room in an existing apartment entirely on a floor partially below the grade plane.

b. Notwithstanding the provisions of subdivision a of this section, deferred amounts shall continue to be due and owing to the department of buildings and payment thereafter may be enforced in accordance with the New York city construction codes.

§ 7. Certificates of occupancy pursuant to this local law. a. At the option of the owner and notwithstanding any inconsistent provision of article 118 of chapter 1 of the administrative code or of any other law, where an apartment in a basement is created or altered pursuant to section four of this local law or an apartment in a cellar is created pursuant to sections four and five of this local law (i) a partial certificate of occupancy may be issued limited to the new or altered apartment in the basement of a building or the new apartment in the cellar of a building if such building was erected prior to January 1, 1938 and does not have and is not otherwise required to have a certificate of occupancy, or (ii) for a building with an existing certificate of occupancy, an amended certificate of occupancy may be issued limited to the new or altered apartment in the basement of such building or the new apartment in the cellar of such building, subject to the following conditions:

1. Upon inspection, the apartment being created or altered conforms substantially to the approved construction documents, complies with the New York city construction codes and other applicable laws, except as specifically provided in this local law, and is safe for occupancy;

2. Upon inspection, the required means of egress from all floors of the building comply with the New York city construction codes and other applicable laws;

3. An amended or partial certificate of occupancy or a temporary certificate of occupancy may be issued where there are open pre-existing violations in the building. All such open violations, including those specified in the exceptions, shall remain administratively open and the department of buildings may thereafter continue to enforce against such violations until, in accordance with applicable provisions of the New York city construction codes, outstanding penalties are paid and, if applicable, certificates of correction are approved by the department of buildings.

Exceptions:

1. Where a pre-existing violation in parts of the building outside of the new or altered apartment is classified as "immediately hazardous," the condition that gave rise to the issuance of such immediately hazardous violation must be removed or remedied in accordance with the New York city construction codes and to the satisfaction of the commissioner of buildings and evidence of such removal or remediation in the form of plans, drawings, photos, affidavits or a combination thereof, with the signature and seal of a registered design professional or, if applicable, a licensee of the department of buildings in the applicable trade must be submitted to the department prior to the issuance of such amended or partial certificate of occupancy or a temporary certificate of occupancy.

2. Any condition that gave rise to a pre-existing violation in the new or altered apartment must be removed or remedied by work performed under permits issued pursuant to this local law.

4. Notwithstanding any inconsistent provision of the New York city construction codes, including sections 28-118.14 and 28-219.1, a certificate of occupancy or a temporary certificate of occupancy may be issued for a basement or cellar apartment created or altered pursuant to this local law where there are outstanding fines and civil penalties for pre-existing violations provided that such fines and civil penalties shall remain due and owing,

and the department may thereafter enforce and collect such amounts in accordance with the New York city construction codes.

b. The department of buildings may refuse to issue a certificate of occupancy or a temporary certificate of occupancy pursuant to this section if there are outstanding department of buildings violations, penalties or open permits not signed off related to work performed under permits issued pursuant to this local law until such penalties have been paid, such violations have been corrected, including filing certificates of correction, if applicable, and permits have been closed, as required by the New York city construction codes.

c. 1. Every certificate of occupancy or temporary certificate of occupancy issued for a basement or cellar apartment created or altered pursuant to this local law must contain a reference to this local law.

2. A partial or amended certificate of occupancy or a temporary certificate of occupancy issued pursuant to subdivision a of this section must contain a note that such certificate of occupancy does not certify compliance with applicable laws with respect to parts of the building outside of the apartment created or altered pursuant to this local law.

§ 8. Waiver of application, permit and inspection fees by department of buildings. The commissioner of buildings shall waive all fees, which would otherwise be required to be paid to the department of buildings by title 28 of the administrative code, the electrical code or the rules of the department of buildings, in connection with applications, permits and inspections for work in the program area related to the creation or alteration of habitable apartments in basements and cellars where such apartments are officially subsidized under a program administered by the department of housing preservation and development.

§ 9. Waiver of fees by other agencies. The department of environmental protection shall waive all fees which would otherwise be required to be paid arising out of the creation or alteration of habitable apartments in basements and cellars where such apartments are officially subsidized under a program administered by the department of housing preservation and development. Any other agency may promulgate rules to waive fees that would otherwise be required to be paid arising out of the creation or alteration of such apartments where such apartments are officially subsidized under a program administered by the department of housing preservation and development, and where such agency determines that such waiver would facilitate such program.

§ 10. Time limit for filing of construction documents. Completed construction documents pursuant to this local law shall be filed with the department of buildings within 18 months from the effective date of this local law subject to the provisions of articles 104 and 105 of chapter 1 of title 28 of the administrative code of the city of New York pertaining to time limitation of applications and expiration or permits.

§ 11. Radon levels. No certificate of occupancy or temporary certificate of occupancy may be issued for an apartment in a basement or cellar created or altered pursuant to sections four or five of this local law unless a certification is submitted to the department of buildings that the level of radon in such apartment after the completion of construction is tested in accordance with, and meets the standards set forth in, rules promulgated by the department of health and mental hygiene, which shall require the level of radon in such an apartment be below 2 picocuries per liter of air.

§ 12. Vapor barriers and soil excavation. a. No certificate of occupancy or temporary certificate of occupancy shall be issued for an apartment in a basement or cellar created or altered pursuant to sections four or five of this local law unless, in accordance with rules promulgated by the department of environmental protection, either:

(i) a qualified environmental professional submits a certification to the department of buildings that a vapor barrier was applied prior to the installation of flooring; or.

(ii) in cases where such creation or alteration is limited exclusively to the addition of a habitable sleeping room in an existing lawful basement apartment, a qualified environmental professional submits a certification to the department of buildings that indoor air and vapor sampling was conducted throughout the apartment in accordance with the rules of the department of environmental protection, the results of which qualify the apartment for an exemption from the requirement of a vapor barrier in accordance with such rules.

b. No certificate of occupancy or temporary certificate of occupancy shall be issued for an apartment in a basement or cellar created or altered pursuant to sections four or five of this local law where such creation or alteration includes excavation within or to expand an existing building footprint for the purpose of increasing the ceiling height of such apartment, unless the department of environmental protection furnishes a notice to the department of buildings stating that the department of environmental protection has determined that appropriate measures to protect public health and the environment for the allowable use have been undertaken in accordance

with rules promulgated by such department, and that such department does not object to the issuance of such certificate of occupancy or temporary certificate of occupancy.

§ 13. Compliance with fire code sprinkler requirements for altered buildings on substandard width streets. Any habitable apartment in a basement or cellar created or altered pursuant to sections four and five of this local law shall be deemed to be an alteration subject to the exception set forth in subdivision 5.1 of section 501.4.3.1 of the New York city fire code.

§ 14. Construction. a. Except as specifically provided in this local law, nothing in this local law is intended to grant authorization for any work to be done in any manner in violation of the provisions of the New York city construction codes, or any other law or rule.

b. Nothing in this local law is intended to effect, alter or amend any provision of the zoning resolution of the city of New York.

§ 15. Rules. The department of buildings, the fire department, the department of environmental protection, the department of housing preservation and development and the department of health and mental hygiene may adopt any rules necessary to carry out the provisions of this local law.

§ 16. Report. No later than 48 months after the date this local law takes effect, an agency appointed by the mayor shall submit to the mayor and the speaker of the city council a report summarizing the impact of the demonstration program established by section two of this local law.

§ 17. This local law takes effect 120 days after it becomes law, provided that the provisions of paragraph 2 of subdivision a of section six of this local law and sections eight and nine of this local law shall not apply to any building in the program area for which a complete application for construction document approval is filed more than 18 months after the date this local law takes effect.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, February 11, 2019.

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. 314

Report of the Committee on Land Use in favor of approving Application No. C 190049 ZMX (Belmont Cove Rezoning) submitted by the New York City Department of Housing Preservation and Development and Proxy Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, changing from an M1-4 District to an R7X District property located at Block 2945, Lots 34, 65 and 66, Borough of the Bronx, Community Board 6. Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on January 9, 2019 (Minutes, page 93) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BRONX CB-6 – THREE APPLICATIONS RELATED TO BELMONT COVE REZONING****C 190049 ZMX (L.U. No. 314)**

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation (HPD) and Development and Proxy Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, changing from an M1-4 District to an R7X District property bounded by Belmont Avenue, East 176th Street, Crotona Avenue and the northeasterly boundary line of a park and its southeasterly prolongation, a northwesterly boundary line of a park, and a northeasterly boundary line of a park and its northwesterly prolongation, Borough of the Bronx, Community District 6, as shown on a diagram (for illustrative purposes only) dated September 24, 2018.

N 190050 ZRX (L.U. No. 315)

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (HPD), 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.

C 190051 PPX (L.U. No. 316)

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter for the disposition of two city-owned properties located on the south side of East 176th Street between Belmont and Crotona avenues (Block 2945, Lots 65 and 66) pursuant to zoning.

INTENT

To approve an amendment to rezone M1-4 district to an R7X district, to designate the project area as a Mandatory Inclusionary Housing (MIH) area utilizing MIH Option 1, and to approve the disposition of two city-owned properties located on the south side of East 176th Street between Belmont and Crotona Avenues (Block 2945, Lots 65 and 66) to facilitate the construction of a new 11-story building containing approximately 157 units of affordable housing and one superintendent's unit at 656 East 176th Street in the Tremont/Belmont neighborhood of Bronx Community District 6.

PUBLIC HEARING

DATE: January 14, 2019

Witnesses in Favor: Five

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: February 6, 2019

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

In Favor:

Kallos, Gibson, Deutsch, King, Diaz.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: February 6, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Richards Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 751

Resolution approving the decision of the City Planning Commission on ULURP No. C 190049 ZMX, a Zoning Map amendment (L.U. No. 314).

By Council Members Salamanca and Kallos.

WHEREAS, the City Planning Commission filed with the Council on January 4, 2019 its decision dated December 19, 2018 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development and Proxy Estate, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 3d, changing from an M1-4 District to an R7X District property bounded by Belmont Avenue, East 176th Street, Crotona Avenue and the northeasterly boundary line of a park and its southeasterly prolongation, a northwesterly boundary line of a park, and a northeasterly boundary line of a park and its northwesterly prolongation, which in conjunction with the related actions would facilitate the development of an 11-story affordable housing building at 656 East 176th Street in the Tremont/Belmont neighborhood of the Bronx, Community District 6, (ULURP No. C 190049 ZMX) (the "Application");

WHEREAS, the Application is related to applications N 190050 ZRX (L.U. No. 315), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and C 190051 PPX (L.U. No. 316), a disposition of City-owned property;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 14, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on September 19, 2018 (CEQR No. 18HPD054X) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190049 ZMX, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 3d, changing from an M1-4 District to an R7X District property bounded by Belmont Avenue, East 176th Street, Crotona Avenue and the northeasterly boundary line of a park and its southeasterly prolongation, a northwesterly boundary line of a park, and a northeasterly boundary line of a park and its northwesterly prolongation, Borough of the Bronx, Community District 6, as shown on a diagram (for illustrative purposes only) dated September 24, 2018.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, February 6, 2019. *Other Council Members Attending: Council Member Cohen.*

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. 315

Report of the Committee on Land Use in favor of approving Application No. N 190050 ZRX (Belmont Cove Rezoning) submitted by the New York City Department of Housing Preservation and Development, 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 Housing Inclusionary area, Borough of the Bronx, Community Board 6. Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on January 9, 2019 (Minutes, page 94) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 314 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 752

Resolution approving the decision of the City Planning Commission on Application No. N 190050 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 315).

By Council Members Salamanca and Kallos.

WHEREAS, the City Planning Commission filed with the Council on January 4, 2019 its decision dated December 19, 2018 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area in the proposed rezoning area Block 2945, Lots 34, 65, and 66, which in conjunction with the related actions would facilitate the development of an 11-story, residential building with approximately 157 units of affordable housing in the Belmont neighborhood of the Bronx, Community District 6, (Application No. N 190050 ZRX), (the "Application");

WHEREAS, the Application is related to applications C 190049 ZMX (L.U. No. 314), a zoning map amendment to rezone the project area from an M1-4 district to an R7X district and C 190051 PPX (L.U. No. 316), a disposition of City-owned property;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 14, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on September 19, 2018 (CEQR No. 18HPD054X) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190050 ZRX, incorporated by

reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

THE BRONX

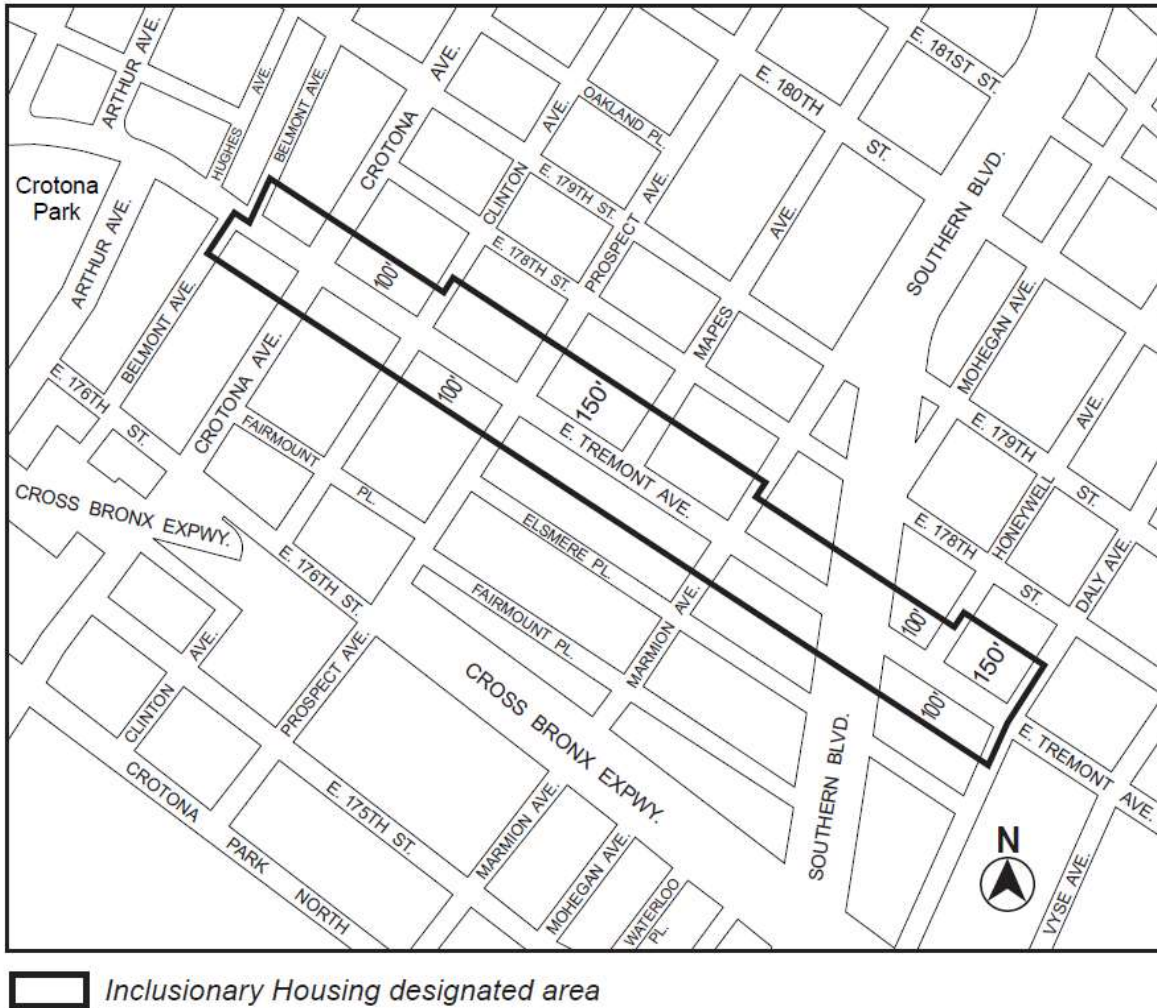
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Community District 6

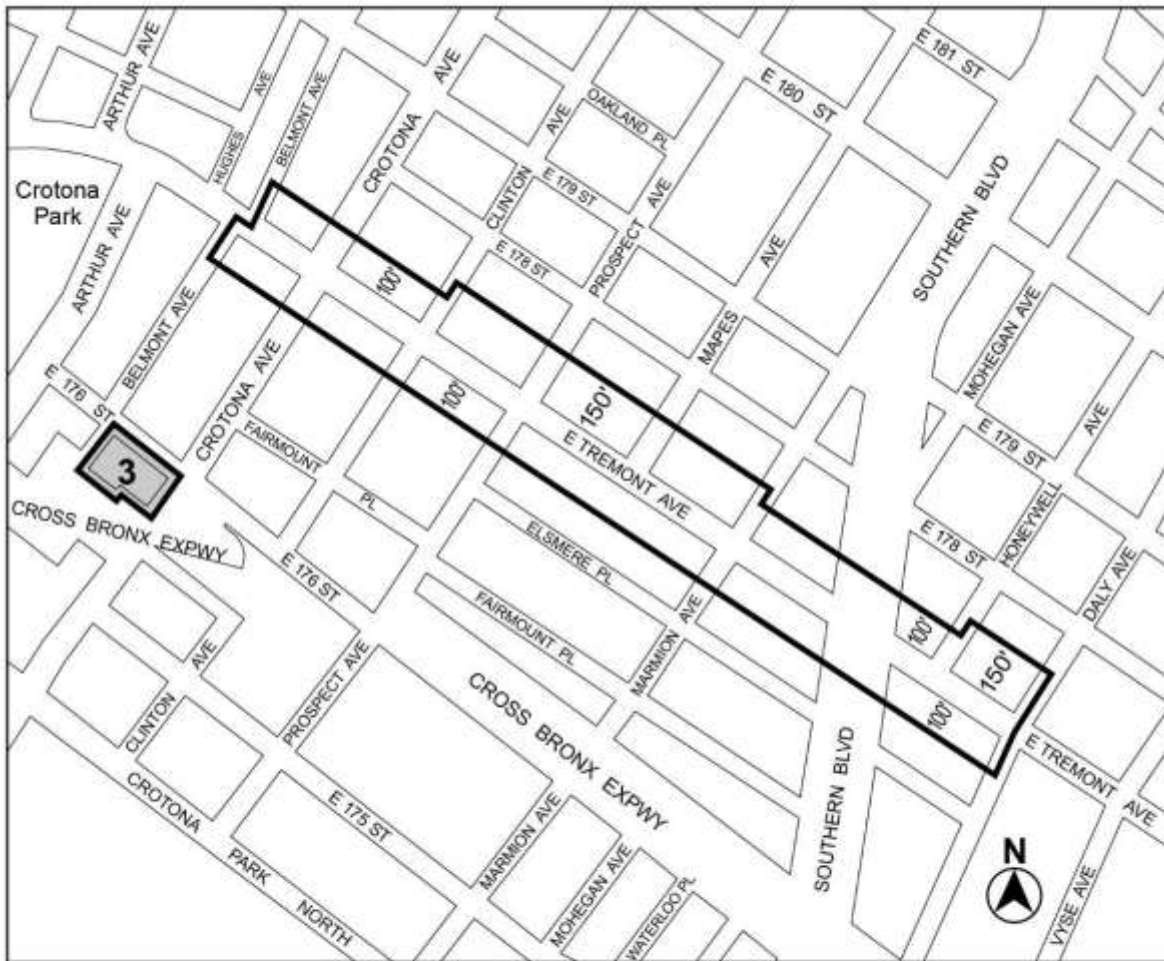
* * *

Map 4 - [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



- Inclusionary Housing designated area
 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area 3 — [date of adoption] MIH Program Option 1

Portion of Community District 6, Bronx

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, February 6, 2019. *Other Council Members Attending: Council Member Cohen.*

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. 316

Report of the Committee on Land Use in favor of approving Application No. C 190051 PPX (Belmont Cove Rezoning) submitted by the New York City Department of Housing Preservation and Development, pursuant to Section 197-c of the New York City Charter, for the disposition of two city-owned properties located on the south side of East 176th Street between Belmont and Crotona avenues (Block 2945, Lots 65 and 66), Borough of the Bronx, Community Board 6. Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on January 9, 2019 (Minutes, page 94) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 314 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 753

Resolution approving the decision of the City Planning Commission on Application No. C 190051 PPX, for the disposition of city-owned property (L.U. No. 316).

By Council Members Salamanca and Kallos.

WHEREAS, the City Planning Commission filed with the Council on January 4, 2019 its decision dated December 19, 2018 (the "Decision"), pursuant to Section 197-c of the New York City Charter, regarding an application submitted by the Department of Housing Preservation and Development (HPD), for the disposition of two city-owned properties located on the south side of East 176th Street between Belmont and Crotona avenues (Block 2945, Lots 65 and 66) pursuant to zoning, which in conjunction with the related actions, would facilitate the construction of a new 11-story building containing 157 units of affordable housing and one superintendent's unit at 656 East 176th Street in the Tremont/Belmont neighborhood of the Bronx, Community District 6, (Application No. C 190051 PPX) (the "Application");

WHEREAS, the Application is related to applications C 190049 ZMX (L.U. No. 314), a zoning map amendment to rezone the project area from an M1-4 district to an R7X district and N 190050 ZRX (L.U. No. 315), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 14, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on September 19, 2018 (CEQR No. 18HPD054X) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190051 PPX, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, February 6, 2019. *Other Council Members Attending: Council Member Cohen.*

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. 317

Report of the Committee on Land Use in favor of approving Application No. C 180083 ZMX (East 241st Street Rezoning) submitted by Enclave on 241st LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 2a, changing from an M1-1 District to an R7D District and establishing within the proposed R7D District a C2-4 District for property bounded by East 241st Street, Furman Avenue, East 240th Street and White Plains Road (Block 5087), Borough of the Bronx, Council District 11, Community District 12.

The Committee on Land Use, to which the annexed Land Use item was referred on January 9, 2019 (Minutes, page 94) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BRONX CB-12 – TWO APPLICATIONS RELATED TO EAST 241ST STREET REZONING****C 180083 ZMX (L.U. No. 317)**

City Planning Commission decision approving an application submitted by Enclave on 241st, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 2a:

1. changing from an M1-1 District to an R7D District property bounded by East 241st Street, Furman Avenue, East 240th Street and White Plains Road; and
2. establishing within the proposed R7D District a C2-4 District bounded by East 241st Street, Furman Avenue, East 240th Street and White Plains Road;

as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of the CEQR Declaration E-484.

N 180084 ZRX (L.U. No. 318)

City Planning Commission decision approving an application submitted by Enclave on 241st, 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, and to Appendix I to extend Transit Zone 1.

INTENT

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to change the existing M1-1 district to an R7D/C2-4 district, establish a Mandatory Inclusionary Housing (MIH) area and amend Appendix I to extend Transit Zone 1, requiring permanent affordability for a portion of the units for developments within the rezoning area to facilitate a mixed-use development with approximately 186 units of affordable housing and ground-floor retail space in the Wakefield neighborhood of Bronx Community District 12.

PUBLIC HEARING

DATE: January 10, 2019

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: January 31, 2019

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

In Favor:

Moya, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: February 6, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos King, Koo, Lancman, Levin, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 754

Resolution approving the decision of the City Planning Commission on ULURP No. C 180083 ZMX, a Zoning Map amendment (L.U. No. 317).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on December 28, 2018 its decision dated December 19, 2018 (the "Decision"), on the application submitted by Enclave on 241st, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 2a, changing from an M1-1 District to an R7D District and establishing within the proposed R7D District a C2-4 District, which in conjunction with the related action would facilitate a mixed-use development consisting of affordable housing and ground-floor retail space in Bronx Community District 12, (ULURP No. C 180083 ZMX), (the "Application");

WHEREAS, the Application is related to application N 180084 ZRX (L.U. No. 318), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to extend Transit Zone 1;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 10, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 17th, 2018 (CEQR No. 18DCP094X), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous material, air quality, and noise (E-484) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180083 ZMX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 2a:

1. changing from an M1-1 District to an R7D District property bounded by East 241st Street, Furman Avenue, East 240th Street and White Plains Road; and
2. establishing within the proposed R7D District a C2-4 District bounded by East 241st Street, Furman Avenue, East 240th Street and White Plains Road;

as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of the CEQR Declaration E-484, Community District 12, Borough of the Bronx.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, February 6, 2019. *Other Council Members Attending: Council Member Cohen.*

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. 318

Report of the Committee on Land Use in favor of approving Application No. N 180084 ZRX (East 241st Street Rezoning) submitted by Enclave on 241st, 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, and to Appendix I to extend Transit Zone 1, Borough of the Bronx, Council District 11, Community District 12.

The Committee on Land Use, to which the annexed Land Use item was referred on January 9, 2019 (Minutes, page 94) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 317 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 755

Resolution approving the decision of the City Planning Commission on Application No. N 180084 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 318).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on December 28, 2018 its decision dated December 19, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Enclave on 241st, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, and to Appendix I to extend Transit Zone 1, which in conjunction with the related action would facilitate a mixed-use development consisting of affordable housing and ground-floor retail space in Bronx Community District 12, (Application No. N 180084 ZRX), (the "Application");

WHEREAS, the Application is related to application C 180083 ZMX (L.U. No. 317), a zoning map amendment to change an M1-1 zoning district to an R7D/C2-4 district;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 10, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 17th, 2018 (CEQR No. 18DCP094X), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous material, air quality, and noise (E-484) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180084 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

Bronx

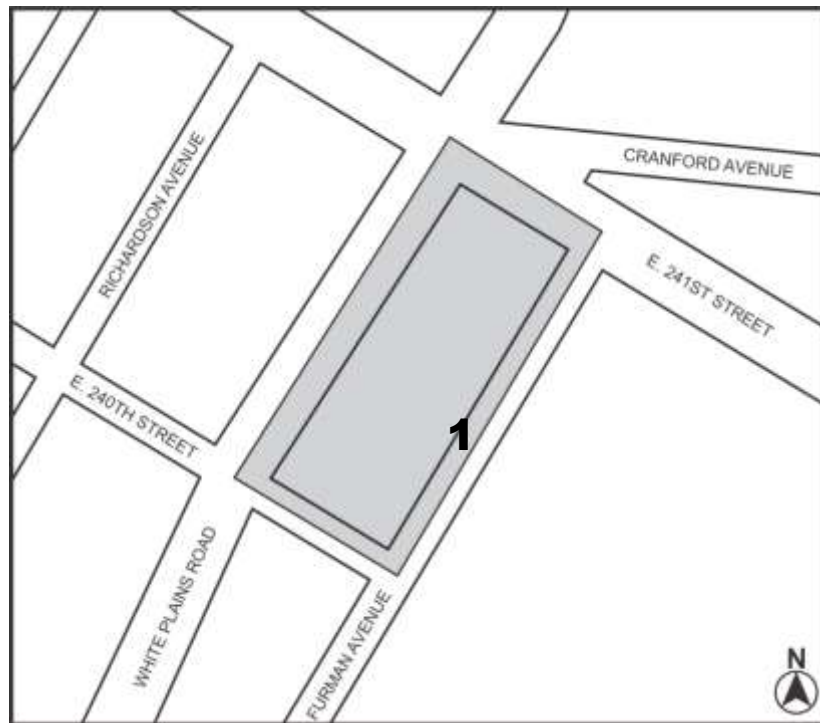
* * *

Bronx Community District 12

* * *

Map 1 - [date of adoption]

[PROPOSED MAP]



 Mandatory Inclusionary Housing Program Area see Section 23-154 (d) (3)
Area 1 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 12, Bronx

* * *

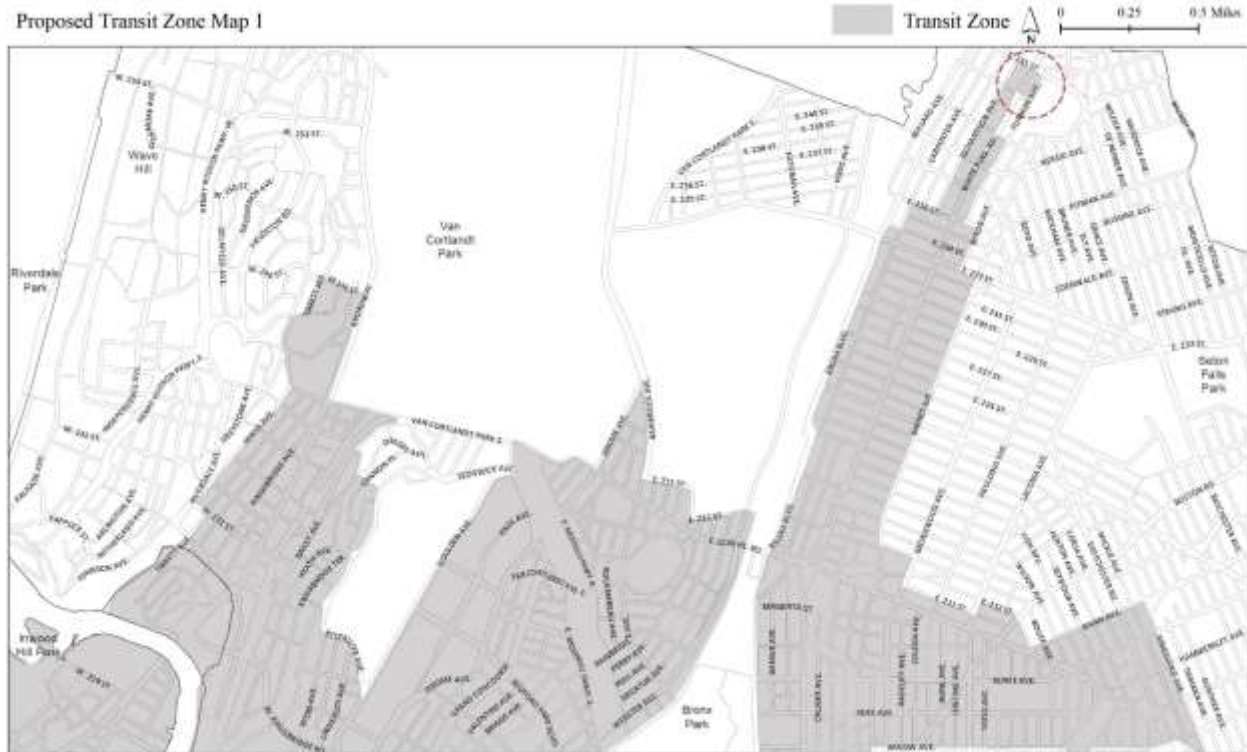
APPENDIX I

Transit Zone



* * *

Proposed Transit Zone Map 1



RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, February 6, 2019. *Other Council Members Attending: Council Member Cohen.*

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. 319

Report of the Committee on Land Use in favor of approving Application No. C 180229 ZMK (895 Bedford Avenue Rezoning) submitted by 895 Bedford Avenue Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 17a changing from an M1-2 District to an R7A District and establishing within the proposed R7A District a C2-4 District for property bounded by a line 80 feet northerly of Willoughby Avenue, Spencer Street, Willoughby Avenue, and Bedford Avenue, Borough of Brooklyn, Council District 33, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on January 9, 2019 (Minutes, page 95) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BROOKLYN CB-3 – TWO APPLICATIONS RELATED TO 895 BEDFORD AVENUE REZONING****C 180229 ZMK (L.U. No. 319)**

City Planning Commission decision approving an application submitted by 895 Bedford Avenue Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 17a:

1. changing from an M1-2 District to an R7A District property bounded by a line 80 feet northerly of Willoughby Avenue, Spencer Street, Willoughby Avenue and Bedford Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by a line 80 feet northerly of Willoughby Avenue, Spencer Street, Willoughby Avenue, and Bedford Avenue;

as shown on a diagram (for illustrative purposes only) dated August 24, 2018, and subject to the conditions of CEQR Declaration E-491.

N 180230 ZRK (L.U. No. 320)

City Planning Commission decision approving an application submitted by 895 Bedford Avenue 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.

INTENT

To approve the amendments to the Zoning Map and Text of the Zoning Resolution in order to change an M1-2 zoning district on a portion of one block to an R7A/C2-4 district and to establish a Mandatory Inclusionary Housing (MIH) area to facilitate the development of a new residential/commercial mixed-use building in the Bedford-Stuyvesant neighborhood of Community District 3, Brooklyn.

PUBLIC HEARING

DATE: January 10, 2019

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: January 31, 2019

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

In Favor:

Moya, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: February 6, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

Barron

Abstain:

None

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

Res. No. 756

Resolution approving the decision of the City Planning Commission on ULURP No. C 180229 ZMK, a Zoning Map amendment (L.U. Nos. 319).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on December 28, 2018 its decision dated December 19, 2018 (the "Decision"), on the application submitted by 895 Bedford Avenue Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 17a, changing from an M1-2 District to an R7A District and establishing within the proposed R7A District a C2-4 District, which in conjunction with the related action would facilitate the development of a new residential/commercial mixed-use building in the Bedford-Stuyvesant neighborhood of Community District 3, Brooklyn, (ULURP No. C 180229 ZMK), (the "Application");

WHEREAS, the Application is related to application N 180230 ZRK (L.U. No. 320), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 10, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 20, 2018 (CEQR No. 18DCP040K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-491) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180229 ZMK, incorporated by reference herein, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 17a:

1. changing from an M1-2 District to an R7A District property bounded by a line 80 feet northerly of Willoughby Avenue, Spencer Street, Willoughby Avenue and Bedford Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by a line 80 feet northerly of Willoughby Avenue, Spencer Street, Willoughby Avenue, and Bedford Avenue;

as shown on a diagram (for illustrative purposes only) dated August 24, 2018, and subject to the conditions of CEQR Declaration E-491, Community District 3, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, February 6, 2019. *Other Council Members Attending: Council Member Cohen.*

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. 320

Report of the Committee on Land Use in favor of approving Application No. N 180230 ZRK (895 Bedford Avenue Rezoning) submitted by 895 Bedford Avenue 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 in the Borough of Brooklyn, Council District 33, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on January 9, 2019 (Minutes, page 95) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 319 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 757

Resolution approving the decision of the City Planning Commission on Application No. N 180230 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 320).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on December 28, 2018 its decision dated December 19, 2018 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 895 Bedford Avenue Realty, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area on Block 1750, Lots 44, 46, 47, 49, and parts of 1, 24, and 48, which in conjunction with the related action would facilitate the development of a new residential/commercial mixed-use building in the Bedford-Stuyvesant neighborhood of Community District 3, Brooklyn (Application No. N 180230 ZRK), (the "Application");

WHEREAS, the Application is related to application C 180229 ZMK (L.U. No. 319), a zoning map amendment to change an existing M1-2 district to an R7A/C2-4 district;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 10, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued August 20, 2018 (CEQR No. 18DCP040K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-491) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180230 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

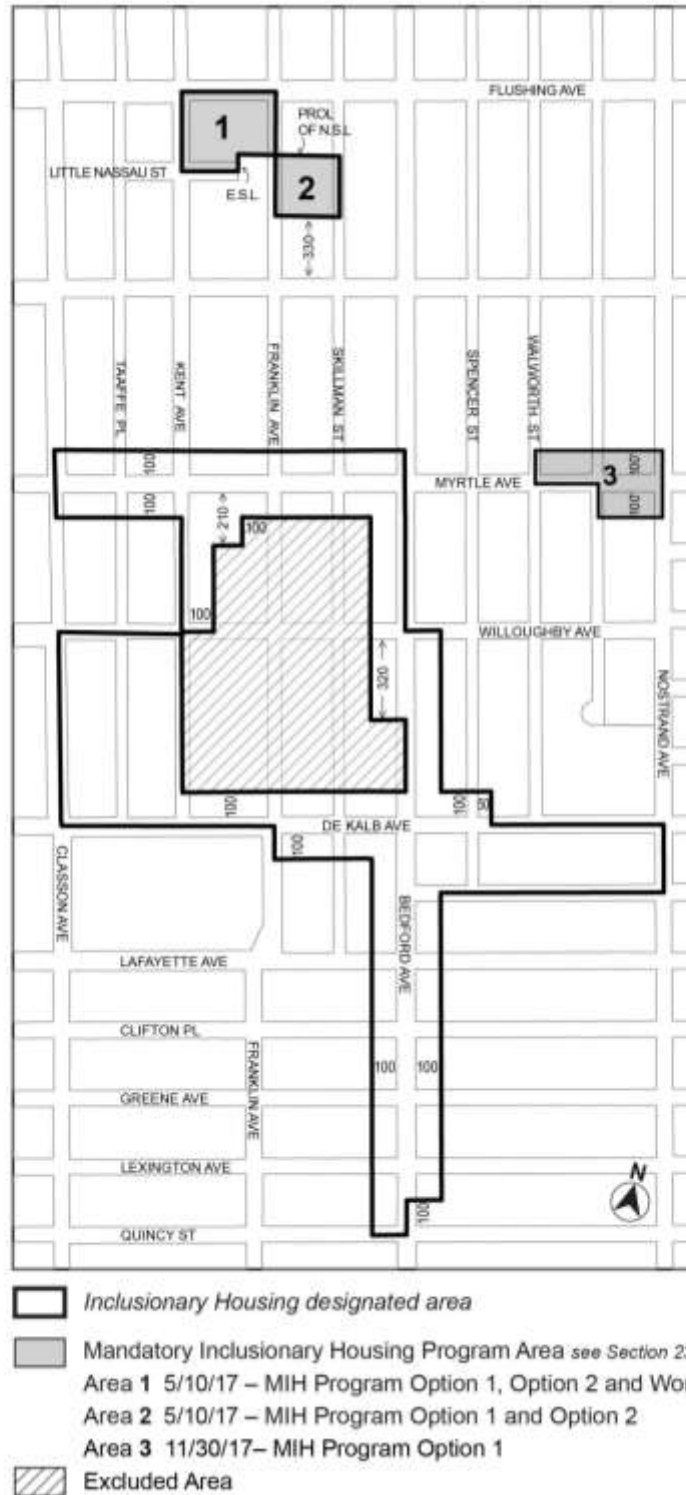
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Brooklyn Community District 3

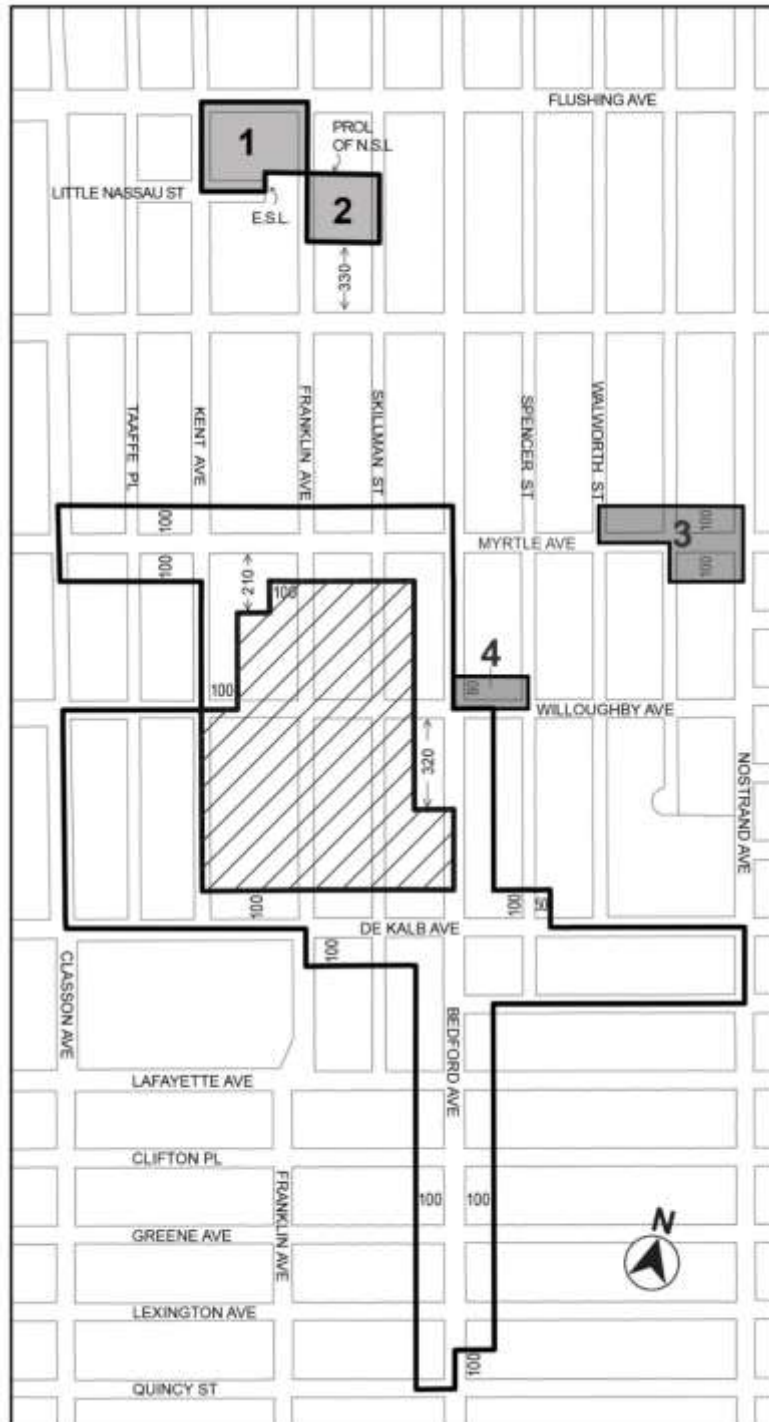
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Map 3 - [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



-  Inclusionary Housing Designated Area
-  Mandatory Inclusionary Housing Area (MIHA) *see Section 23-154(d)(3)*
- 1** Area 1 -5/10/17 - MIH Program Option 1, Option 2 and Workforce Option
- 2** Area 2 -5/10/17 - MIH Program Option 1 and Option 2
- 3** Area 3 11/30/17 - MIH Program Option 1
- 4** Area 4 –[date of adoption] - MIH Program Option 1 and Option 2
-  Excluded Area

Portion of Community District 3, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, February 6, 2019. *Other Council Members Attending: Council Member Cohen.*

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. 321

Report of the Committee on Land Use in favor of approving Application No. C 170492 ZMQ (100-03 North Conduit Avenue) submitted by Cohancy Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18b, by establishing within an existing R3X District a C2-2 District bounded by Cohancy Street, a line 190 feet northerly of North Conduit Avenue, the northeasterly boundary of a Railroad Right-Of-Way (N.Y.C.T.A Rockaway Beach Division), and North Conduit Avenue, Borough of Queens, Council District 32, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on January 9, 2019 (Minutes, page 94) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 10

C 170492 ZMQ

City Planning Commission decision approving an application submitted by Cohancy Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section

No. 18b, by establishing within an existing R3X District a C2-2 District bounded by Cohancy Street, a line 190 feet northerly of North Conduit Avenue, the northeasterly boundary of a Railroad Right-Of-Way (N.Y.C.T.A Rockaway Beach Division), and North Conduit Avenue, Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-493.

INTENT

To approve the amendment to the Zoning Map, Section No. 18b, in order to establish a C2-2 commercial overlay zoning district within an existing R3X district to facilitate the development of an automotive service station and a single-story convenience store containing approximately 57,315 square feet of floor area on Block 11562, Lots 106, 111, 113, and 119, located along North Conduit Avenue in the Ozone Park neighborhood of Queens.

PUBLIC HEARING

DATE: January 10, 2019

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: January 31, 2019

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

In Favor:

Moya, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: February 6, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya Rivera.

Against:

None

Abstain:

None

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

Res. No. 758

Resolution approving the decision of the City Planning Commission on ULURP No. C 170492 ZMQ, a Zoning Map amendment (L.U. No. 321).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on December 28, 2018 its decision dated December 5, 2018 (the "Decision"), on the application submitted by Cohancy Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 18b, by establishing within an existing R3X District a C2-2 District to facilitate the development of an automotive service station and a single-story convenience store containing approximately 57,315 square feet of floor area on Block 11562, Lots 106, 111, 113, and 119, located along North Conduit Avenue in the Ozone Park neighborhood of Queens, (ULURP No. C 170492 ZMQ), Community District 10, Borough of Queens (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 10, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on August 20, 2018 (CEQR No. 18DCP017Q) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 170492 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 18b, establishing within an existing R3X District a C2-2 District bounded by Cohancy Street, a line 190 feet northerly of North Conduit Avenue, the northeasterly boundary of a Railroad Right-Of-Way (N.Y.C.T.A Rockaway Beach Division), and North Conduit Avenue, Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated August 20, 2018, and subject to the conditions of CEQR Declaration E-493.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA,

CARLINA RIVERA; Committee on Land Use, February 6, 2019. *Other Council Members Attending: Council Member Cohen.*

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. 322

Report of the Committee on Land Use in favor of approving Application No. C 180439 ZSM (51-53 White Street) submitted by 51 White Street LLC requesting a Special Permit pursuant to ZR section 74-711 to modify Sections 23-692, 23-622, 23-861, and 23-851(b) to facilitate a two-story enlargement for property in the Tribeca East Historic District located at 51-53 White Street (Block 175, Lot 24), Borough of Manhattan, Community District 1, Council District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on January 9, 2019 (Minutes, page 95) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT:

MANHATTAN CB - 1

C 180439 ZSM

City Planning Commission decision approving an application submitted by 51 White Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height and setback requirements of Section 23-662 (Maximum height of buildings and setback regulations) and Section 23-692 (Height limitations for narrow buildings or enlargements), the inner court requirements of Section 23-85 (Inner Court Regulations) and the minimum distance between legally required windows and walls or lot lines requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines), to facilitate the vertical enlargement of an existing 5 story building, on property located at 51 White Street (Block 175, Lot 24), in a C6-2A District, within the Tribeca East Historic District.

INTENT

To grant an approval of the special permit to modify the maximum height and setback regulations of ZR Section 23-662, the height limitation regulations of ZR Section 23-692, the inner court regulations of ZR Section 23-85, and the minimum distance between legally required windows and walls or lot lines regulations of ZR Section 23-86 to facilitate a two-story vertical enlargement of an existing five-story building, and the introduction of a new mezzanine level between existing first and second floors, at 51 White Street in the Tribeca neighborhood of Manhattan.

PUBLIC HEARING

DATE: January 10, 2019

Witnesses in Favor: One

Witnesses Against: Three

SUBCOMMITTEE RECOMMENDATION**DATE:** January 31, 2019

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

In Favor:

Moya, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** February 6, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman Levin, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 759

Resolution approving the decision of the City Planning Commission on ULURP No. C 180439 ZSM, for the grant of a special permit (L.U. No. 322).

By Council Members Salamanca and **Moya**.

WHEREAS, the City Planning Commission filed with the Council on December 28, 2018 its decision dated December 19, 2018 (the "Decision"), on the application submitted by 51 White Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height and setback requirements of Section 23-662 (Maximum height of buildings and setback regulations) and Section 23-692 (Height limitations for narrow buildings or enlargements), the inner court requirements of Section 23-85 (Inner Court Regulations) and the minimum distance between legally required windows and walls or lot lines requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines), to facilitate the vertical enlargement of an existing 5 story building, on property located at 51 White Street (Block 175, Lot 24), in a C6-2A District, within the Tribeca East Historic District, (ULURP No. C 180439 ZSM) Community District 1, Borough of Manhattan (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-711 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 10, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on August 6, 2018 (CEQR No. 18DCP092M) (the “Negative Declaration”);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180439 ZSM, incorporated by reference herein, the Council approves the Decision of the City Planning Commission subject to the following terms and conditions:

1. The property that is the subject of this application (C 180439 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Roman Sorokko Versatile Engineering, P.C., filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
G-000.00	Cover Sheet	05/04/2018
G-002.00	Zoning Lot Site Plan	06/26/2018
G-003.00	Waiver Plan	06/26/2018
G-004.00	Proposed Building Section A-A and Waiver Diagram	06/26/2018
G-005.00	Proposed Building Section B-B and Waiver Diagram	06/26/2018
Z-001.00	Zoning Analysis	06/26/2018

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, February 6, 2019. *Other Council Members Attending: Council Member Cohen.*

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. 323

Report of the Committee on Land Use in favor of approving Application No. C 190070 ZSM (59 Greenwich) submitted by 59 Greenwich LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 32-421 (Limitation on floors occupied by commercial uses) to allow Use Group 6 uses (retail uses) and the minimum distance between legally required windows and lot lines regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) in connection with the re-construction and enlargement of an existing four-story mixed use building on property located at 59 Greenwich Avenue (Block 613, Lot 60), Borough of Manhattan, Community District 2, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on January 9, 2019 (Minutes, page 96) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 2****C 190070 ZSM**

City Planning Commission decision approving an application submitted by 59 Greenwich LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify:

1. the use regulations of Section 32-421 (Limitation on floors occupied by commercial uses) to allow Use Group 6 uses (retail uses) on a portion of the second floor; and
 2. the minimum distance between legally required windows and lot lines regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines);
- in connection with the re-construction and enlargement of an existing four-story mixed use building on property located at 59 Greenwich Avenue (Block 613, Lot 60), in a C2-6 District, within the Greenwich Village Historic District.

INTENT

To grant an approval of the special permit to modify the use regulations of ZR Section 32-421 (Limitation on floors occupied by commercial uses) to allow Use Group 6 uses on the second floor, and the minimum distance between legally required windows and lot lines regulations of ZR Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) in connection with the reconstruction and enlargement of an existing four-story building at 59 Greenwich Avenue in the Greenwich Village neighborhood of Manhattan Community District 2.

PUBLIC HEARING**DATE:** January 10, 2019**Witnesses in Favor:** One**Witnesses Against:** One**SUBCOMMITTEE RECOMMENDATION****DATE:** January 31, 2019

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

In Favor:

Moya, Levin, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** February 6, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 760

Resolution approving the decision of the City Planning Commission on ULURP No. C 190070 ZSM, for the grant of a special permit (L.U. No. 323).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on January 4, 2019 its decision dated December 19, 2018 (the "Decision"), on the application submitted by 59 Greenwich, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 32-421 (Limitation on floors occupied by commercial uses) to allow Use Group 6 uses (retail uses) on a portion of the second floor; and the minimum distance between legally required windows and lot lines regulations of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) in connection with the re-construction and enlargement of an existing four-story mixed use building on property located at 59 Greenwich Avenue (Block 613, Lot 60), in a C2-6 District, within the Greenwich Village Historic District, (ULURP No. C 190070 ZSM) Community District 2, Borough of Manhattan, (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-711 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 10, 2019;

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

WHEREAS, the Council has considered the relevant environmental issues, including the determination by the City Planning Commission, that the Application is a Type II action and requires no further review (the "Type II Determination").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment pursuant to the Type II Determination.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190070 ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 190070 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Crown Architecture and Consulting, D.P.C., filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-002.00	Zoning Analysis	08/21/2018
A-004.00	Zoning Lot Site Plan	08/21/2018
A-006.00	Second Floor Waiver Plan	08/21/2018
A-007.00	Waiver Plan	08/21/2018
A-008.00	Waiver Longitudinal and Cross Sections	08/21/2018

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated December 14, 2018, executed by 59 Greenwich LLC., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, New York County.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted,

the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, February 6, 2019. *Other Council Members Attending: Council Member Cohen.*

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

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

Report for L.U. No. 341

Report of the Committee on Land Use in favor of approving Application No. 20195311 SCK submitted by the New York City School Construction Authority pursuant to Section 1732 of the New York City School Construction Authority Act for the site selection of a new, approximately 676-seat primary school facility on property located on the eastern end of the block bounded by 63rd Street to the north, 64th Street to the south, 13th Avenue to the east and 12th Avenue to the west. Borough of Brooklyn, Community School District No. 20, Community District 10, Council District 38.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on February 13, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 10

20195311 SCK

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 676-Seat Primary School Facility at the former Angel Guardian Home property located at Block 5739, p/o Lot 1, in the Dyker Heights section of Brooklyn, Community School District 20.

INTENT

To approve the Site Plan for the construction of a new, approximately 676-seat primary school in the Dyker Heights section of Brooklyn to accommodate students in Community School District No. 20.

PUBLIC HEARING

DATE: January 31, 2019

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: January 31, 2019

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:

Adams, Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: February 6, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Constantinides, Deutsch, Kallos, King, Koo, Lancman, Levin, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 761

Resolution approving the site plan for a new, approximately 676-Seat Primary School Facility at the former Angel Guardian Home property located at Block 5739, p/o Lot 1, in the Dyker Heights section of Brooklyn, in Community District 10, Borough of Brooklyn (Non-ULURP No. 20195311 SCK; Preconsidered L.U. No. 341).

By Council Members Salamanca and Adams.

WHEREAS, the New York City School Construction Authority submitted to the Council on January 28, 2019, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 676-Seat Primary School Facility at the former Angel Guardian Home property located at Block 5739, p/o Lot 1, in the Dyker Heights section of Brooklyn, Community District No. 10, to accommodate students in Community School District No. 20 (the "Site Plan");

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on January 31, 2019;

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on January 14, 2019, (SEQR Project Number 19-010) (the "Negative Declaration"); and

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

RESOLVED:

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

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, ANDY L. KING, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, BEN KALLOS, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, February 6, 2019. *Other Council Members Attending: Council Member Cohen.*

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 Transportation

Report for Int. No. 206-A

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

The Committee on Transportation, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 387), respectfully

REPORTS:

INTRODUCTION

On February 13, 2019, the Transportation Committee chaired by Council Member Ydanis Rodriguez, will hold a hearing on Proposed Int. No. 206-A in relation to pedestrian countdown displays, Proposed Int. No. 867-A in relation to guidelines for traffic flow designations, and Proposed Int. No. 928-A in relation to the placement of street name signs at intersections. This is the second hearing held on these items. The first hearing was held on October 29, 2018, at which time the Committee heard testimony from the Department of Transportation (DOT), advocates, and other interested stakeholders.

BACKGROUND

Street Name Signs

Systemic house numbering and street signs date back to the late 1790s, when street signs were known as “direction boards” and were introduced to create a formal street plan.¹ The more familiar, modern rectangular signs were introduced in the 1900s.² Today, street name signs are green, but some street name signs are brown to display historic districts, because they fit in with the brownstones of the historic areas.³ According to the Manual on Uniform Traffic Control Devices (MUTCD), which provides federal standards for traffic control devices, indicates that, in business or commercial areas and on arterial streets, street name signs should be placed at least on diagonally opposite corners.⁴ In residential areas, at least one street name sign should be mounted at each intersection.⁵ Additionally, signs naming both streets should be installed at each intersection and should be mounted with their faces parallel to the streets they name.⁶

Traffic Flow and Street Widths

The City accepts requests to change the direction of a street and accepts changes to make traffic on a one-way street flow two-ways and vice-versa.⁷ Requests for direction changes can be made through a community board.⁸ In June 2017, Queens Community Board 5 wrote a letter to DOT, requesting a traffic study in Maspeth to determine the feasibility of converting certain, narrow two-way streets to one-way streets.⁹ DOT undertook this study and in January 2018, issued recommendations that several streets in Maspeth and Woodside be turned into one-way streets.¹⁰ Since these are recommendations based on a community request for a traffic study, the recommendations will go through a Community Board 5 public hearing before any actions are implemented.¹¹

Street design is dictated by the DOT’s Street Design Manual, required by section 19-182.1 of the Administrative Code, which serves as the City’s “comprehensive resource on street design guidelines, policies, and processes” and provides “information on treatments that are allowed and encouraged on New York City streets.”¹² The Street Design Manual is a supplement to existing federal and industry standards and guidelines,

¹ Michelle Young, *The History of New York City Street Signs*, Untapped Cities, (March 5, 2013) available at <https://untappedcities.com/2013/03/05/the-history-of-nycs-street-signs/>

² *Id.*

³ *Id.*

⁴ Manual on Uniform Traffic Control Devices (MUTCD), available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/mutcd2009r2chpt2d.pdf> See (2D. 43.20) pg. 163

⁵ *Id.*

⁶ *Id.*

⁷ NYC DOT Street Traffic Flow Change Request, available at <https://www1.nyc.gov/nyc-resources/service/2634/street-traffic-flow-change-request>

⁸ *Id.*

⁹ Ryan Kelley, *DOT recommends making several Maspeth and Woodside streets one-way roads*, QNS.com, Jan. 23, 2018, available at <http://qns.com/story/2018/01/23/dot-recommends-making-several-maspeth-woodside-streets-one-way-roads/>.

¹⁰ *Id.*

¹¹ *Id.*

¹² See Street Design Manual, 2015 Updated Second Edition, New York City Department of Transportation, available at <http://www.nyc.gov/html/dot/downloads/pdf/nycdot-streetdesignmanual-interior-lores.pdf>.

tailored to the unique characteristics of New York City.¹³ According to DOT's design guidelines, the roadway is the portion of the street, designed, enhanced or ordinarily used for vehicle traffic excluding the sidewalk.¹⁴ Furthermore, the road should be the minimum width possible, with the minimum number of lanes, which safely and cost-effectively allows for the desired operations.¹⁵ Narrower lanes minimize pedestrian crossing distances and encourage safe driving behavior.¹⁶

While the Street Design Manual contains specific design guidelines, policies, and processes, all designs are subject to case-by-case DOT approval "based on established engineering standards and professional judgment, with the safety of all street users being of paramount importance."¹⁷

Pedestrian Countdown Signals

In 2006, DOT installed New York City's first pedestrian countdown signal, which displays to pedestrians the number of seconds remaining until the termination of the flashing upraised hand signal.¹⁸ A 2011 study conducted by the agency found that countdown signals were effective at preventing pedestrians from getting caught in the middle of a crosswalk when the signal changed.¹⁹ As a result of these findings, the city undertook an initiative to install countdown signals at 1,500 major intersections.²⁰ As of January 2017, DOT had installed pedestrian countdown signals at over 7,500 of the city's 12,800 signalized intersections.²¹

In 1988, New York State granted the City the authority to demonstrate the effectiveness of traffic-control signal photo violation-monitoring systems.²² With this authorization, the city launched the Red Light Camera program in 1994.²³ Since that initial authorization, the State Legislature has extended the program seven times, with the next expiration date set for December 2019.²⁴ The program has proven to deter drivers from running through red lights. In 2015, there were 184 red light cameras spread out through 150 intersections in the city.²⁵ Below is a breakdown of where the cameras were situated in 2015:

Borough	Number of Red Light Camera Enforced Intersections
Bronx	24
Brooklyn	60
Manhattan	16
Queens	64
Staten Island	20

Source: New York City Department of Transportation

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Aaron Naparstek, *NYC Gets its First Pedestrian Countdown Timer*, STREETSBLOG, Nov. 3, 2006, available at <http://nyc.streetsblog.org/2006/11/03/nyc-gets-its-first-pedestrian-countdown-timer/>

¹⁹ See NYC DOT Announces Installation of Pedestrian Countdown Signals at High Pedestrian Crash Locations, April 11, 2011, available at https://www1.nyc.gov/html/dot/html/pr11_32.shtml

²⁰ *Id.*

²¹ N.Y.C. Council Committee on Transportation, Testimony of Commissioner Polly Trottenberg, Jan. 26, 2017.

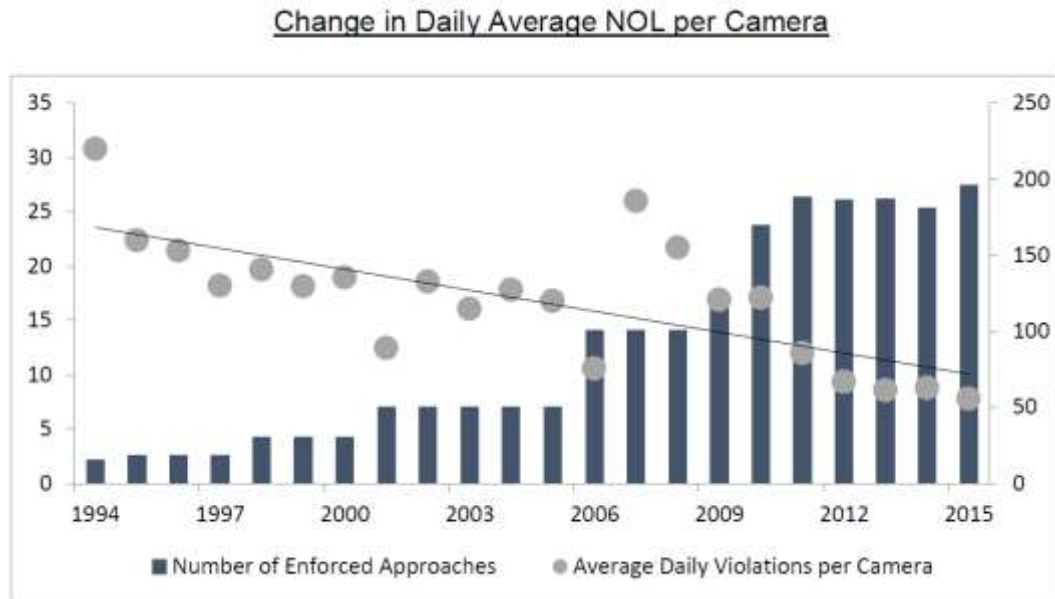
²² New York City Red Light Camera Program, Program Review 1994-2015, 2016 Report, available at <http://www.nyc.gov/html/dot/downloads/pdf/nyc-red-light-camera-program.pdf>

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

According to data from DOT, in 1994 the average camera issued 31.8 notices of liability on a daily basis. That number had dropped to an average of 7.8 notices of liability by 2015, which is a 75% drop during that time span.²⁶ Below is a chart detailing the change in the number of daily notices of liability issued from 1994-2015.



Source: New York City Department of Transportation

ANALYSIS OF PROPOSED INT. NO. 206-A

Section one of Proposed Int. No. 206-A would amend subchapter 3 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-188.1. Subdivision a of the new section would define “pedestrian countdown display” as any automated digital reading used in a crosswalk that displays, at the beginning of the flashing upraised hand signal, the number of seconds remaining until the termination of such signal. Subdivision a would also provide that “traffic-control signal photo violation-monitoring system” means a device installed to work in conjunction with a traffic-control signal which, during operation, automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law. Subdivision b would require the Department of Transportation to install a pedestrian countdown display at any location where a traffic-control signal photo violation-monitoring system is installed unless (i) the department determines that such installation would endanger the safety of any street user, (ii) the department determines that such installation would be inconsistent with the department’s guidelines regarding the installation of pedestrian countdown displays, or (iii) such installation would otherwise be impracticable.

Section two of Proposed Int. No. 206-A would provide that this local law takes effect 120 days after it becomes law.

²⁶ *Id.*

ANALYSIS OF PROPOSED INT. NO. 867-A

Section one of Proposed Int. No. 867-A would amend section 19-183 of the Administrative Code. Subdivision a would be amended to add a definition of “traffic flow designation” as the designation of a street as a one-way or two-way street. A new subdivision c would be added, which would require the Department of Transportation to establish and maintain on its website guidelines regarding traffic flow designations. These guidelines would include the criteria and considerations for assessing proposed changes to traffic flow designations and the process by which changes in traffic flow designations can be requested. The Department would also be required to post on its website by August 1, 2020, and every August 1 thereafter, the number of requests for changes in traffic flow designations received by the Department during the 12 months ending on the preceding June 30, disaggregated by location and by the category of requesting party, and the status of such requests.

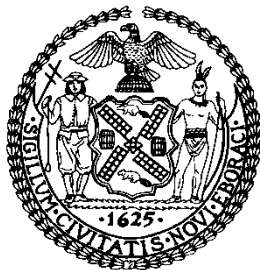
Section two of Proposed Int. No. 867-A would provide that this local law takes effect 90 days after it becomes law.

ANALYSIS OF PROPOSED INT. NO. 928-A

Section one of Proposed Int. No. 928-A would amend subchapter 1 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-159.2. Subdivision a of the new section would define “street name sign” as a sign mounted on a street corner that bears the name of a mapped street that is parallel to such sign. Subdivision b of the new section would provide that no fewer than two diagonally opposite corners on each street intersection shall have a street name sign for each street installed on such corner, except where the Department of Transportation determines in its engineering judgment that this requirement is not feasible.

Section two of Proposed Int. No. 928-A would provide that this local law takes effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 206-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 206-A
COMMITTEE: Transportation**

TITLE: A local law to amend the administrative code of the city of New York, in relation to pedestrian countdown displays

SPONSORS: Council Members Matteo, Brannan and Yeger

SUMMARY OF LEGISLATION: Proposed Intro. 206-A would require the Department of Transportation (DOT) to install pedestrian countdown displays at any intersection where there is a photo-enforced traffic violation system, unless DOT determines that such installation would endanger the safety of any street user, would be inconsistent with the department’s guidelines regarding the installation of pedestrian countdown displays or if such installation would otherwise be impracticable.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020**FISCAL IMPACT STATEMENT:**

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have minimal to no impact on expenditures. The administering agency testified that the law confied existing policies and practices. As a result, existing resources would be used to comply with this law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No 206 on January 31, 2019 and was referred to the Committee on Transportation (Committee). The Committee held a hearing on January 31, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro No. 206-A, will be considered by the Committee on February 13, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 206-A will be submitted to the full Council for a vote on February 13, 2019.

DATE PREPARED: February 11, 2019.

(For text of Int. Nos. 867-A and 928-A and their Fiscal Impact Statements, please see the Report of the Committee on Transportation for Int. Nos. 867-A and 928-A, respectively, printed in these Minutes; for text of Int. No. 206-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 206-A, 867-A, and 928-A.

(The following is the text of Int. No. 206-A:)

Int. No. 206-A

By Council Members Matteo, Brannan, Yeger, Rodriguez, Deutsch, Koo and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to pedestrian countdown displays

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-188.1 to read as follows:

§ 19-188.1 Pedestrian countdown displays. *a. Definitions. As used in this section, the following terms have the following meanings:*

Pedestrian countdown display. The term “pedestrian countdown display” means any automated digital reading used in a crosswalk that displays, at the beginning of the flashing upraised hand signal, the number of seconds remaining until the termination of such signal.

Traffic-control signal photo violation-monitoring system. The term “traffic-control signal photo violation-monitoring system” means a device installed to work in conjunction with a traffic-control signal which, during operation, automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law.

b. The department shall install a pedestrian countdown display at any location where a traffic-control signal photo violation-monitoring system is installed unless (i) the department determines that such installation would endanger the safety of any street user, (ii) the department determines that such installation would be inconsistent with the department’s guidelines regarding the installation of pedestrian countdown displays, or (iii) such installation would otherwise be impracticable.

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

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, MARK LEVINE, CARLOS MENCHACA, RAFAEL SALAMANCA, Jr.; Committee on Transportation, February 13, 2019. *Other Council Members Attending: The Minority Leader (Council Member Matteo).*

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. 867-A

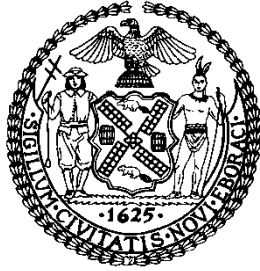
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to guidelines for traffic flow designations.

The Committee on Transportation, to which the annexed proposed amended local law was referred on May 9, 2018 (Minutes, page 1794), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 206-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 867-A:



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

PROPOSED INTRO. NO: 867-A
COMMITTEE: Transportation

TITLE: A local law to amend the administrative code of the city of New York, in relation to guidelines for traffic flow designations

SPONSORS: Council Member Adams, Deutsch, Moya, Rosenthal, Cumbo, Maisel, Gibson, Miller, Constantinides, Williams, Rose, Levine, Reynoso, Richards, Koslowitz, Levin, Gjonaj and Salamanca

SUMMARY OF LEGISLATION: Proposed Intro. 867-A would require the Department of Transportation (DOT) to establish and maintain guidelines on its website for the criteria and considerations used to assess proposed changes of one-way street and vice versa, and the process by which traffic flow changes can be requested. Additionally, DOT would be required to post on its website, yearly, the requests for traffic flow changes received and the status of those requests.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures. The administering agency would use existing resources to comply with this law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No 867 on May 9, 2018 and was referred to the Committee on Transportation (Committee). The Committee held a hearing on October 29, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro No. 867-A, will be considered by the Committee on February 13, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 867-A will be submitted to the full Council for a vote on February 13, 2019.

DATE PREPARED: February 11, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 867-A:)

Int. No. 867-A

By Council Members Adams, Deutsch, Moya, Rosenthal, Cumbo, Maisel, Gibson, Miller, Constantinides, Williams, Rose, Levine, Reynoso, Richards, Koslowitz, Levin, Gjonaj, Salamanca, Rivera, Rodriguez and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to guidelines for traffic flow designations

Be it enacted by the Council as follows:

Section 1. Section 19-183 of the administrative code of the city of New York, as added by local law number 64 for the year 2010, is amended to read as follows:

§ 19-183 Traffic calming devices *and traffic flow designations*. a. For the purposes of this section, the following terms shall have the following meanings:

1. "School" shall mean any educational facility under the jurisdiction of the New York city department of education and any non-public school that provides educational instructions to students at or below the ninth grade level.

2. "Senior" shall mean any person sixty-five years or older.

3. "Traffic calming device" shall mean any device, not governed by the manual on uniform traffic control devices, including, but not limited to, speed humps, curb extensions, traffic diverters, median barriers and raised walkways, installed on a street and intended to slow, reduce or alter motor vehicle traffic to improve safety for pedestrians and bicyclists.

4. "Traffic flow designation" shall mean the designation of a street as a one-way or two-way street.

b. The department shall establish guidelines governing the approval and placement of traffic calming devices. Such guidelines shall consider whether such traffic calming devices would be installed adjacent to a school or in a location where a high percentage of seniors use the streets, such as locations adjacent to senior centers and nursing homes, and any other locations as determined by the department. Such guidelines shall list the conditions under which installation of such traffic calming device may be appropriate. Such guidelines shall be distributed to any entity upon request and shall be published on the department's website.

c. *The department shall establish and maintain on its website guidelines regarding traffic flow designations. Such guidelines shall include the criteria and considerations for assessing proposed changes to traffic flow designations and the process by which changes in traffic flow designations can be requested. The department shall post on its website by August 1, 2020, and every August 1 thereafter, the number of requests for changes in traffic flow designations received by the department during the 12 months ending on the preceding June 30, disaggregated by location and by the category of requesting party, and the status of such requests.*

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

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, MARK LEVINE, CARLOS MENCHACA, RAFAEL SALAMANCA, Jr.; Committee on Transportation, February 13, 2019.
Other Council Members Attending: The Minority Leader (Council Member Matteo).

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. 928-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the placement of street name signs at intersections.

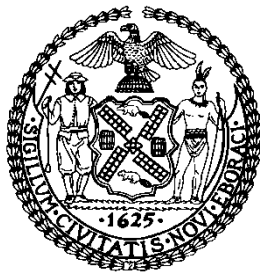
The Committee on Transportation, to which the annexed proposed amended local law was referred on May 23, 2018 (Minutes, page 1964), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for Int. No. 206-A printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

The following is the text of the Fiscal Impact Statement for Int. No. 928-A:



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

**PROPOSED INTRO. NO: 928-A
COMMITTEE: Transportation**

TITLE: A local law to amend the administrative code of the city of New York, in relation to the placement of street name signs at intersections

SPONSORS: Council Members Adams, Yeger, Deutsch, Moya, Levine, Holden, Rosenthal, Ampy-Samuel, Gibson, Constantinides, Williams, Rose, Rivera, Reynoso, Richards, Miller, Koslowitz, Levin, Cumbo, Ayala and Salamanca

SUMMARY OF LEGISLATION: Proposed Intro. 928-A would require that at least two corners of a street intersection have the appropriate street name signage installed, except where the Department of Transportation determines in its engineering judgement that this requirement is not feasible.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that this legislation would have minimal to no impact on expenditures. The administering agency testified that the law codified existing policies and practices. As a result, existing resources would be used to comply with this law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No 928 on May 23, 2018 and was referred to the Committee on Transportation (Committee). The Committee held a hearing on October 29, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro No. 928-A, will be considered by the Committee on February 13, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 928-A will be submitted to the full Council for a vote on February 13, 2019.

DATE PREPARED: February 11, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 928-A:)

Int. No. 928-A

By Council Members Adams, Yeger, Deutsch, Moya, Levine, Holden, Rosenthal, Ampy-Samuel, Gibson, Constantinides, Williams, Rose, Rivera, Reynoso, Richards, Miller, Koslowitz, Levin, Cumbo, Ayala, Salamanca, Koo and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the placement of street name signs at intersections

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.2 to read as follows:

§ 19-159.2 *Placement of street name signs.* a. *For purposes of this section, the term "street name sign" means a sign mounted on a street corner that bears the name of a mapped street that is parallel to such sign.*

b. *No fewer than two diagonally opposite corners on each street intersection shall have a street name sign for each street installed on such corner, except where the department determines in its engineering judgment that this requirement is not feasible.*

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, MARK LEVINE,

CARLOS MENCHACA, RAFAEL SALAMANCA, Jr.; Committee on Transportation, February 13, 2019.
Other Council Members Attending: The Minority Leader (Council Member Matteo).

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

GENERAL ORDER CALENDAR

Report for Int. No. 720

Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law to amend the New York city building code, in relation to clarifying the requirements for site safety training providers.

The Committee on Housing and Buildings, to which the annexed preconsidered proposed local law was referred on March 7, 2018 (Minutes, page 1092), and which same item has been laid over by the Council since the March 7, 2018 Stated Meeting (Minutes, page 924), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 720 printed in the Minutes of March 7, 2018, page 1092)

Accordingly, this Committee recommends its adoption.

ROBERT E. CORNEGY, Jr., Chairperson; FERNANDO CABRERA, MARGARET S. CHIN, JUMAANE D. WILLIAMS, RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, March 6, 2018.

Laid Over by the Council.

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

Approved New Applicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Carlos Rivera	45 Clinton St New York, New York 10002	1
Michael Miskovski	1 Convent Ave #22 New York, New York 10027	9
James Cureton III	108 W 227th St #5A Bronx, New York 10463	10
Jovie Arbelo-Tapia	787 E 185th Street #4C Bronx, New York 10460	15
Ana Valera	1655 Undercliff Ave #2C Bronx, New York 10453	16
Sharron Hans	90-11 107th Street Queens, New York 11418	32
Emily De La Vega	84 North 9th Street #305 Brooklyn, New York 11249	33
Henry Prine	125 Montague St #5th Fl Brooklyn, New York 11225	35
Genevieve Lamont	293 Irving Ave #3F Brooklyn, New York 11237	37
Vernecia Felix	218 East 53rd St #2F Brooklyn, New York 11203	41

Denis Isakov	3001 Shore Pkwy #1C Brooklyn, New York 11235	49
Kassidy Olson	16 Churchill Ave Staten Island, New York 10309	50
Kathleen Campbell	6 Benton Ave Staten Island, New York 10305	51

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Chue Keung Mock	45 Allen Street #13C New York, New York 10002	1
Rachel G. Milgrim	504D Grand Street #33D New York, New York 10002	1
Benjamin Soto	490 2nd Avenue #14E- New York, New York 10016	2
Naimah Abdul Rashid	331 East 29th Street #9C New York, New York 10016	2
Richard W. Joselit	441 West End Avenue New York, New York 10024	6
Robert J. Sloan	250 West 77th Street #503 New York, New York 10024	6
Jorge Lopez	133 West 104th Street #5D New York, New York 10025	7
Janira Valenzuela	Wadsworth Avenue #4C New York, New York 10033	10
Elton J. Maynard	5550 Fieldston Road #2F Bronx, New York 10471	11
Mariluz Cortorreal	5600 Fieldston Rd #2 Bronx, New York 10471	11
Carlton Snaith	4200 Hutch River Pkwy East #240 Bronx, New York 10475	12

Kenneth Price	4319 Bronxwood Avenue Bronx, New York 10466	12
Larisa Lipovetskaya	140 Alcott Place #26C Bronx, New York 10475	12
Leslie Peterson	100 Casals Place #4H Bronx, New York 10475	12
Carol Piccola	900 Lydig Avenue #6J Bronx, New York 10462	13
Israel Maldonado	1720 Mayflower Avenue #91 Bronx, New York 10461	13
Lucrezia A. Fisco	2571 Fish Avenue Bronx, New York 10469	13
Beverly D. Smith	1735 Popham Avenue #5 Bronx, New York 10453	14
Michelle Martinez	2500 Webb Avenue #3G Bronx, New York 10468	14
Cornell Nolton	1330 Webster Avenue #13A Bronx, New York 10456	16
Catalina Farrington	364 East 159th Street #2A Bronx, New York 10451	17
Darlene Cruz	913 Elder Avenue #C Bronx, New York 10473	17
Claudette Hernandez	2025 Seward Avenue #2E Bronx, New York 10473	18
Stacia Burek	2240 East Tremont Avenue #6F Bronx, New York 10462	18
Valencia D. Young	1540 Unionport Road #3G Bronx, New York 10462	18
Avis D. Maddox-Clarke	144-38 Union Turnpike #7A Kew Gardens, New York 11367	22
Reginald Guiteau	85-64 Santiago Street Queens, New York 11423	23
Michael G. Den Dekker	77-18 31st Avenue Queens, New York 11370	25
Dorris Battle	112-26 179th Street Jamaica, New York 11433	27

Anthony Mangone	62-09 82nd Street Queens, New York 11379	27
Kenneth Mankowitz	83-55 Woodhaven Blvd #5J Queens, New York 11421	30
Althea Edwards-Taylor	258-05 Craft Avenue Queens, New York 11422	31
Kerline Jacob	253-56 148th Drive #2 Queens, New York 11422	31
Ventrice Bowen	156-19 North Conduit Avenue Queens, New York 11434	31
Eileen Miele	162-30 99th Street Queens, New York 11414	32
Janet A. Powers	161-36 85th Street Queens, New York 11414	35
Jonathan Sapp	135 Ashland Place #10A Brooklyn, New York 11201	36
Cheryl N. Wright	239 Vernon Avenue Brooklyn, New York 11206	36
Sarong Bingley	1587 Pacific Street Brooklyn, New York 11213	36
Sheila Clark	355 Macon Street Brooklyn, New York 11233	36
Amina Halls	355 Grant Avenue Brooklyn, New York 11208	37
Ana F. Gonzalez	450 3rd Avenue #3L Brooklyn, New York 11215	39
Kathleen P. H. Ferguson-Moxarn	215 Sterling Street #24 Brooklyn, New York 11225	40
Cheryl A. Guilford	824 Macon Street Brooklyn, New York 11233	41
Dorothy Hosten	832 Midwood Street #6D Brooklyn, New York 11203	41
Tiana Lawson	1700 Park Place #3 Brooklyn, New York 11233	41

Tiffany Smith	1566 Eastern Parkway #3D Brooklyn, New York 11233	41
Tracy Lilley	325 Remsen Avenue Brooklyn, New York 11212	41
Jo-Ann Sperano	1363 85th Street Brooklyn, New York 11228	43
Maria A. Riccardelli	1625 83rd Street #1 Brooklyn, New York 11214	43
Arnold Lubitz	1564 East 35th Street Brooklyn, New York 11234	45
Catherine Medina	1290 Ocean Avenue #3C Brooklyn, New York 11230	45
Clifton Clarke	4624 Avenue K Brooklyn, New York 11234	45
Clyde Allsopp	1385 Albany Avenue Brooklyn, New York 11203	45
Linda Stallings	1550 East 51st Street Brooklyn, New York 11234	46
Michael F. Varone	2220 Burnett Street #5G Brooklyn, New York 11229	46
Enmanuel Castillo	927 Dekalb Ave #8C Brooklyn, New York 11221	47
Ivelisa Black	2951 West 33rd Street #8G Brooklyn, New York 11224	47
John Ferrara	2534 East 14th Street #1 Brooklyn, New York 11235	48
Jo-Ann Appice	400 Getz Avenue Staten Island, New York 10312	48
Mary Faust	475 Vanderbilt Avenue 1st Floor Staten Island, New York 10304	49
Terrence C.J. Williams	53 Macormac Place Staten Island, New York 10303	49
Carol E. LaBruzzo	132 Rockville Avenue Staten Island, New York 10314	50
Sandra Galante	14 Hawthorne Avenue Staten Island, New York 10314	50

Cristina Tcacisina	626 Annandale Rd Staten Island, New York 10312	51
James Robert Pescitelli	100 Everett Avenue Staten Island, New York 10309	51
Janice Sypiewski	230 Wood Avenue Staten Island, New York 10307	51
Michael J. Sarubbi	27 Seguite Place Staten Island, New York 10312	51
Pamela DeRose	30 Downes Avenue Staten Island, New York 10312	51
Vincent P. Maniscalco	38 Purdue Street Staten Island, New York 10314	51

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).

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

- | | | |
|------|---------------------------------|---|
| (1) | Int. 206-A - | Pedestrian countdown displays. |
| (2) | Int. 780-A - | Preservation and development to address indoor asthma allergen hazards. |
| (3) | Int. 867-A - | Guidelines for traffic flow designations. |
| (4) | Int. 928-A - | Placement of street name signs at intersections. |
| (5) | Int. 1004-A - | A demonstration program to facilitate the creation and alteration of habitable apartments in basements and cellars. |
| (6) | Int. 1235-A - | Provisional employee reduction plan. |
| (7) | Res. 739 * - | Dissolving the Committee on For Hire Vehicles and transferring the jurisdiction of For Hire Vehicles. |
| (8) | L.U. 314 & Res 751 - | App. C 190049 ZMX (Belmont Cove Rezoning) Bronx, Community Board 6. Council District 17. |
| (9) | L.U. 315 & Res 752 - | App. N 190050 ZRX (Belmont Cove Rezoning) Bronx, Community Board 6. Council District 17. |
| (10) | L.U. 316 & Res 753 - | App. C 190051 PPX (Belmont Cove Rezoning) Bronx, Community Board 6. Council District 17. |
| (11) | L.U. 317 & Res 754 - | App. C 180083 ZMX (East 241st Street Rezoning) Bronx, Council District 11, Community District 12. |
| (12) | L.U. 318 & Res 755 - | App. N 180084 ZRX (East 241st Street Rezoning) Bronx, Council District 11, Community District 12. |
| (13) | L.U. 319 & Res 756 - | App. C 180229 ZMK (895 Bedford Avenue Rezoning) Brooklyn, Council District 33, Community District 3. |

- (14) L.U. 320 & Res 757 - App. N 180230 ZRK (895 Bedford Avenue Rezoning) Brooklyn, Council District 33, Community District 3.
- (15) L.U. 321 & Res 758 - App. C 170492 ZMQ (100-03 North Conduit Avenue) Queens, Council District 32, Community District 10.
- (16) L.U. 322 & Res 759 - App. C 180439 ZSM (51-53 White Street) Manhattan, Community District 1, Council District 1.
- (17) L.U. 323 & Res 760 - App. C 190070 ZSM (59 Greenwich) Manhattan, Community District 2, Council District 3.
- (18) L.U. 341 & Res 761 - App. 20195311 SCK Brooklyn, Community School District No. 20, Community District 10, Council District 38.
- (19) Resolution approving various persons Commissioners of Deeds.

**Res. No. 739 had its own separate Roll Call vote earlier in the Meeting. This vote is printed following the Report of the Committee on Rules, Privileges and Elections for No. 739 on page 333 of these Minutes.*

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, Ampy-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Williams, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **49**.

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

The following was the vote recorded for **Int. No. 1004-A**:

Affirmative – Adams, Ampy-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Van Bramer, Williams, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – Borelli, Grodenchik, Holden, Vallone, and the Minority Leader (Council Member Matteo) – **5**.

The following was the vote recorded for **L.U. No. 319 & Res. No. 756 and L.U. No. 320 & Res. No. 757**:

Affirmative – Adams, Ampy-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Negative – Barron and Williams – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 206-A, 780-A, 867-A, 928-A, 1004-A, and 1235-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. 100-A

Report of the Committee on Immigration in favor of approving, as amended, a Resolution calling on the New York State Legislature to pass legislation that would allow undocumented immigrants to obtain a driver's license regardless of their immigration status.

The Committee on Immigration, to which the annexed amended resolution was referred on January 31, 2018 (Minutes, page 513), respectfully

REPORTS:

I. INTRODUCTION

On February 13, 2019, the Committee on Immigration, chaired by Council Member Carlos Menchaca, will hold a hearing and vote on the following Resolution: Res. No. 100-A, sponsored by Council Member Rodriguez, calling on the New York State Legislature to pass legislation that would allow undocumented immigrants to obtain a driver's license regardless of their immigration status. The Committee expects to receive testimony from advocates and members of the public.

II. BACKGROUND

According to the Pew Hispanic Center, in 2016, New York State was home to approximately 725,000 undocumented immigrants, many of whom call New York City their home.¹ Many undocumented immigrants need to drive, whether it is for work, to take their children to school, or for other important appointments. Regardless of the particular reason, driving is necessary for many undocumented immigrants to conduct their daily activities. However, because New York law currently requires residents to have a social security number in order to obtain a driver's license, undocumented immigrants are prohibited from obtaining a New York State driver's license.² Without access to driver's licenses, immigrants are unable to register and insure their vehicles, obtain and carry valid identification, or build trust with law enforcement.³ To date, twelve states, Puerto Rico and the District of Columbia, allow undocumented immigrants to obtain drivers licenses, including New Mexico, Utah, Oregon, Nevada, Illinois, Washington, Maryland, Vermont, Colorado, Connecticut, Hawaii and California.⁴

As for New York, State Senator Luis Spúlveda and Assembly Member Marcos Crespo introduced S.1747/A.3675, in January 2019, which would enact the "Driver's License Access and Privacy Act."⁵ If enacted, this bill would authorize the DMV to issue driver's licenses to individuals, currently ineligible for such licenses specifically due to their immigration status.⁶ The bill would additionally protect the privacy of any personally identifying information collected by the DMV in compliance with this bill, absent a judicial subpoena or

¹ Pew Research Center, November 27, 2018, "U.S. Unauthorized Immigrant Total Dips to Lowest Level in a Decade."

² Hudson Valley News Network, May 14, 2018, "Group Supports Driver's Licenses for Undocumented Immigrants," <https://hudsonvalleynewsnetwork.com/2018/05/14/group-supports-drivers-licenses-for-undocumented-immigrants/>.

³ Green Light NY: Driving Together, <https://greenlightny.files.wordpress.com/2019/01/green-light-ny-factsheet-for-legislators.pdf>.

⁴ Hudson Valley News Network, May 14, 2018, "Group Supports Driver's Licenses for Undocumented Immigrants," <https://hudsonvalleynewsnetwork.com/2018/05/14/group-supports-drivers-licenses-for-undocumented-immigrants/>.

⁵ <https://www.nysenate.gov/legislation/bills/2019/S1747>; <https://www.nysenate.gov/legislation/bills/2019/A3675>.

⁶ *Id.*

warrant.⁷ Furthermore, the bill would prohibit the discrimination of a card applicant and cardholder, the use of such card as evidence of citizenship or immigration status, and would prohibit DMV employees from inquiring into applicants' citizenship or immigration status.⁸

Allowing undocumented immigrants to obtain driver's licenses will improve public safety by ensuring that everyone driving has been properly educated and tested and is operating a registered, inspected, and insured vehicle. According to the Fiscal Policy Institute, allowing undocumented immigrants the opportunity to obtain a driver's license could generate up to \$57 million in annual State revenue and \$26 million in one-time revenue through taxes and license and registration fees.⁹ Furthermore, licensing undocumented immigrant drivers will help lower auto insurance premiums for all New Yorkers by a moderate estimate of \$17 per person each year, saving motorists millions of dollars annually.¹⁰ New York State's economy will also receive a boost as reduced barriers to transportation allow workers to reach improved job options and increase their discretionary income.¹¹ Immigrants with driver's licenses will more easily integrate into their communities, which is beneficial to all New Yorkers.

III. LEGISLATIVE ANALYSIS

Res. No. 100-A (Rodriguez)

Res. No. 100-A (Rodriguez) calls on the New York State Legislature to pass legislation (S.1747/A.3675) introduced in January 2019 by State Senator Luis Spúlveda and Assembly Member Marcos Crespo, entitled the "Driver's License Access and Privacy Act." This legislation would authorize the DMV to issue driver's licenses to individuals, currently ineligible for such licenses specifically due to their immigration status. It would also additionally protect the privacy of any personally identifying information collected by the DMV in compliance with this legislation, absent a judicial subpoena or warrant. Furthermore, this legislation would prohibit the discrimination of a card applicant and cardholder, the use of such card as evidence of citizenship or immigration status, and would prohibit DMV employees from inquiring into applicants' citizenship or immigration status.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 100-A:)

Res. No. 100-A

Resolution calling on the New York State Legislature to pass legislation that would allow undocumented immigrants to obtain a driver's license regardless of their immigration status.

By Council Members Rodriguez and Kallos.

Whereas, According to the Pew Hispanic Center, in 2016, New York State was home to approximately 725,000 undocumented immigrants, many of whom call New York City their home; and

Whereas, Undocumented immigrants face many obstacles tied to their lack of status, including the fact that undocumented immigrants are prohibited from obtaining a New York State driver's license; and

Whereas, Many undocumented immigrants need to drive, whether it is for work, to take their children to school, or for other important appointments; and

Whereas, Regardless of the particular reason, driving is necessary for many undocumented immigrants to conduct their daily activities; and

Whereas, According to a 2011 nationwide report by the AAA Foundation for Traffic Safety, unlicensed drivers are five times more likely to be involved in a fatal crash compared to their licensed counterparts; and

⁷ *Id.*

⁸ *Id.*

⁹ Green Light NY: Driving Together, <https://greenlightny.files.wordpress.com/2019/01/green-light-ny-factsheet-for-legislators.pdf>.

¹⁰ *Id.*

¹¹ *Id.*

Whereas, To ensure road safety and accountability, New York State's Department of Motor Vehicles (DMV) should provide qualified undocumented immigrants with driver's licenses regardless of their immigration status; and

Whereas, To date, twelve states, Puerto Rico and the District of Columbia, allow undocumented immigrants to obtain drivers licenses, including New Mexico, Utah, Oregon, Nevada, Illinois, Washington, Maryland, Vermont, Colorado, Connecticut, Hawaii and California; and

Whereas, As for New York, State Senator Luis Spúlveda and Assembly Member Marcos Crespo introduced S.1747/A.3675, in January 2019, which would enact the "Driver's License Access and Privacy Act;" and

Whereas, If enacted, this bill would authorize the DMV to issue driver's licenses to individuals, currently ineligible for such licenses specifically due to their immigration status; and

Whereas, The bill would additionally protect the privacy of any personally identifying information collected by the DMV in compliance with this bill, absent a judicial subpoena or warrant; and

Whereas, The bill would prohibit the discrimination of a card applicant and cardholder, the use of such card as evidence of citizenship or immigration status, and would prohibit DMV employees from inquiring into applicants' citizenship or immigration status; and

Whereas, Passing S.1747/A.3675 is in the best interest of all New Yorkers because immigrants wanting to drive legally will have to pass written and practical driver's exams, register their vehicles, and obtain automobile insurance; and

Whereas, Allowing undocumented immigrants to obtain driver's licenses will improve public safety by ensuring that everyone driving has been properly educated and tested and is operating a registered, inspected, and insured vehicle; and

Whereas, According to the Fiscal Policy Institute, allowing undocumented immigrants the opportunity to obtain a driver's license could generate up to \$57 million in annual State revenue through license and registration fees and may lead to lower auto insurance premiums for all New Yorkers; and

Whereas, Immigrants with driver's licenses will more easily integrate into their communities which is beneficial to all New Yorkers; now, therefore, be it,

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass legislation which would allow undocumented immigrants to obtain a driver's license regardless of their immigration status.

CARLOS MENCHACA, Chairperson; MATHIEU EUGENE, DANIEL DROMM, I. DANEEK MILLER, MARK GJONAJ, ROBERT F. HOLDEN, KALMAN YEGER; Committee on Immigration, February 15, 2018.

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 4 Council Members formally noted their negative vote in opposition to this item:
Council Members Borelli, Holden, Ulrich, and the Minority Leader (Council Member Matteo);

The following Council Member formally noted his vote to abstain from this item:
Council Member Yeger.

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 1391

By The Speaker (Council Member Johnson).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to publish the department's disciplinary guidelines and the number of officers disciplined each year, and to provide a disciplinary action report directly to the Council

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-181 to read as follows:

§14-181 Officer discipline.

a. Definitions. As used in this section, the following terms have the following meanings: Discipline guidelines. The term "discipline guidelines" means guidelines used to impose disciplinary sanctions on an officer that has committed a violation. Discipline guidelines shall include: 1. The departmental rules and regulations, and local, state and federal laws for which officers are subject to discipline; 2. A description of the types of discipline imposed on an officer including but not limited to: reprimand, command discipline, command level training, formalized training, loss of vacation time, modified duty, removal of firearm, dismissal probation, suspension, or termination; 3. The range of sanctions or punishments permitted for each type of discipline; 4. Mitigating and aggravating factors considered in imposing discipline; and 5. The timeframe within which disciplinary decisions must be reached.

Violation. The term "violation" means any violation of a department rule, policy, or procedure, or any local, state, or federal law that would subject an officer to discipline.

Disciplinary Action. The term "disciplinary action" means any single proceeding undertaken by the department against an officer in which any penalty or discipline may be imposed on the officer for one or more violations of one or more departmental rule or regulation, or any local, state or federal laws.

b. Discipline guideline report. No later than April 1, 2019, the department shall post on its website and deliver to the council the department's discipline guidelines. The department shall update the report within 24 hours of any amendments to the discipline guidelines.

c. Officer discipline report. No later than April 11, 2019, and every January 1 thereafter, the department shall post on its website and deliver to the council a report that includes the following information for the prior year:

1. The number of officers subject to disciplinary action, excluding officers that have been terminated, in each precinct, in total and disaggregated by the departmental rule, regulation, state law or federal law the officer was determined to have violated, and further disaggregated by the type of discipline received, including the loss of vacation days in the following categories: 1-9 days, 10-19 days, 20-29 days, 30-49 days, and more than 50 days.

2. The number of officers terminated from the department disaggregated by precinct, and further disaggregated by the departmental rule(s), regulation (s), local law(s), state law(s) or federal law(s) the officer was determined to have violated.

3. The number of officers charged with violations that have not reached disposition and the mean and median periods of time such disciplinary actions have been pending, in total and disaggregated by precinct.

4. The number and percentage of instances in which the commissioner issued a lesser penalty than recommended by the deputy commissioner of trials, the civilian complaint review board, or any other disciplinary body, in total and disaggregated by precinct.

5. The number and percentage of instances in which the commissioner issued a greater penalty than recommended by the deputy commissioner of trials, the civilian complaint review board, or any other disciplinary body, in total and disaggregated by precinct.

d. Disciplinary Action Report

1. No later than April 1, 2019, the department shall deliver to the council a report of all disciplinary actions in which such actions commenced within the preceding three years, disaggregated by the departmental rules, regulations, local laws, state laws or federal laws violated, and including for each disciplinary action: a unique serial case identification number, the date of charges, a description of the officer's conduct, the officer's command precinct, whether the alleged conduct occurred while such officer was on duty, the recommendation of any disciplinary body, the findings of the commissioner, any penalty or discipline imposed by the department, and the date of disposition if any.

2. No later than April 1, 2019, and every April 1 thereafter, the department shall deliver an updated report including the information required by paragraph 1 of this subdivision for disciplinary actions commenced during the preceding year and for disciplinary actions concluded during the previous year.

3. Nothing in this subdivision shall require the department to divulge the name, shield number, Tax ID, or any other information identifying the name of an officer.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Preconsidered Int. No. 1392

By The Speaker (Council Member Johnson) and Council Members Lancman and Levine.

A Local Law to amend the administrative code of the city of New York, in relation to requiring district attorneys to report on criminal prosecutions

Be it enacted by the Council as follows:

Section 1. Title 9 of the administrative code of the city of New York is amended by adding a new chapter 4 to read as follows:

**CHAPTER 4
DISTRICT ATTORNEYS**

§ 9-401 Definitions. As used in this chapter, the following terms have the following meanings:

Charge severity. The term "charge severity" means whether a top charge is a felony, misdemeanor, violation, or traffic infraction.

Conviction severity. The term "conviction severity" means whether a charge of conviction is a felony, misdemeanor, violation, or traffic infraction.

Dispose. The term "dispose" means any instance in which a prosecution results in a dismissal, adjournment in contemplation of dismissal, or conviction.

Incarcerated. The term "incarcerated" means a defendant who is incarcerated pursuant to article 510 of the penal law, but who has not been deemed an incapacitated person under Article 730 of the criminal procedure law.

Office. The term "office" means the office of any district attorney in the city of New York.

Program. The term "program" means any diversion, treatment, or other intervention that a defendant enters into voluntarily, while not being in-custody.

Prosecute. The term "prosecute" means to file an accusatory instrument.

Supervised release. The term "supervised release" means any instance in which a criminal defendant is released from custody during the pendency of a prosecution under the condition that such defendant maintain contact with an entity or individual that provides monitoring or supervision during such release.

Top charge. The term "top charge" means the most charge that carries the longest potential period of incarceration filed in an accusatory instrument, or, if an accusatory instrument is not filed, the term "top charge" means the charge that carries the longest potential period of incarceration referred for prosecution.

§ 9-402 Reporting.

a. Each office shall submit an annual report to the council and the office of criminal justice, and post such report on such office's website. Such reports shall be submitted within 30 days of January 1 each year, starting in 2021, and shall include the following information for criminal prosecutions during the previous calendar year:

1. The number of cases prosecuted in total and disaggregated by:

a. charge severity, and felony charges shall be further disaggregated by whether such charges are for a violent felony;

b. top charge; and

c. the race, gender, and age of the person prosecuted.

2. The number of cases resulting in a conviction, in total and disaggregated by:

a. conviction severity; and felony charges shall be further disaggregated by whether such conviction was for a violent felony;

b. charge or charges of conviction; and

c. the race, gender, and age of the person prosecuted.

3. The number and percentage of cases referred for prosecution for which the office does not prosecute, in total and disaggregated by top charge and charge severity, and also disaggregated by the race, gender, and age of the person that is not prosecuted. The information reported in this paragraph shall not include cases referred for prosecution for which the office does not prosecute because the individual referred for prosecution participated in a program in lieu of prosecution.

4. The number and percentage of cases referred for prosecution for which the office does not prosecute because the individual referred for prosecution participated in a program in lieu of prosecution, in total and disaggregated by top charge and charge severity, and also disaggregated by the race, gender, and age of the person that is not prosecuted.

. The number of and percentage of prosecutions in which the office requests bail or remand at a criminal court arraignment, bail or remand is so imposed, supervised release is recommended at a criminal court arraignment, and supervised release is so imposed.

5. The number and percentage of all prosecutions, prosecutions in which felony complaints are filed, prosecutions disposed in supreme court, and prosecutions in which misdemeanor complaints are filed, that were disposed in the following categories: dismissal on the motion of the district attorney, dismissal on speedy trial grounds, acquitted at trial, dismissal on other grounds, adjournment in contemplation of dismissal, conviction for a violation, conviction for a traffic infraction, conviction for a misdemeanor, conviction for a felony, and any other outcome.

6. The number and percentage of prosecutions, in total and disaggregated by both charge severity and conviction severity, disposed at the following times: criminal court arraignment, supreme court arraignment, between criminal court arraignment and disposition, between supreme court arraignment and disposition, after pretrial hearings were commenced and before trial, and after trial.

7. The average time between initial arraignment and disposition, in total and disaggregated by charge severity and conviction severity, and also disaggregated by:

(a) Charge severity, with felony charges further disaggregated by whether such charges violent felonies as defined in article 70 of the penal law;

(b) Whether the defendant was incarcerated; and

(c) Whether the defendant participated in a program during such period.

8. Sentences imposed, in total and disaggregated by charge severity and conviction severity, in the following categories: determinate period of imprisonment, indeterminate period of imprisonment, definite period of imprisonment, conditional discharge, probation, fine, and time served. In any case in which a fine is imposed in addition to another sentence, the report shall include only such other sentence. Sentences of conditional discharges shall be listed in total and disaggregated by type of condition imposed in the following categories: program attendance, community service, or other type of condition.

b. All terms used in this section that are not defined in section 9-401 have the same meanings as they have in the penal law or criminal procedure law, where applicable.

c. Reports required pursuant to subdivision a of this section shall be stored permanently and accessible from each office's website, and shall be provided in a format that permits automated processing.

§ 2. Title 9 of the administrative code of the city of New York is amended by adding a new section 9-307 to read as follows:

§ 9-307 District attorney reporting. No later than 45 days from January 1 of each year, starting in 2021, the office shall provide to the council and publish on its website an annual report on district attorneys. This report shall consist of the information required pursuant to section 9-402 aggregated for all district attorneys, and published in a manner that permits the comparison of such information for such district attorneys.

§ 3. This local law takes effect immediately.

Referred to the Committee on Justice System (preconsidered but laid over by the Committee on Justice System).

Int. No. 1393

By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Levine, Brannan, Holden, the Public Advocate (Mr. Williams) and Constantinides.

A Local Law in relation to parking enforcement

Be it enacted by the Council as follows:

Section 1. Parking Enforcement. a. 1. Beginning no later than April 1, 2019, each week, the police department shall evaluate no fewer than 25 blocks or intersections with the highest number of 311 complaints submitted during the previous week relating to the improper use of a parking permit and no fewer than 25 blocks or intersections each week with the highest number of 311 complaints submitted during the previous week relating to the obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle.

2. For each such block or intersection to be evaluated pursuant to this section, the police department shall analyze the times at which such complaints were submitted, determine the three hour period during which the largest number of complaints were submitted, and ensure evaluations are conducted within such three hour period.

3. Each evaluation conducted pursuant to this section shall include a description of each such block or intersection and why it was selected for evaluation; the 311 complaints associated with such block or intersection; photographs of each vehicle parked in such location demonstrating whether such vehicle was parked legally; and for any vehicle parked illegally, a photograph of any city-issued parking permit other parking permit displayed in each such vehicle, a photograph of the license plate of each such vehicle, and a summary of enforcement actions taken regarding each such vehicle and if an enforcement action is not taken regarding each such vehicle, the reasons why.

b. No later than seven days following each such evaluation, the police department shall submit a list of the blocks or intersections evaluated, the analyses and determinations made by the police department pursuant to paragraph 2 of subdivision a, and each such evaluation to the department of investigation, the department of transportation, the mayor, and the speaker of the council and post such information online.

c. Beginning no later than May 15, 2019 and no later than the 15th day of each month thereafter, the department of investigation shall submit a report regarding the information submitted pursuant to subdivision b during the previous month to the police department, the department of transportation, the mayor, and the speaker of the council and post such report online. Such report shall include, at a minimum, an analysis of such evaluations, the effectiveness of the photographs and information provided in determining whether vehicles were parked legally, any patterns or trends relating to the enforcement of parking laws and the use of parking permits. In addition, the report due no later than October 15, 2019 shall also include recommendations related to the enforcement of parking laws, the use of parking permits, and the issuance of parking permits.

§ 2. This local law takes effect immediately and is deemed repealed upon the submission of the report due no later than October 15, 2019, submitted pursuant to subdivision c of this local law.

Referred to the Committee on Transportation.

Int. No. 1394

By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Cumbo, Levine, Brannan, Holden, the Public Advocate (Mr. Williams) and Constantinides

A Local Law to amend the administrative code of the city of New York, in relation to city vehicles obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant

Be it enacted by the Council as follows:

Section 1. Subchapter two of chapter one of title 19 of the administrative code of the city of New York is amended to add a new section 19-162.4 to read as follows:

§ 19-162.4. City vehicle obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant. No vehicle operated on behalf of the city shall obstruct a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant unless the operator of such vehicle is in the process of responding or preparing to respond to an incident posing a hazard to health and safety or a risk of damage to property.

§ 2. This local law takes effect in 30 days.

Referred to the Committee on Transportation.

Int. No. 1395

By The Speaker (Council Member Johnson) and Council Members Torres, Chin, Brannan, Holden, the Public Advocate (Mr. Williams), Constantinides and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to reporting parking complaints to 311

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 to add a new section 23-304 to read as follows:

§ 23-304 Parking complaints. a. The department of information technology and telecommunications shall implement on its 311 citizen service center website, telephone, and mobile device platforms the capability to file a complaint reporting the following conditions related to parking and to submit photographic evidence of such condition:

- 1. parking in "no standing" area;*
- 2. parking in "no stopping" area;*
- 3. parking on a sidewalk;*
- 4. parking in crosswalk;*
- 5. parking in front of fire hydrant;*
- 6. parking at bus stop;*
- 7. parking in bus lane;*
- 8. parking in bicycle lane;*
- 9. parking as to obstruct a driveway;*
- 10. parking on a bridge or highway,*
- 11. double parking;*
- 12. improper use of a parking permit; and*
- 13. obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle operated on behalf of the city.*

c. 1. The resolution of such a complaint shall be sent to the individual filing such complaint within seven days.

2. For each complaint regarding the obstruction of a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant by a vehicle operated on behalf of the city that includes photographic evidence of the license plate number of such vehicle, within two days of receiving notice of such complaint, the agency or office to which such vehicle is registered shall provide the department of information technology and telecommunications with a statement regarding whether the operator of such vehicle was in the process of responding or preparing to respond to an incident posing a hazard to health and safety or a risk of damage to property at the time the complaint was filed and if so, a general description of such incident and why parking in an alternate location was not practicable. Such information shall be included in the resolution of such complaint; provided, however, that no information that would interfere with law enforcement investigations shall be disclosed pursuant to this section.

§ 2. This local law takes effect in 30 days.

Referred to the Committee on Transportation.

Res. No. 734

Resolution calling on the New York State legislature to ensure that any law passed to legalize recreational marijuana allows the City to enact its own regulatory measures on issues unique to its location including the home delivery and cultivation of recreational marijuana in New York City.

By The Speaker (Council Member Johnson).

Whereas, The New York legislature is poised to pass landmark legislation legalizing recreational marijuana across the State; and

Whereas, Although it will be vital to centralize regulatory oversight of recreational marijuana across New York state to ensure uniform standards regarding health and safety, the law should also grant localities the authority to regulate policy areas that are unique to their locations; and,

Whereas, Across the State there are differing attitudes towards legalizing recreational marijuana; and,

Whereas, Recognizing this, in his budget address, Governor Cuomo indicated that his plan for recreational marijuana legalization would allow counties with populations over 100,000 to ban the sale of recreational marijuana; and,

Whereas, As such, political leaders from Suffolk, Nassau, Chautauqua and Genesee counties have all indicated that they will consider utilizing the opt-out provision; and,

Whereas, Measures such as this will enable municipal governments to regulate aspects of recreational marijuana in accordance with the interests of their local jurisdiction; and,

Whereas, Given its distinctive characteristics when compared to other parts of the State, such powers are especially important to New York City; and,

Whereas, The population density of New York State is 421 people per square mile, while New York City has the highest population density of any city in the Country with more than 27,000 people per square mile; and,

Whereas, New York City also hosts a high concentration of tourists – close to 63 million in 2017, and if recreational marijuana is legalized in New York State, the City has an obligation to both educate tourists on the laws and also protect their rights as consumers; and,

Whereas, As such, once recreational marijuana is legalized, New York City will likely face unique regulatory issues that differ markedly from those faced by other State locations; and,

Whereas, For example, the City's density and urban environment pose serious challenges when determining appropriate spaces for marijuana cultivation; and,

Whereas, Marijuana is an energy-intensive crop, often requiring constant indoor lighting and heating rigs, ventilation systems and water; and,

Whereas, In addition to creating potential fire hazards, cultivation sites could put a huge strain on the City's utilities and sanitation systems; and,

Whereas, The legalization of recreational marijuana will also act as a catalyst for other regulatory issues that are distinctive to New York City; and,

Whereas, For instance, unlike other parts of the State, City residents commonly use delivery services that provide everything from groceries, alcohol and laundry to make-up services, chicken-hatching eggs, and condoms right to your door; and,

Whereas, Therefore, the attitudes, expectations and behavior of consumers in New York City differs widely from those in other parts of the State; and,

Whereas, New York City's urban environment, the sheer size of its population and their unique consumer behaviors means that legalized recreational marijuana poses specific challenges for the City; and,

Whereas, To ensure that New York City can continue to balance the competing and complex needs of its residents, business groups, and consumers, the City's agencies should be granted powers to regulate recreational marijuana at the local level; now, therefore, be it

Resolved, That the New York State legislature must ensure that any law passed to legalize recreational marijuana allows the City to enact its own regulatory measures on issues unique to its location including the home delivery and cultivation of recreational marijuana in New York City.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1396

By Council Members Adams, Lander, Moya, Ayala, Cabrera, Brannan, Lancman, Eugene, Levine, Menchaca, Rosenthal, Kallos, Reynoso, Van Bramer, Salamanca, Chin, Cohen, Rivera, Treyger, Levin, Ampy-Samuel, King and Cumbo.

A Local Law to amend the administrative code of the city of New York, in relation to fast food employee layoffs

Be it enacted by the Council as follows:

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

**SUBCHAPTER 7
FAST FOOD EMPLOYEE LAYOFFS**

§ 20-1271 Definitions. As used in this subchapter, the following terms have the following meanings:

Bona fide economic reason. The term "bona fide economic reason" means the full or partial closing of operations or technological or organizational changes to the business, resulting in the reduction in volume of production, sales, or profit.

Reduction in hours. The term "reduction in hours" means a reduction in a fast food employee's hours of work totaling at least 15 percent of the employee's weekly work schedule.

Layoff. The term "layoff" means any cessation of employment, including discharge, termination, constructive discharge, indefinite suspension or reduction in hours.

§ 20-1272 Prohibition against layoffs not based on bona fide economic reasons. a. A fast food employer shall not layoff a fast food employee absent a bona fide economic reason.

b. A layoff shall not be considered based on bona fide economic reasons unless supported by a fast food employer's business records showing that the closing, technological or reorganizational changes results in a reduction in volume of production, sales, or profit.

c. Layoffs based on bona fide economic reasons shall be done in reverse order of seniority according to the length of service of fast food employees in the restaurant or store where the termination is to occur, computed

in accordance with subdivision d of this section, so that employees senior in length of service shall be retained the longest and reinstated first.

d. For purposes of this subchapter, seniority of a fast food employee shall mean ranking based on length of service, computed as provided in this subdivision. Length of service shall be computed from the first date of employment, including any probationary period, unless such service has been interrupted by an absence from the payroll of more than six months, in which case length of service shall be computed from the date of restoration to the payroll. Length of service of a fast food employee shall be deemed not to have been interrupted if such absence was the result of military service, illness, educational leave, leave authorized by law, discharge without just cause or in violation of any local, state or federal law

§ 20-1273 Private cause of action. In addition to remedies that may be ordered pursuant to section 20-1211, a court of competent jurisdiction shall also order reasonable attorney's fees and costs for violations of this subchapter.

§ 20-1274 Arbitration. a. Except as otherwise provided by law, any person claiming to be aggrieved by a fast food employer's violation of this subchapter may bring an arbitration proceeding, including on a class or collective basis, for back pay and benefits and other damages, including punitive damages, for reinstatement, restoration of hours, and other injunctive relief, and for such other remedies as may be appropriate. In an arbitration proceeding brought pursuant to this section, if the arbitrator finds in favor of the plaintiff, it shall award such person, in addition to other relief, reasonable attorney's fees and costs.

b. An arbitration demand, and any amendments thereto, must be served on the fast food employer at any of the employer's business addresses by regular mail, electronic mail, or private mail service, and must include a general description of the alleged violation(s) but need not reference the precise section(s) alleged to have been violated.

c. The parties to an arbitration proceeding shall jointly select the arbitrator from a panel of arbitrators, the number of which shall be determined by the office, chosen by a committee of eight participants established by the office comprised of:

- 1. Two fast food employees;*
- 2. Two fast food employee advocates;*
- 3. Two fast food employers; and*
- 4. Two fast food employer advocates.*

d. If an insufficient number of fast food employees, fast food employee advocates, fast food employers or fast food employer advocates agree to participate in the committee pursuant to subdivision c of this section, the office shall select individuals to fill the requisite number of openings on the committee.

e. If the committee pursuant to subdivision c of this section is unable to select a sufficient number of arbitrators for the panel as determined by the office, the office shall select the remaining arbitrators.

f. If the parties are unable to agree on an arbitrator, the office shall select an arbitrator from the panel.

g. The office shall provide translation services to any party requiring such services for the arbitration hearing.

h. The arbitration hearing shall be held at a location designated by the office. Such arbitration shall be subject to the labor arbitration rules established by the american arbitration association.

i. If a fast food employee brings an arbitration proceeding, arbitration shall be the exclusive remedy for the layoff not based on bona fide economic reasons dispute and there is no right to bring or continue a private cause of action or administrative complaint under this chapter, unless such arbitration proceeding has been withdrawn or dismissed without prejudice.

§ 20-1275 Applicability of Schedule Change Premiums. A fast food employee laid off not based on bona fide economic reasons shall be entitled to schedule pay premiums pursuant to section 20-1222, as applicable.

§ 20-1276 Exceptions. This subchapter does not:

- 1. Apply to any fast food employee who is covered by a valid collective bargaining agreement if such agreement expressly waives the provisions of this subchapter and provides comparable or superior benefits for fast food employees.*
- 2. Preempt, limit or otherwise affect the applicability of any provisions of any other law, regulation, requirement, policy or standard.*

§ 2. Subdivision a of section 20-1208 of the administrative code of the city of New York, as amended by local law number 69 for the year 2018, is amended to read as follows:

- a. For violations of this chapter, the office may grant the following relief to employees or former employees;
1. All compensatory damages and other relief required to make the employee or former employee whole;
 2. An order directing compliance with the notice and posting of rights and recordkeeping requirements set forth in sections 20-1205 and 20-1206; and
3. For each violation of:
- (a) Section 20-1204,
 - (1) Rescission of any discipline issued, reinstatement of any employee terminated and payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204;
 - (2) \$500 for each violation not involving termination; and
 - (3) \$2,500 for each violation involving termination;
 - (b) Section 20-1221, \$200 and an order directing compliance with section 20-1221;
 - (c) Section 20-1222, payment of schedule change premiums withheld in violation of section 20-1222 and \$300;
 - (d) Section 20-1231, payment as required under section 20-1231, \$500 and an order directing compliance with section 20-1231;
 - (e) Section 20-1241, \$300 and an order directing compliance with section 20-1241;
 - (f) Subdivision a of section 20-1251, the greater of \$500 or such employee's actual damages; [and]
 - (g) Subdivisions a and b of section 20-1252, \$300; [and]
 - (h) Subdivision a or b of section 20-1262, \$500 and an order directing compliance with such subdivision, provided, however, that an employer who fails to provide an employee with the written response required by subdivision a of section 20-1262 may cure the violation without a penalty being imposed by presenting proof to the satisfaction of the office that it provided the employee with the required written response within seven days of the office notifying the employer of the opportunity to cure[.]; *and*
 - (i) *Section 20-1272, \$500 for each violation, an order directing compliance with section 20-1272 and reinstatement of any fast food employee terminated and payment of back pay for any loss of pay or benefits resulting from the wrongful layoff not based on bona fide economic reasons.*

§ 3. Subdivisions a of section 20-1211 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1211 Private cause of action a. Claims. Any person, including any organization, alleging a violation of the following provisions of this chapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:

1. Section 20-1204;
2. Section 20-1221;
3. Subdivisions a and b of section 20-1222;
4. Section 20-1231;
5. Subdivisions a, b, d, f and g of section 20-1241;
6. Section 20-1251; [and]
7. Subdivisions a and b of section 20-1252; *and*
8. *Section 20-1272.*

§ 4. This local law takes effect 180 days after it becomes law, provided further that the director of the office of labor standards may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Civil Service and Labor.

Int. No. 1397

By Council Members Chin, Reynoso, Rivera, Cumbo, Brannan and Powers.

A Local Law to amend the administrative code of the city of New York, in relation to requiring community notification when a bike share station is installed or relocated

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-160 to read as follows:

§ 19-160 Community notification. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Bike share. The term "bike share" means the provision of public bicycles for shared use within the city under a contract with an operator that permits payment for the use of such bicycles.

Docking station. The term "docking station" means an automated self-service terminal that provides bicycle rental instructions, contains equipment for the acceptance of payment, and locking mechanisms for storage of bicycles between rentals.

b. When the department of transportation approves the installation of a new docking station, the commissioner shall provide notifications through signage and flyers displayed in the affected areas before installation and on the department's website and social media accounts, describing the site and effective date to the council member and community board in the affected areas.

c. When the department of transportation approves the relocation of a docking station, the commissioner shall provide notifications through signage and flyers displayed in the affected areas and on the department's website and social media accounts, describing the original site, relocated site and effective date to:

- 1. The council member and community board in the affected areas; and*
- 2. Bike share program participants who utilize the relocated site.*

d. Such notification shall be provided to the community residents immediately upon approval of the new station or relocation request, except where such new station or relocation was in response to an emergency.

e. Nothing in this section modifies a bike share operator's duties and obligations pursuant to an agreement with the department.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Transportation.

Int. No. 1398

By Council Members Constantinides and Cumbo.

A Local Law to amend the administrative code of the city of New York, in relation to underground storage tank protocols for city-owned and city permitted storage of biodiesel blends

Be it enacted by the Council as follows:

Section 1. §24-177 of the administrative code of the city of New York is amended by adding a new section 24-177.2 to read as follows:

§ 24-177.2 Biodiesel storage. a. No person shall cause or permit the on the ground storage of biodiesel blends greater than twenty percent biodiesel when the storage tank components are not compatible with the fuel stored.

b. System parts critical for demonstrating compatibility include the tank or internal tank lining, piping, line leak detectors, flexible connectors, drop tubes, spill and overfill prevention equipment, submersible turbine pump and components, sealants including pipe dope, thread sealants, fittings, gaskets, O-rings, bushings, couplings and boots, containment sumps, release detection floats, sensors and probes, fill and riser caps and product shear valves.

c. In order to meet the compatibility requirement of this section, owners or operators of underground storage tank systems must use components that are (i) certified or listed by a nationally recognized independent testing laboratory, such as Underwriters Laboratories, for use with the fuel stored or (ii) must be approved, in writing, by the equipment or component manufacturer to be compatible with the fuel stored (iii) and must specify the range of biofuel blends that the equipment or component is compatible with.

e. Use another method approved by the implementing agency and determined to be adequately protective of human health and the environment where such method is determined to be more stringent than the federal underground storage regulations.

f. Where biodiesel blends of less than twenty percent biodiesel are stored in city-owned underground storage tanks, the department along with the fire department may agree to grant a citywide waiver where appropriate.

g. Where biodiesel blends greater than B20 are stored in city-owned underground storage tanks, the owner or operator must notify their implementing agency at least thirty days before storing biodiesel blends greater than twenty percent. Thereafter the department along with the New York City Fire Department may agree to grant a variance for such storage provided that the standards for granting the variance establish that the storage method is adequately protective of public health and the environment.

h. Owners or operators of underground storage tank systems must keep records of leak detection performance claims for a period of at least five years.

i. Owners or operators of underground storage tank systems must keep records that document compliance with the compatibility requirement for as long as the underground storage tank is used to store biodiesel blends.

§ 2. This local law takes effect immediately except that the commissioner of environmental protection or any other agency may take such actions as are necessary for the timely implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

Int. No. 1399

By Council Members Constantinides, Rosenthal and Levine.

A Local Law to amend the New York city charter and the administrative code, in relation to creation of a department of sustainability and climate change and repealing section 20 of chapter 1 of the New York city charter.

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter section 20 is hereby REPEALED and a new chapter 76 to read as follows:

Chapter 76

DEPARTMENT OF SUSTAINABILITY AND CLIMATE CHANGE

§ 3150. *Department; commissioner.*

§ 3151. *Definitions.*

§ 3152. *Powers and duties.*

§ 3153. *Sustainability advisory board.*

§ 3150. *Department; commissioner.* There shall be a department of sustainability and climate change the head of which shall be the commissioner of sustainability and climate change. The commissioner may appoint deputies, including a deputy commissioner of external affairs within available appropriations.

§ 3151. *Powers and duties.* a. The commissioner shall be responsible for matters relating to resiliency of critical infrastructure, the built environment, coastal protection and coastal communities and climate change.

The commissioner shall also be responsible for all matters pertaining to recovery and resiliency and sustainability.

b. The commissioner shall also have the power to:

1. Develop and coordinate the implementation of policies, programs and actions to meet the long-term needs of the city, with respect to its infrastructure, environment, climate change and overall sustainability citywide, including but not limited to the categories of housing, open space, brownfields, transportation, water quality and infrastructure, air quality, energy; resiliency of critical infrastructure, the built environment, coastal protection and coastal communities; and regarding city agencies, businesses, institutions and the public;

2. Develop measurable sustainability indicators, reviewed annually, which shall be used to assess the city's progress in achieving sustainability and improving resiliency citywide; and

3. Take actions to increase public awareness and education regarding sustainability and climate change.

§ 3152. Sustainability Advisory Board. There shall be a sustainability advisory board. The sustainability advisory board members shall include, at a minimum, representatives from environmental, environmental justice, planning, architecture, engineering, oceanography, coastal protection, construction, critical infrastructure, labor, business and academic sectors which shall be appointed by the mayor. The advisory board shall also include the speaker of the city council or their designee and the chairperson of the council's committee on environmental protection or their designee.

§2. The administrative code of the city of New York is amended by adding a new title 33 to read as follows:

TITLE 33

DEPARTMENT OF SUSTAINABILITY AND CLIMATE CHANGE

§ 33-101 Definitions.

§ 33-102 Sustainability indicators.

§ 33-103 Population projections.

§ 33-104 Long term sustainability plan.

§ 33-105 Sustainability advisory board.

§ 33-106 Interagency green team.

§ 33-101 Definitions. As used in this chapter, the following terms have the following meaning:

Commissioner. The term "commissioner" means the commissioner of sustainability and climate change.

Department. The term "department" means the department of sustainability and climate change.

§ 33-102 Sustainability indicators. No later than December 31, 2019 and biannually thereafter, the commissioner shall identify a set of indicators to assess and track the overall sustainability and resiliency of the city with respect to the categories established pursuant to section 3151 of the New York city charter. Such sustainability indicators shall include, but not be limited to, progress in reducing all greenhouse gases as measured by the greenhouse gas inventory, progress in the implementation of resiliency measures to address sea level rise, steps to protect disadvantaged and vulnerable populations from extreme hot or cold days, progress in reducing greenhouse gas emissions resulting from buildings, progress in reducing greenhouse gas emissions generated by city operations, prevention of biodiversity loss, increasing the number and quality of trees in the city urban forest, waste diverted from landfills, increases in renewable energy generation, air quality improvements and such other indicators as the commissioner shall identify. The commissioner shall prepare and make public a biannual report on the city's performance with respect to tracking such sustainability indicators, which report may be prepared and presented in conjunction with the mayor's management report.

a. The report shall include but not be limited to: 1. The city's progress in achieving sustainability citywide, which shall be based in part on the sustainability indicators developed pursuant to this chapter and in part on the city response to the most recent report of the New York city panel on climate change; and

2. Any new or revised indicators that the commissioner has identified or used to assess the city's progress in achieving sustainability citywide, including when an indicator has been or will be revised or deleted, the reason for such revision or deletion.

§ 33-103 Population projections. No later than April 22, 2020, and every 2 years thereafter, the department of city planning shall release or approve and make public a population projection for the city that covers a period of at least 20 years, with intermediate projections at no less than 10 year intervals. Such projections shall include geographic and demographic indicators.

§ 33-104 Long term sustainability plan. a. The commissioner shall develop and coordinate the implementation of a comprehensive, long-term sustainability plan for the city. The long-term sustainability plan shall include incorporation of the projections of the New York city panel on climate change for a period of at least 30 years. Such plan shall include and not be limited to an analysis of long-term planning and sustainability indicators identified in section 33-102 and shall set interim goals associated with each indicator established and may include any additional categories established by the commissioner. The city will seek to implement or undertake to achieve each interim goal by no later than April 22, 2030 and long-term goals that the city will seek to implement or undertake to achieve each goal by no later than April 22, 2050.

b. No later than April 15, 2020, and no later than every 4 years thereafter, the commissioner shall develop and submit to the mayor and the speaker of the city council an updated long-term sustainability plan, setting forth goals achieved associated with each category established pursuant to this chapter and goals achieved pursuant to any additional categories established by the commissioner.

c. Such updated plan shall take into account most recent reports of the New York city panel on climate change and the population projections, including geographic and demographic indicators required pursuant to section 33-104 of this section. An updated plan shall include implementation milestones for each policy, program and action contained in such plan.

d. An updated plan shall report on the status of the milestones contained in the immediately preceding updated plan. Where any categories, goals, policies, programs or actions have been revised, added or deleted from an updated plan, or where any milestone has been revised or deleted from an updated plan, the plan shall include the reason for such addition, revision or deletion. The commissioner shall seek public input regarding any updated plan before finalizing and submitting such plan pursuant to subdivision b of this section.

e. Review and reporting. No later than April 22, 2020, and no later than every April 22 thereafter, the commissioner shall prepare and submit to the mayor and the speaker of the council a report on the city's performance with respect to the identified sustainability indicators and long-term planning and sustainability efforts. The report shall include, at a minimum:

1. The city's progress made to implement or undertake policies, programs and actions included in the sustainability plan or updated sustainability plan required by subdivision e of this section, since the submission of the most recent plan or updated plan or report required by this paragraph; and

2. Any revisions to policies, programs or actions in the previous long-term sustainability plan, including the reason for such revision.

§ 33-106 Sustainability Advisory Board. The advisory board shall meet, at a minimum, twice per year and shall provide advice and recommendations to the commissioner regarding the provisions of this chapter.

§ 33-107 Interagency Green team. There is hereby established within the department an interagency green team to facilitate the use of innovative technologies, design and construction techniques, materials or products that may have significant environmental and sustainability benefits and to assist innovative projects in addressing local regulatory requirements. The interagency green team shall encourage pilots of innovative technologies on city buildings and in other locations in the city.

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

Referred to the Committee on Environmental Protection.

Int. No. 1400

By Council Members Constantinides, Levine and Brannan.

A Local Law to amend the New York city charter, in relation to creating renewable energy technologies board

Be it enacted by the Council as follows:

Section 1. Chapter 24 of the New York city administrative code is amended by adding a new section 24-807 to read as follows:

§ 24-807 Renewable Energy Technologies Board. The mayor, or such agency as the mayor shall designate, shall establish a renewable energy technologies board to suggest and encourage the implementation of pilot projects in renewable energy technologies in or on city buildings. The board shall include representatives from renewable energy trade organizations including the geothermal industry, the solar industry, the urban wind industry, the biomass industry, american society of heating, refrigerating and air-conditioning engineers (ASHRAE), renewable energy syst'

[oems and any other organizations devoted to transitioning to renewable energy. The duties of the board shall include shall include, but not be limited to:

- 1. Identifying renewable energy technologies;*
- 2. Review existing research on the viability of such technologies;*
- 3. Identifying suitable locations where such technologies may be implemented;*
- 4. Where such new renewable energy technologies have been identified and implemented in other locations, review and indicate in writing the utility and effectiveness of the technologies where implemented; and*
- 5. Where a technology has been identified as suitable for implementation on or in a city building, the mayor or such agency as the mayor may recommend that city buildings pilot that technology when feasible.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Res. No. 735

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that reforms the property management of buildings in the Mitchell-Lama Housing Program.

By Council Member Cornegy (by request of the Brooklyn Borough President).

Whereas, The New York State Legislature created the Mitchell-Lama Housing Program in 1955 to provide affordable housing for moderate and middle-income households; and

Whereas, The New York City Department of Housing Preservation and Development (HPD) supervises 97 Mitchell-lama developments, and New York State Homes and Community Renewal (HCR) supervises 75 Mitchell Lama developments in New York City; and

Whereas, Mitchell-Lama residents have complained that there is no clear process for reporting grievances when there are issues with the property management at a Mitchell-Lama building; and

Whereas, The State should allow HPD to create and manage a building management operation complaint system for all New York City Mitchell Lama developments; and

Whereas, The building management operation complaint system could provide: A) additional oversight and accountability when managing agent complaints are filed through 311, HPD's website, Direct Mail, telephone or in person at HPD; B) generate and send written responses to the complainant and information regarding the actions taken to address their concerns; C) preserve complaint files for seven years for each managing agent; D) create a watch list if complaints of the managing agent are found to be valid, E) require HPD to review the complaint file during the annual contract renewal, F) require HPD to solicit written comments from shareholders or tenants 3 years from the date of the last contract or at each contract renewal, G) require complaint files of managing agents to be made available to shareholders or tenants, and H) provide access to complaint files to board of directors and tenant associations during the selection process of a new managing agent; and

Whereas, The State should also require HPD to hire interim managing agents when the agency is notified of misconduct and/or legal proceedings involving the managing agent, and the tenant association or board of

directors should be given three options to pick a replacement if there is a need to permanently replace the managing agent; and

Whereas, The State should also require post-employment restrictions for: A) managing agents and their representatives that leave their companies should not be employed by HPD, HCR, the United States Department of Housing and Urban Development and any Housing Development Corporation that oversees Mitchell-Lama properties for no less than three years after their departure, and B) Government employees who conduct oversight over Mitchell-Lama should be restricted from working with contracted managing agents and their representatives for three years after their departure; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that reforms the property management of buildings in the Mitchell-Lama Housing Program.

Referred to the Committee on Housing and Buildings.

Int. No. 1401

By Council Members Cumbo, Brannan and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring social workers in child care centers

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

§ 21-919 *Social workers in child care centers. a. Definition. For the purposes of this section, the following terms shall have the following meanings:*

1. *“Child care center” means group centers operated by ACS or a provider under contract or similar agreement with ACS providing care for less than 24 hours a day to children ages six weeks to five years old.*

2. *“Full-time” means working an average of 30 hours or more per week.*

3. *“Social worker” means any personnel, licensed and certified by New York state as a licensed master of social work or a clinical social worker as defined in section 7701 of the education law.*

b. Every child care center providing services to 40 or more children shall have a full-time social worker on staff.

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

Referred to the Committee on General Welfare.

Int. No. 1402

By Council Members Cumbo, Brannan and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to requiring school buses to operate in bus lanes during hours of operation.

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 19-175.6 to read as follows:

§ 19-175.6 *Bus lane requirement for school buses. a. For the purposes of this section, the following terms shall have the following meanings:*

1. “Bus lane” shall mean a portion of the roadway which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of buses, and

2. “School bus” shall have the same meaning as set forth in section one hundred forty-two of the vehicle and traffic law.

b. Notwithstanding any other law, rule, or regulation, when bus lane restrictions are in effect on a roadway, any operator of a school bus shall operate such school bus in the bus lane, except in order to pick up or drop off passengers, or when necessary to safely turn such school bus.

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

Referred to the Committee on Transportation.

Res. No. 736

Resolution calling upon the New York State Legislature and the New York State Office of Children and Family Services to develop a parents’ bill of rights to be distributed at initial home visits in child protective investigations and made available online.

By Council Member Cumbo.

Whereas, The Child Protective Services Act of 1973 (Title 6 of the Social Services Law) established a child protective service in each county of New York State, with each service required to investigate reports of suspected child abuse or maltreatment, to protect children under 18 years old from further abuse or maltreatment, and to provide rehabilitative services for children, parents and other family members involved; and

Whereas, The Child Protective Services Act of 1973 also requires the New York State Office of Children and Family Services (“OCFS”) to maintain a Statewide Central Register of Child Abuse and Maltreatment (“SCR”) to receive telephone calls alleging child abuse or maltreatment within New York State and to relay the information to the appropriate local child protective service; and

Whereas, In New York City, the Administration for Children’s Services (“ACS”) is the local child protective service and is required to commence an investigation within 24 hours of receiving a report of suspected child abuse or maltreatment from the SCR; and

Whereas, The child protective investigation must include at least one home visit with one face-to-face contact with the parents or guardians of the child named in the SCR report; and

Whereas, According to ACS, in Fiscal Year 2014, there were 55,529 investigations of SCR reports pertaining to children in New York City; and

Whereas, According to the ACS Office of Advocacy, parents who are involved with the child welfare system are often initially frightened, suspicious, and intimidated because they lack information about and are unfamiliar with system rules and regulations; and

Whereas, According to a 2015 report by Public Advocate Letitia James, children in New York City spend more than twice as long on average in foster care as children in the rest of the country do, and many parents of children in foster care have reported difficulty accessing adequate and appropriate services from ACS, leading to unnecessary impediments to reunification; and

Whereas, A parents’ bill of rights could address these problems by setting forth the rights of parents and guardians while they are involved with the child welfare system; and

Whereas, The parents’ bill of rights could be distributed by child protective services caseworkers to parents or guardians at the initial home visit to ensure that parents and guardians are aware of their rights from the outset of the child protective investigation and also could be available on OCFS’s website; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and the New York State Office of Children and Family Services to develop a parents’ bill of rights to be distributed at initial home visits in child protective investigations and made available online.

Referred to the Committee on General Welfare.

Res. No. 737

Resolution calling on the New York State legislature to pass legislation that grants New York City agencies the authority to regulate local licensing of recreational marijuana in the City.

By Council Members Cumbo and Ampry-Samuel.

Whereas, Legalizing recreational marijuana use is a major priority for the New York State legislature; and,

Whereas, The New York City Council supports this policy change particularly because the City's black and brown communities have been disproportionately harmed by the effects of marijuana criminalization; and,

Whereas, Establishing state-wide regulations to ensure consistency with regard to age restrictions, potency levels, and other health and safety concerns is paramount; and,

Whereas, However, New York City should also be empowered to make local licensing laws regarding recreational marijuana, in parallel with the City's current authority over business licensing; and,

Whereas, The City's sheer population size, in addition to the 60 million or so tourists that visit each year, means that the New York City market for recreational marijuana could potentially be the biggest in the State; and,

Whereas, While this presents an enormous business opportunity, the City will want to protect against unintended consequences; and,

Whereas, For example, when ride-hailing services such as Uber and Lyft came to New York City, they greatly increased travel options for the City's residents; and,

Whereas, While this was a welcomed development for consumers, the services also had negative consequences as the sudden expansion of for-hire vehicles and the increased competition for taxi companies quickly impacted the value of taxi medallions and take-home pay for drivers; and,

Whereas, One of the measures enacted by the City Council in order to mitigate these adverse effects is a cap on the number of licenses for ride-hailing services; and,

Whereas, The City has implemented similar restrictions on street vendors, to protect sidewalks from becoming overly congested; and,

Whereas, To prevent the concentration of tobacco retailers in particular neighborhoods, the City has also capped the number of tobacco and electronic cigarette retailer licenses according to each community district; and,

Whereas, Given the City's density, similar restrictions on the licenses for recreational marijuana sales may need to be implemented so that certain areas are not oversaturated; and,

Whereas, However, the City will also want to balance these restrictions with the potential for redress that recreational marijuana legalization can offer; and,

Whereas, Communities of color in New York City have been particularly harmed by the criminalization of marijuana; and,

Whereas, In order to alleviate some of these harms and rectify the injustice, these communities should be given first preference when it comes to establishing the new, legal industry; and,

Whereas, New York City has established programs to help support minority- (and women-) owned business enterprises (M/WBEs) through the Mayor's Office of M/WBEs in partnership with the Mayor's Office of Contract Services and the Department of Small Business Services and may consider similar programs in relation to communities benefiting from the recreational marijuana industry; and,

Whereas, As one of the most diverse cities in the Country, New York City has an obligation to ensure that the business opportunities on offer are accessible to the broadest range of residents; and,

Whereas, Therefore, the Department of Small Business Services could benefit the equitable growth of the industry by providing tools to new business owners in this new industry to foster economic redress for communities in New York City affected by prior criminalization; and,

Whereas, New York City's dense and diverse population, in addition to its large number of tourists means that the impending market for recreational marijuana is enormous; and,

Whereas, As with all capitalist ventures of this size, the money-making potential brings with it the possibility of widespread exploitation and corruption if appropriate systems and regulations are not developed and enforced; and,

Whereas, The City's Department of Consumer Affairs, which currently licenses more than 81,000 business and more than 50 industries in the City, is also tasked with enforcement powers relating to false advertising, deceptive trade practices and weights and measures; and,

Whereas, It can be expected that a legal recreational marijuana market will affect all of these areas and therefore may require similar City oversight; and,

Whereas, Once recreational marijuana is legalized, its use in commercial venues such as bars, clubs, restaurants and sidewalk cafes will also need to be considered; and,

Whereas, In a densely populated city, these venues already provoke a variety of competing interests including the commercial interests of the owner, the recreational needs of the consumer and residents' desire for quiet, livable streets; and,

Whereas, Currently, nightlife venues and commercial hospitality spaces have to adhere to a range of City-specific zoning laws and building codes; and,

Whereas, Indoor venues are regularly inspected by the Fire Department, the Department of Buildings and, if food is served on the premises, the Department of Health and Mental Health and Mental Hygiene; and,

Whereas, Meanwhile, sidewalk cafes are governed by a range of different rules that are administered by a raft of City agencies including the Departments of City Planning, Buildings, Environmental Protection, and Consumer Affairs, and the Landmarks Preservation Commission; and,

Whereas, The Community Board and Local Council Member for the area that will house the sidewalk cafe, in addition to the Council Speaker, also have some authority over this issue; and,

Whereas, This current decentralized licensing model gives the City a useful framework to address the unique characteristics of New York City; and,

Whereas, The hyper-localized issues that the City will face after recreational marijuana is legalized will be drastically impacted by its diversity, density and raft of competing needs; and,

Whereas, However, the City's agencies are well-equipped to tackle these challenges; and,

Whereas, To ensure that New York City can continue to balance the competing and complex needs of its residents, business groups, and consumers, the City's agencies should be granted powers to regulate recreational marijuana at the local level; now, therefore, be it

Resolved, That the New York State legislature pass legislation that grants New York City agencies the authority to regulate local licensing of recreational marijuana in the City.

Referred to the Committee on Consumer Affairs and Business Licensing.

Preconsidered Int. No. 1403

By Council Members Deutsch and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services/human resources administration to report annually on complaints by clients

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-142 to read as follows:

§ 21-142 Annual report on client complaints. a. Definitions. For purposes of this section, the term "social service area" means one of the following social services that the department provides to clients: (i) career services; (ii) health insurance; (iii) energy assistance; (iv) HIV/AIDS services; (v) adult protective services; (vi) homelessness prevention; (vii) child support enforcement; (viii) temporary cash assistance; (ix) domestic violence services; (x) home care and long term care; and (xi) the supplemental nutrition assistance program and food program.

b. Not later than March 1, 2019 and on or before March 1 annually thereafter, the commissioner shall submit an annual report to the speaker of the council that provides the following information for the prior calendar year on complaints by clients, disaggregated by social service area:

1. the total number of complaints to the department;

2. the number and percentage of complaints resolved by the department; and

3. the number and percentage of complaints unresolved by the department.

c. In the report, the commissioner shall also include the following: (i) the definition of a resolved complaint; (ii) the definition of an unresolved complaint; (iii) the methods that the department will undertake to improve the resolution of complaints; and (iv) the progress of the department in improving the resolution of complaints.

d. The commissioner shall post such report on the department website within 30 days after submission to the speaker of the council.

e. No report required by this section shall contain personally identifiable information.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare (preconsidered but laid over by the Committee on General Welfare).

Int. No. 1404

By Council Members Dromm, Cumbo and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a program for child visitors of department of correction facilities

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-156 to read as follows:

§ 9-156 *Child visitor program. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Borough jail facility. The term “borough jail facility” means any department facility that is located outside Rikers Island and in which people held in department custody are housed.

Child visitor. The term “child visitor” means a visitor under 16 years of age.

City jail. The term “city jail” means any department facility in which people held in department custody are housed.

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

Visiting area. The term “visiting area” means any space within any city jail designated for the purpose of visits.

Visitor. The term “visitor” means any person who enters a city jail for the purpose of visiting a person housed in any city jail, or any person who is screened by the department for visiting purposes, and includes the term “child visitor.”

b. The department, in consultation with not-for-profit organizations with expertise in issues affecting child visitors, shall develop a program to improve the visiting experience for child visitors and all other participants of visits involving children. Such program shall have the following features:

1. In all visiting areas where child visitors will be visiting, the department shall provide toys, games, books and arts-and-crafts for interaction between visit participants of all ages;

2. The department shall require all department staff who interact with child visitors to receive training designed to minimize stress for child visitors; and

3. All new or substantially remodeled city jails shall have a specially designed visiting area for child visitors and those who accompany them.

c. No later than 90 days after January 1, 2020, and annually thereafter, the department shall submit to the board of correction and the speaker of the council, and post on the department’s website, a report regarding its

efforts to improve the visitation experience for child visitors pursuant to the requirements set forth in subdivision b of this section. Such report shall include, but need not be limited to, the following information:

1. The number of visitors to city jails, disaggregated by borough jail facilities and city jails on Rikers Island, and disaggregated further by facility;
 2. The number of visits by child visitors, disaggregated by borough jail facilities and city jails on Rikers Island, and disaggregated further by facility;
 3. The number of visits by child visitors that occurred in visiting areas specially designed for child visitors pursuant to subparagraph 3 of subdivision b of this section, disaggregated by facility;
 4. The number of department staff that interact with child visitors;
 5. The number of department staff that interact with child visitors who have received training required by subparagraph 2 of subdivision b of this section;
 6. The inventory of toys, games, books and arts-and-crafts required by subparagraph 1 of subdivision b of this section, disaggregated by borough jail facilities and city jails on Rikers Island, and disaggregated further by facility;
 7. A description of the department's efforts to collaborate or consult with experts from relevant nonprofit organizations;
 8. A list of borough jail facilities and city jails on Rikers Island, if any, that do not have visiting areas specially designed for child visitors; and
 9. A description of additional improvements made or initiatives taken by the department to improve the child visitation experience.
- d. The information required by subdivision c of this section shall be compared to the previous four reporting periods whenever possible, stored permanently and made accessible on the department's website.

§ 2. This local law takes effect 120 days after it becomes law, except that the department of correction shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Criminal Justice.

Int. No. 1405

By Council Members Dromm and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to accommodation of food allergies and dietary restrictions in certain food service establishments

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 17-195.1 to read as follows:

§ 17-195.1 Food allergen information to be made available. a. Definitions. As used in this section, the following terms have the following meanings:

Chain food service establishment. The term "chain food service establishment" means a food-service establishment that is part of a chain with 15 or more locations nationally doing business under the same name and offering for sale substantially the same menu items.

Food allergen. The term "food allergen" means milk and dairy products, eggs, fish, crustaceans, tree nuts, peanuts, soybeans, grains that contain gluten, and any ingredient that contains protein derived from such foods.

Menu item. The term "menu item" means any food item that a customer may select for purchase from a chain food service establishment.

Point of purchase. The term "point of purchase" means any location within a food service establishment where a customer may order food, including each table at which a customer may be seated.

b. Each chain food service establishment shall post a sign advising customers or potential customers to ask for information on food allergens, located in a prominent and conspicuous location at or near each point of purchase.

c. Each chain food service establishment shall maintain, along with the additional written nutritional information required by paragraph 2 of subdivision b of section 101.11 of title 21 of the code of federal regulations, or a successor regulation, information on the existence of food allergens in its menu items in the form of a full list of ingredients in each item, with allergens emphasized. Such nutrition and allergen information shall be made available upon request to any customer or potential customer, and shall be available for inspection by the department.

§ 2. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding new sections 17-1507 and 17-1508 to read as follows:

§ 17-507 Food allergen protection course. a. Definitions. As used in this section, the term “food preparer” means an employee, independent contractor or volunteer in a food service establishment who is charged with the handling, preparing, or cooking of food intended for customer consumption either on or off the premises.

b. The commissioner shall establish a food protection course for all food service establishments. Such course shall provide food service establishments with training on food allergens and related food safety issues.

c. Any person who is employed as a food preparer or charged with the management or supervision of a food service establishment shall obtain a food protection certificate issued by the department following successful completion of a course in food protection, and passage of an examination administered by the department. All such employees shall obtain a certificate within 30 days of employment. Each certificate shall be available for inspection at all times by the department.

d. In addition to food preparers and managers or supervisors of food operations, the department shall require the following persons to complete the course pursuant to subdivision c of this section: any persons supervising one or more specific food operations; the current holder of a food protection certificate in any food service establishment if the department finds imminent health hazards, or a food borne illness outbreak implicates food prepared or processed under the supervision of such person; a food service establishment supervisor if the department determines that such a course is necessary to acquaint such supervisor with current developments in food protection principles; and when otherwise deemed necessary by the commissioner for the protection of the public.

e. The department shall conduct such food protection course, or any part thereof, provided that such course receives accreditation by the American National Standards Institute or similar national accrediting organization. The commissioner may approve additional courses conducted by organizations provided that such courses are accredited and meet the requirements set for the course in food protection required in subdivision c of this section. Approved courses and organizations shall be listed on the department’s website. Persons electing to enroll in such courses conducted by the department may be charged a reasonable fee to defray all or part of the costs incurred by the department for course registration, materials, training, testing and certificate issuance. Persons who supervise food service operations for a religious, fraternal or charitable organization that is open to the public for the purpose of providing food to the needy, free of charge, shall not be charged a fee for a food protection course conducted by the department.

f. A food protection certificate issued under this section shall expire three years after its date of issuance. To be re-certified, the food preparer or manager or supervisor of food operations shall be required to retake and pass the examination given by the department pursuant to subdivision c of this section. The holder of an expired certificate may also be required to retake the course if required by a rule of the department.

§ 17-508 Certification of dietary restriction compliance. a. Definitions. As used in this section, the following terms have the following meanings:

Dietary restriction. The term “dietary restriction” means a diet that a person maintains in order to avoid ingesting particular food items or ingredients.

Menu or menu board. The term “menu” or “menu board” means a printed list of the names or images of a food item or items and the prices of such items, that is the primary writing of a food service establishment from which a customer makes an order selection. Menus include breakfast, lunch, and dinner menus; dessert menus; beverage menus; children’s menus; other specialty menus; electronic menus; and menus posted on the internet. Menus may be in various forms, including booklets, pamphlets, single sheets of paper, or electronic screens. A primary writing of a food service establishment includes, but is not limited to, a writing that lists the name of a

standard menu item or an image depicting the standard menu item, and the price of the standard menu item. Menu boards include those inside the food service establishment as well as menu boards used for drive-through service located outside such establishment.

Restricted food. The term “restricted foods” means any food item that a person intends to have eliminated from such person’s diet as part of a dietary restriction. Such foods include: milk and dairy products, eggs, fish, crustaceans, tree nuts, peanuts, soybeans, grains that contain gluten, meat from any animals including land animals and fish, meat from any animal-derived ingredients, and any ingredient that contains protein derived from such foods. The department may designate by rule additional restricted foods to be covered by this section.

b. The commissioner shall establish a voluntary certification program in which any food service establishment may participate to ensure such establishment is able to produce meals that are compliant with particular dietary restrictions. Only a food service establishment that completes such certification program may advertise or publish on its menu or menu boards the availability of menu items that do not contain restricted foods as “Certified” by the department. Such advertisement or publication may be immediately preceded by the notation “Certified,” followed by such particular dietary restriction for which a food service establishment has been certified. No food service establishment may advertise itself as being certified to produce meals that comply with particular dietary restrictions unless such establishment has in fact been so certified by the department pursuant to this section.

c. Such certification program shall require a participating food service establishment to complete a dietary restriction protection course, which shall be implemented by the department and shall include, at a minimum, the following requirements:

1. No person who is charged with the management or supervision of the operations of a food service establishment participating in such certification program shall be employed in such capacity unless such person obtains, within 30 days of employment, a certificate of dietary restriction compliance issued by the department after successful completion of:

(a) A course on selecting food ingredients and protecting food from cross-contamination by restricted foods within food service establishments; and

(b) Passage of an examination administered by the department.

2. Such examination shall at a minimum test the examinee’s knowledge of cross-contamination protections for a particular restricted food, and protocols to ensure that individuals employed by a food service establishment are properly trained in preventing such cross-contamination as it relates to their assigned duties.

3. The department shall conduct such dietary restriction protection course, or any part thereof, or shall approve courses conducted by other nationally accredited exam organizations from which a manager or supervisor of the operations of an establishment participating in the certification program may choose to receive a certificate of dietary restriction compliance. Approved exam organizations shall be listed on the department’s website.

4. All dietary restriction compliance certificates expire three years after their date of issuance. To be re-certified, the manager or supervisor of food operations must pass the examination required by paragraph 1 of this subdivision. The holder of an expired certificate may also be required to retake the course.

d. In addition to successful completion of such dietary restriction protection course required by subdivision c of this section, such certification program shall require a food service establishment to demonstrate the following dietary restriction protection procedures:

1. The food service establishment employs at least two managers or supervisors of food operations who have received a certificate of dietary restriction compliance from the department, at least one of whom must be on the premises and supervise food preparation activities during all hours of operation;

2. The food service establishment has procedures in place to prevent cross-contamination from the advertised restricted food; and

3. The food service establishment makes available upon request additional written allergen information for all menu items in the form of a full list of ingredients in each item, with allergens emphasized.

e. Following completion of such dietary restriction course required by subdivision c of this section and a demonstration of adherence to dietary restriction protection procedures required by subdivision d of this section, a food service establishment shall receive a dietary restriction certification card. The department shall provide each certified food service establishment with such dietary restriction certification card indicating the particular dietary restriction for which the food service establishment has obtained certification. A food service

establishment that displays advertising described in subdivision b of this section shall conspicuously post such certification card next to its letter grade card received pursuant to section 23-03 of chapter 23 of title 24 of the rules of the city of New York. The certification card shall not be defaced, marred, camouflaged or hidden from public view.

f. A food service establishment that has received certification shall be re-certified as part of its periodic health inspections conducted by the department pursuant to section 81.51 of title 4 of the New York city health code.

g. Failure to comply with provisions of this section shall constitute a violation punishable by a civil penalty in the amount of not less \$250 and not more than \$500 for the first violation, not less than \$500 and not more than \$750 for the second violation occurring within one year, and not less than \$750 and not more than \$1,000 for the third and each subsequent violation occurring within one year.

h. The commissioner may charge a food service establishment electing to participate in the certification program a reasonable fee to defray all or part of the costs incurred by the department for registration, training, testing and certificate issuance.

i. The commissioner shall maintain a database, to be made available on the department's website, of all food service establishments that have been certified as compliant with particular dietary restrictions, specifying the dietary restriction certificates that such establishments have received.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of health and mental hygiene may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 1406

By Council Members Dromm, Treyger, Levin, Rosenthal, Brannan, Chin, Rose and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to requiring reports on preschool special education and early intervention services

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 21-955 of the administrative code of the city of New York is amended to read as follows:

[1.] *Academic period.* The term “academic period” [“Academic period” shall mean] *means* the period beginning July 1 of the current calendar year until and including June 30 of the following subsequent calendar year.

Committee on preschool special education. The term “committee on preschool special education” *has the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.*

[2.] *Committee on special education.* The term “committee on special education” [“Committee on special education” shall have] *has the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.*

[3.] *Date of consent.* The term “date of consent” [“Date of consent” shall mean] *means* the date on which the department received written consent to conduct an initial evaluation from the parent or person in parental relation.

[4.] *Date of referral for reevaluation.* The term “date of referral for reevaluation” [“Date of referral for reevaluation” shall mean] *means* the date on which the department received a referral or referred a student with a disability for a reevaluation.

Home language. The term “home language” *means* a parent's or person in parental relation's preferred language or mode of communication, as indicated on the home language questionnaire as that term is defined

in section 154-2.2 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

Individualized education program. The term “individualized education program” or “IEP” has the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[5.] *IEP meeting.* The term “IEP meeting” [shall mean] means a meeting of the committee on special education or committee on preschool special education for the purpose of determining whether the student is a student with a disability and for the purpose of developing an IEP for any such student with a disability.

[6.] *Initial evaluation.* The term “[Initial]initial evaluation” [shall mean] means an evaluation to determine if a student is a student with a disability, conducted pursuant to sections 4401-a [and], 4402 and 4410 of the education law and section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

Integrated special class program. The term “integrated special class program” has the same meaning as set forth in subdivision (f) of section 200.9 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

Preschool student. The term “preschool student” means children ages three to five who are not enrolled in kindergarten.

Preschool student with a disability. The term “preschool student with a disability” has the same meaning as “preschool ” as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[7. “Reevaluation”] *Reevaluation.* The term “reevaluation” [shall mean] means an evaluation of a student with a disability conducted pursuant to section 4402 of the education law and section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York, provided that such term shall not include a three-year reevaluation.

Related services. The term “related services” shall have the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[8. “School”] *School.* The term “school” [shall mean] means a school of the city school district of the city of New York.

[9. “Special class”] *Special class.* The term “special class” [shall have] has the same meaning as set forth in section 200.1 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

Special education itinerant services. The term “special education itinerant services” has the same meaning as set forth in section 200.16 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[10. “Student”] *Student.* The term “student” [shall mean] means any pupil under the age of twenty-one as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a school as school is defined in this subdivision[, not including a pre-kindergarten student or a preschool child as preschool child is defined in section 4410 of the education law].

Student in temporary housing. The term “student in temporary housing” has the same meaning as that of the term “homeless child” as set forth in section 100.2 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

[11. “Student with a disability”] *Student with a disability.* The term “student with a disability” [shall have] has the same meaning as set forth in section 4401 of the education law[, provided that student with a disability shall not include a pre-kindergarten student or a preschool child].

[12. “Three-year reevaluation”] *Three-year reevaluation.* The term “three-year reevaluation” [shall mean] means a reevaluation that occurs at least once every three years unless otherwise agreed as set forth in section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

§ 2. Subdivision b of section 21-955 of the administrative code of the city of New York is amended to read as follows:

b. The department shall submit to the speaker of the council and post on the department’s website an annual report regarding the evaluation of students, *not including preschool students*, for special education services and the provision of such services during the preceding academic period, which shall include, but shall not be limited to the following information:

§ 3. Section 21-955 of the administrative code of the city of New York is amended by adding new subdivisions e and f to read as follows:

e. The department shall submit to the speaker of the council and post on the department's website an annual report regarding the evaluation of preschool students for special education services and the provision of such services during the preceding academic period, which shall include, but shall not be limited to the following information, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, recommended language of instruction or services, home language, and status as a student in temporary housing:

1. The number of referrals for initial evaluations pursuant to section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York;

2. The number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the child was a preschool student with a disability;

3. The number of IEP meetings that were convened less than or equal to sixty calendar days from the date of consent for initial evaluations;

4. The number of IEP meetings that were convened more than sixty calendar days from the date of consent for initial evaluations;

5. The total number of preschool students with a disability who have an IEP as of June 30 of the reported academic period;

6. The number and percentage of preschool students with a disability who were receiving special education services in full compliance with their IEPs within sixty school days from the date of consent for initial evaluations;

7. The number and percentage of preschool students with a disability who were receiving special education services in partial compliance with their IEPs within sixty school days from the date of consent for initial evaluations;

8. The number and percentage of preschool students with a disability who were receiving no special education services within sixty school days from the date of consent for initial evaluations;

9. The average number of school days between the date the department receives consent from the parent or person in parental relation for the initial evaluation as set forth in section 200.5(b)(1)(i) of title 8 of the official compilation of the codes, rules and regulations of the state of New York and the date the department begins providing services pursuant to the IEP;

10. The number and percentage of preschool students with a disability who, by the end of the academic period, have IEPs that recommend the following enumerated services:

(a) Related services only;

(b) Monolingual special education itinerant services, disaggregated by IEPs that recommend:

(1) one to five hours of such services per week;

(2) six to 10 hours of such services per week; and

(3) 11 hours or more of such services per week;

(c) Bilingual special education itinerant services, disaggregated by IEPs that recommend:

(1) one to five hours of such services per week;

(2) six to 10 hours of such services per week; and

(3) 11 hours or more of such services per week;

(d) Monolingual full-day integrated special class program;

(e) Monolingual half-day integrated special class program;

(f) Bilingual full-day integrated special class program;

(g) Bilingual half-day integrated special class program;

(h) Monolingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2

(3) 12:1:2; or

(4) Other ratio;

(i) Monolingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio;

(j) Bilingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio; and

(k) Bilingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio;

11. The number and percentage of preschool students with a disability who were receiving special education services in full compliance with their IEPs by the end of the academic period and in partial compliance with their IEPs by the end of the academic period;

12. The number and percentage of preschool students with a disability who, by the end of the academic period, were receiving in full the following enumerated services as recommended on their IEPs, the number and percentage of preschool students with a disability who as of the end of the academic period were receiving in part such services, and the number and percentage of preschool students with a disability who as of the end of the academic period were awaiting the provision of such services:

(a) Monolingual speech therapy;

(b) Bilingual speech therapy;

(c) Monolingual counseling;

(d) Bilingual counseling;

(e) Occupational therapy;

(f) Physical therapy;

(g) Hearing education services;

(h) Vision education services;

(i) Monolingual special education itinerant services, disaggregated by IEPs that recommend:

(1) one to five hours of such services per week;

(2) six to 10 hours of such services per week; and

(3) 11 hours or more of such services per week;

(j) Bilingual special education itinerant services, disaggregated by IEPs that recommend:

(1) one to five hours of such services per week;

(2) six to 10 hours of such services per week; and

(3) 11 hours or more of such services per week;

(k) Monolingual full-day integrated special class program;

(l) Monolingual half-day integrated special class program;

(m) Bilingual full-day integrated special class program;

(n) Bilingual half-day integrated special class program;

(o) Monolingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio;

(p) Monolingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio;

(q) Bilingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio; and

(r) Bilingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio;

13. The number and percentage of preschool students with a disability enrolled in Pre-K for All programs at the end of the academic period;

14. The number and percentage of preschool students with a disability enrolled in 3-K for All programs at the end of the academic period;

15. The number and percentage of preschool students with a disability enrolled in Pre-K for All programs who receive full services at the Pre-K for All program where they are enrolled;

16. The number and percentage of preschool students with a disability enrolled in Pre-K for All programs who receive partial services at the Pre-K for All program where they are enrolled;

17. The number and percentage of preschool students with a disability enrolled in 3-K for All programs who receive full services at the 3-K for All program where they are enrolled;

18. The number and percentage of preschool students with a disability enrolled in 3-K for All programs who receive partial services at the 3-K for All program where they are enrolled;

19. The number of preschool integrated special class programs administered by the department;

20. The number of preschool integrated special class programs administered by community-based organizations with contracts with the department;

21. The number of preschool special classes administered by the department in total and disaggregated by the following student-to-teacher-to-aid ratios:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio; and

22. The number of preschool special classes administered by community-based organizations with contracts with the department in total and disaggregated by the following student-to-teacher-to-aid ratio:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio.

f. The annual report required by subdivision e of this section shall be submitted and posted no later than November 1.

§ 4. The administrative code of the city of New York is amended by adding a new section 17-199.11 to read as follows:

§ 17-199.11 Report of early intervention services. a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

Early intervention services. The term “early intervention services” has the same meaning as set forth in section 69-4.1 of title 10 of the official compilation of the codes, rules and regulations of the state of New York.

Evaluation. The term “evaluation” has the same meaning as set forth in section 69-4.1 of title 10 of the official compilation of the codes, rules and regulations of the state of New York.

Individualized family service plan. The term “individualized family service plan” or “IFSP” has the same meaning as set forth in section 69-4.1 of title 10 of the official compilation of the codes, rules and regulations of the state of New York.

IFSP meeting. The term “IFSP meeting” means a meeting for the purpose of determining whether a child is eligible for early intervention services and for the purpose of developing an IFSP for such child pursuant to section 69-4.11 of title 10 of the official compilation of the codes, rules and regulations of the state of New York.

Initial evaluation. The term “initial evaluation” means an evaluation to determine a child’s initial eligibility for early intervention services.

Referral. The term “referral” means referral of a child thought to be eligible for early intervention services pursuant to section 69-4.3 of title 10 of the official compilation of the codes, rules and regulations of the state of New York.

Reporting period. The term “reporting period” means the period beginning July 1 of the current calendar year until and including June 30 of the following subsequent calendar year.

Student in temporary housing. The term “student in temporary housing” has the same meaning as that of the term “homeless child” as set forth in section 100.2 of title 8 of the official compilation of the codes, rules and regulations of the state of New York.

b. Report. No later than November 1 of each year, the department shall submit to the speaker of the council and post on the department’s website an annual report regarding children receiving early intervention services from the department, which shall include, but shall not be limited to the following information, disaggregated by zip code, race/ethnicity, status as a student in temporary housing, and gender:

1. The number of referrals for initial evaluations in total and disaggregated by referral source, including, but not limited to, referrals from parents, health professionals, child care providers, homeless shelters or nonprofits;

2. The number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the child was eligible for early intervention services;

3. The number of IFSP meetings convened less than or equal to 45 calendar days from the date of referral;

4. The number of IFSP meetings that were convened more than 45 calendar days from the date of referral;

5. The total number of children who have an IFSP as of June 30 of the reporting period;

6. The average number of calendar days between the date of the initial IFSP meeting and the date children begin receiving early intervention services;

7. The number and percentage of children with IFSPs who, by the end of the reporting period, have IFSPs that recommend the following enumerated services as such services are defined in section 69-4.1 of title 10 of the official compilation of the codes, rules and regulations of the state of New York:

(a) Assistive technology services;

(b) Applied behavior analysis;

(c) Audiology;

(d) Family training, counseling, home visits or parent support groups;

(e) Medical services;

(f) Nursing services;

(g) Nutrition services;

(h) Occupational therapy;

(i) Physical therapy;

(j) Psychological services;

(k) Service coordination;

(l) Sign language or cued language services;

(m) Social work services;

(n) Special instruction;

(o) Speech-language pathology;

(p) Vision services;

(q) Health services; and

(r) Transportation services;

8. The number and percentage of children with IFSPs who were receiving early intervention services in full compliance with their IFSPs by the end of the reporting period and in partial compliance with their IFSPs by the end of the reporting period;

9. The number and percentage of children with IFSPs who, by the end of the reporting period, were receiving in full the services enumerated in subparagraphs (a) through (r) of paragraph seven of this section as recommended on their IFSPs, the number and percentage of children with IFSPs who as of the end of the reporting period were receiving in part such services, and the number and percentage of children with IFSPs who as of the end of the reporting period were awaiting the provision of such services;

10. The number and percentage of children with IFSPs who, within 30 calendar days from the date of their initial IFSP meeting, were receiving in full the services enumerated in subparagraphs (a) through (r) of

paragraph seven of this section as recommended on their IFSPs, the number and percentage of children with IFSPs who were receiving in part such services, and the number and percentage of children with IFSPs who were awaiting the provision of such services;

11. The number of children with IFSPs enrolled in 3-K for All programs during the reporting period;

12. The number and percentage of children with IFSPs enrolled in 3-K for All programs who receive full services at the 3-K for All program where they are enrolled;

13. The number and percentage of children with IFSPs enrolled in 3-K for All programs who receive partial services at the 3-K for All program where they are enrolled;

c. Information required to be reported pursuant to this section shall be reported in a manner that does not violate any applicable provision of federal, state or local law relating to the privacy of information. If a category contains between 1 and 5 children, or allows another category to be narrowed to between 1 and 5 children, the number shall be replaced with a symbol.

§ 5. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 1407

By Council Members Espinal, Levine and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to the restrictions on certain single-use plastics

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

Subchapter 13. Restrictions on Certain Plastic Items

§ 20-699.7 Restrictions on single use plastics.

a. Definitions, as used in this chapter:

Beverage service establishment. The term "beverage services establishment" shall mean any establishment that sells beverages for on or off-premises consumption, including but not limited to establishments that are required to be licensed pursuant to section 100 of the New York state alcoholic beverage control law.

Economic feasibility. The term "economic feasibility" means cost effective based on consideration of factors including, but not limited to, direct and avoided costs such as whether the material is capable of being collected by the department in the same truck as source separated metal, glass and plastic recyclable material, and shall include consideration of markets for recycled material.

Environmental feasibility. The term "environmental feasibility" means environmental effectiveness based on consideration of environmental consequences including, but not limited to, materials having the capability to be recycled into new and marketable products without a significant amount of material accepted for recycling being delivered to landfills or incinerators and environmental consequences during manufacturing.

Food service establishment. The term "food service establishment" means a place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

Single use plastic items. The term "single use plastic item" means an item made of non-biodegradable plastic that is intended by the manufacturer to be used once or that is generally recognized by the public as an item to be discarded after one use.

Store. The term "store" means a retail or wholesale establishment other than a food service establishment.

b. The commissioner shall, in consultation with the department of sanitation, the department of health and mental hygiene and the department of environmental protection, on a regular basis and no less than annually,

evaluate available alternatives for items made from single use plastics. This evaluation shall include, but not be limited to:

1. Economic feasibility of such available alternative;
2. Environmental feasibility of such available alternative;
3. Potential financial hardship for consumers; and
4. Organics recycling capacity of the city, if applicable.

c. If the commissioner determines that there is a reasonable available alternative for a single use plastic item, he or she shall designate by rule such single-use plastic item as a covered item.

d. No store, beverage service establishment or food service establishment in the city shall distribute or sell covered items.

e. The commissioner shall on February 1, 2020, and annually thereafter, report to the mayor and the speaker of the city council on single use plastic items considered, the evaluation including economic feasibility and environmental effectiveness, and the determinations.

f. On and after January 1, 2020, and on a regular basis thereafter, the department shall provide outreach and education as follows. If single use plastic items are designated covered items pursuant to this section, the department, in consultation with the department of health and mental hygiene, the department of sanitation and the department of environmental protection, shall conduct outreach and education to stores, manufacturers, beverage service establishments, and food service establishments to inform them of the provisions of this section and provide assistance with identifying replacement material, and such outreach and education shall be offered in multiple languages.

g. The department, the department of health and mental hygiene and the department of sanitation shall have the authority to enforce the provisions of this section.

§ 2. This local law shall take effect immediately.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1408

By Council Members Espinal, Cumbo, Chin, Rosenthal and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to establishing an affordable retail space requirement at city financially assisted development projects

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 the administrative code of the city of New York is amended by adding a new section 6-143 to read as follows:

§ 6-143 *Affordable retail space at city development projects. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Affordable retail space. The term “affordable retail space” means, in relation to a city development project, a percentage or amount of ground floor retail space that is leased or rented at a below market lease rate.

Chain business. The term “chain business” means an establishment that is part of a group of establishments that share a common owner or principal who owns at least 30 percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in section 681 of the general business law.

City development project. The term “city development project” means a project undertaken by a city agency or a city economic development entity for the purpose of improvement or development of real property, economic development, job retention or growth, or other similar purposes where the project has received or is expected to receive financial assistance.

City economic development entity. The term “city economic development entity” means a not-for-profit organization, public benefit corporation or other entity that provides or administers economic development benefits on behalf of the city pursuant to paragraph b of subdivision 1 of section 1301 of the charter.

Commissioner. The term “commissioner” means the commissioner of small business services.

Covered developer. The term “covered developer” means any person receiving financial assistance in relation to a city development project, or any assignee or successor in interest of real property that qualifies as a city development project.

Department. The term “department” means the department of small business services.

Financial assistance. The term “financial assistance” means assistance that is provided to a covered developer for the improvement or development of real property, economic development, job retention and growth, or other similar purposes, and that is provided either (i) directly by the city, or (ii) indirectly by a city economic development entity and that is paid in whole or in part by the city, and that at the time the covered developer enters into a written agreement with the city or city economic development entity is expected to have a total present financial value of \$1,000,000 or more. Financial assistance includes, but is not limited to, cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and uses taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of building, land or leases, or the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for; provided, however, that any tax abatement, credit, reduction or exemption that is given to all persons who meet criteria set forth in the state or local legislation authorizing such tax abatement, credit, reduction or exemption is deemed to be as of right (or non-discretionary); and provided further that the fact that any such tax abatement, credit, reduction or exemption is limited solely by the availability of funds to applicants on a first come, first serve or other non-discretionary basis set forth in such state or local law does not render such abatement, credit, reduction or exemption discretionary. Financial assistance includes only discretionary assistance that is negotiated or awarded by the city or by a city economic development entity, and does not include as-of-right assistance, tax abatements or benefits. Where assistance takes the form of leasing city property at below market lease rates, the value of the assistance will be determined based on the total difference between the lease rate and a fair market lease rate over the duration of the lease. Where assistance takes the form of loans or bond financing, the value of the assistance will be determined based on the difference between the financing cost to a borrower and the cost to a similar borrower that does not receive financial assistance from a city economic development entity.

Project agreement. The term “project agreement” means a written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance targeted to a city development project.

Retail business. The term “retail business” means any entity that is engaged primarily in the sale of consumer goods at a store within the city, but does not include a chain business. For the purposes of this definition, the term “consumer goods” means products that are primarily for personal, household or family purposes, including but not limited to appliances, clothing, electronics, groceries and household items.

b. Affordable retail space at city development projects required. 1. Covered developers shall provide affordable retail space for retail businesses in city development projects.

2. For each city development project, the city agency or city economic development entity that executed the project agreement relating to such city development project shall determine the affordable retail space that applies to such city development project, including (i) the percentage or amount of ground floor retail space, (ii) the below market lease rate and (iii) the term of the affordable retail space. In making such determination, the city agency or city economic development entity shall conduct a neighborhood retail needs assessment that incorporates information regarding the neighborhood and commercial environment related to the location of the city development project, including but not limited to existing retail stores, retail store vacancy rates, market lease rates, presence of chain businesses, level of retail diversity and types of retail businesses needed or lacking in the neighborhood.

c. Implementation and reporting. 1. No later than January 1, 2020, the commissioner shall promulgate implementing rules as appropriate and consistent with this section. Beginning one year after the effective date

of the local law that added this section and annually thereafter, the commissioner shall post on the department's website and submit to the speaker of the council a report on the implementation and enforcement of this section during the preceding calendar year.

2. Each covered developer shall submit to the department copies of leases or rental agreements, and any extensions, renewals, amendments or modifications thereof, providing for affordable retail space executed pursuant to this section.

d. Enforcement. 1. Whenever the commissioner has reason to believe that there has been a violation of this section, or upon receipt of a complaint in writing alleging a violation of this section, the commissioner shall conduct an investigation to determine whether there has been a violation. The commissioner shall provide written notice of the alleged violation to the covered developer and the relevant city agency or city economic development entity, and provide the covered developer an opportunity to be heard.

2. In the event that the commissioner finds that the covered developer has violated this section, the commissioner shall, in consultation with the relevant city agency or city economic development entity, take such actions against the covered developer as may be appropriate including but not limited to:

(a) Entering into an agreement with the covered developer allowing the covered developer to cure the violation;

(b) Finding the covered developer to be in default of the project agreement;

(c) Recovering from the covered employer the financial assistance disbursed or provided to the covered employer, including but not limited to requiring repayment of any taxes or interest abated or deferred;

(d) Declaring the covered developer ineligible to receive financial assistance; and

(e) Assessing actual and consequential damages.

e. Application to existing city development projects. This local law does not apply to any project agreement executed prior to the effective date of this local law, except that extension, renewal, amendment or modification of such project agreement, occurring on or after the effective date of this local law, that results in the grant of any additional financial assistance to a covered developer shall make such covered developer subject to the requirements of this local law.

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

Referred to the Committee on Small Business.

Int. No. 1409

By Council Members Eugene and Cumbo.

A Local Law in relation to establishing a task force to address issues and consequences related to educator sexual abuse

Be it enacted by the Council as follows:

Section 1. a. There shall be established a task force to study the consequences of educator sexual abuse on students, and to make recommendations within 12 months as to how the city and public schools can establish mechanisms, resources and services to help students who have suffered such abuse deal with such consequences.

b. The task force shall have at least 20 members as follows:

1. The chancellor of the city school district of the city of New York, or the chancellor's designee, who shall serve as chair;

2. The commissioner of the administration for children's services, or the commissioner's designee;

3. At least one school principal from each borough, appointed by the mayor;

4. At least two school guidance counselors, appointed by the mayor;

5. At least two school psychologists, appointed by the mayor;

6. At least one parent coordinator from each borough, appointed by the mayor; and

7. At least four members appointed by the speaker of the council, including school administrators, teachers, guidance counselors or other appropriate department employees, and experts in childhood trauma, child development, or psychology.

c. One member shall be designated as chairperson by the mayor after consultation with the speaker.

d. Each member of the task force shall serve without compensation for a term of 12 months, to commence after the final member of the task force is appointed. All members shall be appointed within 60 days after the effective date of this local law.

e. The task force shall consult with agencies and may consult with interested members of the public, including but not limited to parents of students currently enrolled in the city school district of the city of New York.

f. The task force shall meet at least quarterly and shall hold at least one public meeting prior to submission of the plan required pursuant to subdivision g of this section to solicit public comment on addressing the consequences of educator sexual abuse.

g. No later than 12 months after the final member of the task force is appointed, the task force shall submit to the mayor, the speaker of the council and the chancellor of the city school district of the city of New York a plan to address the consequences of educator sexual abuse. In developing such plan, the task force shall consider the following:

1. Any data and reports of the department related to educator sexual abuse in schools, including any trends in the types of reported incidents of educator sexual abuse and how those incidents were discovered and reported;

2. Existing department policies, guidelines and resources related to educator sexual abuse and reporting by victims thereof;

3. Existing department methods and procedures for reporting and responding to allegations of educator sexual abuse;

4. Existing department training programs to help school employees identify and respond to educator sexual abuse; and

5. The level of coordination among appropriate city, state and federal agencies and other relevant organizations with regards to efforts to prevent and address educator sexual abuse in schools.

h. The task force required pursuant to this section shall dissolve upon submission of the plan required pursuant to subdivision h of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 1410

By Council Member Gibson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a certification of no harassment prior to the approval of construction documents or the issuance of permits for demolition or renovation of certain commercial buildings

Be it enacted by the Council as follows:

Section 1. The heading of article 505 of chapter 5 of title 28 of the administrative code of the city of New York, as added by local law 1 for the year 2018, is amended to read as follows:

CERTIFICATION OF NO HARASSMENT *RESIDENTIAL* PILOT PROGRAM

§ 2. Chapter 5 of title 28 of the administrative code of the city of New York is amended by adding a new article 506 to read as follows:

ARTICLE 506

CERTIFICATION OF NO HARASSMENT COMMERCIAL PILOT PROGRAM

§ 28-506.1 Definitions. *As used in this article, the following terms have the following meanings:*

BUILDING HARASSMENT INDEX. *The term “building harassment index” means an index that the department and the department of small business services shall create and promulgate in rules, based on a survey of tenants of the pilot program commercial building and further investigation by the department and the department of small business services with respect to commercial tenant harassment. The index shall be used to determine the amount of a fine that the pilot program commercial building owner who is denied a certification shall pay and the period during which the department shall not approve a construction document or issue or renew a permit for covered categories of work in such building.*

CERTIFICATION OF NO HARASSMENT. *The term “certification of no harassment” means a certification by the department that no harassment of any lawful tenants of a pilot program commercial building occurred during the 60-month period prior to the filing of an application for such certification pursuant to this section.*

CITY-SPONSORED NEIGHBORHOOD-WIDE REZONING AREA. *The term “city-sponsored neighborhood-wide rezoning area” means an area of the zoning map for which:*

- 1. Amendments to the zoning regulations pertaining to such area were proposed by the city;*
- 2. The city planning commission approved or approved with modifications such amendments for a matter described in paragraph 3 of subdivision a of section 197-c of the charter;*
- 3. The city planning commission decision was approved or approved with modifications by the council pursuant to section 197-d of the charter and is not subject to further action pursuant to subdivision e or f of such section; and*
- 4. The amendments involved at least 10 blocks of real property in such area.*

COMMERCIAL BUILDING. *The term “commercial building” means a building in the city occupied for non-residential purposes pursuant to a valid commercial lease.*

COMMERCIAL TENANT. *The term “commercial tenant” means a person or entity lawfully occupying, pursuant to a lease or other rental agreement, any building or portion of a building (i) that is lawfully used for buying, selling or otherwise providing goods or services, or for other lawful business, commercial, professional services or manufacturing activities, and (ii) for which a certificate of occupancy authorizing residential use of such building or such portion of a building has not been issued.*

COMMERCIAL TENANT HARASSMENT. *The term “commercial tenant harassment” means any act or omission by or on behalf of an owner of a pilot program commercial building that causes or intends to cause a commercial tenant to vacate such building or to surrender or waive any rights under a lease or other rental agreement or under applicable law in relation to such building; and includes one or more of the following:*

- 1. Using force against or making express or implied threats that force will be used against a tenant or a tenant's invitee;*
- 2. Causing repeated interruptions or discontinuances of one or more essential services;*

3. *Causing an interruption or discontinuance of an essential service for an extended period of time;*
4. *Causing an interruption or discontinuance of an essential service where such interruption or discontinuance substantially interferes with a tenant's business;*
5. *Repeatedly commencing frivolous court proceedings against a tenant;*
6. *Removing from such building any personal property belonging to a tenant or a tenant's invitee;*
7. *Removing the door at the entrance to such building; removing, plugging or otherwise rendering the lock on such entrance door inoperable; or changing the lock on such entrance door without supplying a key to the new lock to a tenant;*
8. *Preventing a tenant or a tenant's invitee from entering such building;*
9. *Substantially interfering with a tenant's business by commencing unnecessary construction or repairs on or near such building;*
10. *Engaging in any other repeated or enduring acts or omissions that substantially interfere with the operation of a tenant's business including, but not limited to, being unresponsive to a tenant regarding lease negotiations or building operations or providing vague or untimely notices to a tenant regarding lease negotiations;*
11. *Threatening any person lawfully entitled to occupancy of such unit based on such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, uniformed service, sexual orientation, alienage or citizenship status, status as a victim of domestic violence, status as a victim of sex offenses or stalking; or*
12. *Requesting identifying documentation for any person lawfully entitled to occupancy or patronage of such unit that would disclose the citizenship status of such person.*

COVERED CATEGORIES OF WORK. *The term "covered categories of work" means the following categories of work at the pilot program commercial building:*

1. *Demolition of all or part of such building;*
2. *Change of use or occupancy of all or part of such building;*
3. *Any change to the layout, configuration, or location of any portion of such building;*
4. *An application for a new or amended certificate of occupancy; or*
5. *Such other types of alteration work to such building as shall be prescribed by rule of the commissioner.*

Exceptions:

1. *Work solely for the purpose of either (i) making the public areas of a pilot program commercial building accessible to persons with disabilities without altering the configuration of a building or (ii) making the interior or the entrance to such building accessible to persons with disabilities shall not be covered by this article.*
2. *Other categories of work that are excluded from the definition of covered categories of work by rule of the department shall not be covered by this article.*

ESSENTIAL SERVICE. *The term “essential service” means a service that a landlord must furnish to a commercial tenant pursuant to a lease or other written or oral rental agreement between such commercial tenant and landlord, or pursuant to applicable law.*

PILOT PROGRAM COMMERCIAL BUILDING. *The term “pilot program commercial building” means a commercial building included on the pilot program list.*

PILOT PROGRAM LIST. *The term “pilot program list” means a list of commercial buildings meeting the criteria set by the department that shall not include any building as shall be prescribed by rule of the commissioner. A building shall remain on such list until expiration of the local law that added this section. Such list shall be published and maintained on the websites of the department and the department of small business services.*

§ 28-506.2 Pilot program list. *The department shall compile and publish a pilot program list. The commercial buildings to be included on such list shall be promulgated by the department in rules and shall be limited to buildings:*

1. *In a community district that has been subject to a city-sponsored neighborhood-wide rezoning in the past 60 months or is subject to such rezoning after the date of enactment of the local law that added this section; or*
2. *Where there has been a final determination by any court having jurisdiction that an act of commercial tenant harassment, pursuant to section 22-903, was committed at such building within the 60 months prior to the effective date of the local law that added this section or on or after such date.*

§ 28-506.3 Certification of no harassment required. *A pilot program commercial building shall be required to obtain a certification of no harassment or a waiver of such certification as a condition of obtaining approval of construction documents or an initial or reinstated permit in connection with any covered categories of work.*

§ 28-506.4 Application and notice. *An application for a certification of no harassment shall be in such form and contain such information as shall be prescribed by the department. Upon receipt of such application, the department shall provide notice of the outstanding application.*

§ 28-506.4.1 Content of notice. *Notice of an outstanding application for a certification of no harassment shall contain the following:*

1. *The location and general description of the pilot program commercial building for which the certification is sought;*
2. *A description of the certification procedure and purpose;*
3. *The period of time covered by the inquiry, which shall be 60 months prior to the filing of the application for a certification of no harassment;*
4. *A description of conduct constituting commercial tenant harassment; and*
5. *That the owner and any tenants or former tenants of the building for which such certification is sought, any government agencies as designated by the department, local community-based organizations and the local community board may submit comments about the application in writing or orally at a designated location, within 45 days of the date of notice, which the department may, for good cause, extend for an additional 15 days.*

§ 28-506.4.2 Method of notice. *The department shall provide notice as follows:*

1. Publish notice in a publication of general circulation for a period of seven consecutive days;
2. Post notice in a conspicuous place at such building for which the certification is sought;
3. Publish notice in English and in any other language prevalent in the community district, as determined by the department and the department of small business services, including a statement that such notice is available in any covered language, as defined in subdivision j of section 8-1002; and
4. Mail notice to:
 - 4.1. The owner of such building at the address provided on the application and the address provided in the last registration with the department;
 - 4.2. The owner who appears on the last deed recorded on the records of the department of finance;
 - 4.3. Any tenants that the department shall identify;
 - 4.4. Any community groups designated by the department of small business services to survey such building;
 - 4.5. The community board and council member representing the district in which such building is located; and
 - 4.6. Any government agency designated by the department and department of small business services.

§ 28-506.5 Investigation regarding harassment. The department of small business services and its designated community groups may conduct a survey of the tenants of the pilot program commercial building with respect to commercial tenant harassment. The department of small business services shall provide a copy of the notice required by this subdivision to the tenants. Based upon the survey's findings, the department and the department of small business services and other government agencies, as designated by the department, may determine it is necessary to conduct a further investigation with respect to commercial tenant harassment at such building.

§ 28-506.6 Determination of harassment. Upon the completion of any survey and further investigation, the department and the department of small business services shall assess whether any of the criteria that define commercial tenant harassment have been established and:

1. Determine that no commercial tenant harassment occurred within the stated period of time and grant a certification of no harassment;
2. Deny a certification of no harassment without a hearing if there has been a finding by any court having jurisdiction that there has been commercial tenant harassment, pursuant to section 22-903; or
3. Determine that commercial tenant harassment has occurred within the stated period of time and deny a certification of no harassment with a hearing at the office of administrative trials and hearings in which the department:
 - 3.1. May receive testimony from tenants, community groups and any other interested parties;
 - 3.2. Give notice of such hearing to the applicant in the manner prescribed by the office of administrative trials and hearings; and

- 3.3. *Either grant or deny a certification, within 45 days after the office of administrative trials and hearings issues a report and recommendation.*

§ 28-506.7 Granting a certification of harassment. *Before a certification of no commercial tenant harassment may be granted, an applicant shall submit a sworn statement, in such form as the department shall prescribe, by all the owners of the pilot program commercial building representing that there will be no commercial tenant harassment by or on behalf of such owners. An owner may not use such statement to circumvent a future determination of harassment. The corporation counsel may institute any action or proceeding in any court of competent jurisdiction that may be appropriate for the enforcement of this representation and agreement. Nothing contained herein shall preclude a tenant of a building from applying on his or her own behalf for similar relief.*

§ 28-506.8 Denial or rescission of a certification. *Where the department has denied or rescinded a certification of no harassment for a pilot program commercial building:*

1. *The department shall mail such denial, accompanied by written findings indicating the grounds for denial to the applicant and owner of record, and file such in the office of the city register or the Richmond county clerk;*
2. *A final determination by the department shall be subject to review pursuant to article 78 of the civil practice law and rules; and*
3. *The building owner shall be subject to the following penalties, based on the building harassment index:*
 - 3.1. *The department shall not approve construction documents or issue or renew permits for covered categories of work in such building for a period of 12 to 24 months; and*
 - 3.2. *A fine of not less than \$100 nor more than \$1,000 dollars.*

§ 28-506.9 Suspension and rescission. *If the department has reasonable cause to believe that harassment occurred at the pilot program commercial building during the effective period of a certification of no harassment, the commissioner shall suspend the certification, and the department shall:*

1. *Not approve any construction documents or issue an initial or reinstated permit in connection with covered categories of work or, if such documents have been approved or such permit has been issued, issue a stop-work notice and order;*
2. *Mail notice of such suspension to the applicant, the owner of record of the building and the known commercial tenants of the building and file such notice with the city register or Richmond county clerk;*
3. *Commence a proceeding at the office of administrative trials and hearings, as soon as reasonably possible after a request for a hearing by an owner of a pilot program commercial building, but not later than 30 days after such suspension, in which the department shall:*
 - 3.1. *Give notice of a hearing to the applicant and known tenants of such building in the manner prescribed by the office of administrative trials and hearings;*
 - 3.2. *Receive testimony from tenants, community groups and other interested parties;*
and
 - 3.3. *Determine whether to rescind the certification within 45 days of receiving the report and recommendation from the office of administrative trials and hearings;*
4. *Not rescind a certification of no harassment and:*

- 4.1. *Immediately vacate any stop work notice and order issued by the department;*
- 4.2. *Mail notice of such determination to the owner of record of the pilot program commercial building and the known tenants of such building; and*
- 4.3. *File such notice with the city register or the Richmond county clerk; or*
- 5. *Rescind a certification without commencing a proceeding at the office of administrative trials and hearings, where there has been a final determination by any court having jurisdiction that an act of commercial tenant harassment, pursuant to section 22-903, occurred at the pilot program commercial building after certification was granted. The department shall provide notice of such rescission by:*
 - 5.1. *Mailing notice of such determination accompanied by written findings indicating the grounds for such determination to the owner of record of such pilot program commercial building; and*
 - 5.2. *Filing notice with the city register or the Richmond county clerk with such determination subject to review pursuant to article 78 of the civil practice law and rules.*

§ 28-506.10 Waiver. *The commissioner may grant a waiver of a certification of no harassment if such commissioner determines that harassment occurred at the pilot program commercial building during the 60-month period prior to the date of submission of an application for a certification, and that either:*

- 1. *While the owner of such building acquired title pursuant to a bona fide transaction that is not intended to evade the provisions of this section, the owner was not the owner during any period in which commercial tenant harassment occurred and did not at such building: (i) engage or participate in harassment; (ii) with intent that harassment be performed, agree with one or more persons to engage in or cause harassment; or (iii) with intent that another person engage in conduct constituting harassment, either solicit, command, importune or otherwise attempt to cause such person to engage in harassment; or*
- 2. *The owner of record of such building: (i) acquired such building by sale pursuant to foreclosure of a mortgage or pursuant to a deed in lieu of foreclosure of a mortgage, provided that such conveyance was a bona fide transaction for the purpose of enforcing the debt and not intended to evade the provisions of this section; and (ii) a certification of no harassment or a waiver was granted with respect to such building within a 60-day period prior to the date of the recording of the mortgage, and no suspension or rescission was recorded prior to such date.*

§ 28-506.10.1 Waiver pursuant to bona fide transaction. *In determining whether a transaction was bona fide, the commissioner may consider: (i) whether the owner of such building otherwise engaged or participated in commercial tenant harassment; (ii) with intent that such harassment be performed, agree with one or more persons to engage in or cause such harassment; or (iii) with intent that another person engage in conduct constituting such harassment, either solicit, command, importune or otherwise attempt to cause such person to engage in such harassment.*

§ 28-506.10.2 Contents of waiver. *Such waiver shall state the commissioner's findings and be mailed to the applicant of the certification of no harassment and owner of record and be filed in the office of the city register or the Richmond county clerk.*

§ 28-506.10.3 Revocation of waiver. *The department may revoke such waiver if the department finds commercial tenant harassment occurred after granting the waiver.*

§ 28-506.11 Required submittal documents. *The commissioner shall not approve any construction documents, nor issue an initial or reinstated permit in connection therewith, for a pilot program commercial building for the covered categories of work unless the applicant provides the department with the following:*

1. *A sworn affidavit by or on behalf of all the owners of such building, which states that there will be no harassment of the lawful tenants of such building by or on behalf of such owners during the construction period; and either of the following documents from the commissioner:*
 - 1.1. *A current certification of no harassment that there has been no harassment of the lawful occupants of such building within the 60-month period prior to submission of an application for such certification; or*
 - 1.2. *A waiver of such certification.*

§ 28-506.12 Time period for approval or rejection of construction documents. *The time period in which the commissioner shall approve or reject an application for construction document approval or resubmission shall commence from the date that the commissioner receives the documents required.*

§ 3. Chapter 9 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-905 to read as follows:

§ 22-905 Certification of no harassment commercial pilot program. a. The department, with the department of buildings, shall administer the certification of no harassment commercial pilot program described in article 506 of chapter 5 of title 28 of the code.

§ 4. Twelve months after the pilot program required by § 2 of this local law has commenced, the department of buildings and the department of small business services, with the advice and assistance of any community group described in section 28-506.5 of the administrative code, shall conduct a study to evaluate the effectiveness of such program in reducing commercial tenant harassment. Such study shall be completed and a report shall be submitted to the Speaker of the Council no later than 24 months after the effective date of this local law. Such report shall, at a minimum, contain the following information:

- a. The number of pilot program commercial buildings where the owner applied for a certification of no harassment disaggregated by whether the department of buildings issued such a certification or a waiver of such certification;
- b. The location of such buildings where the department of buildings determined that such harassment occurred, disaggregated by community board and council district;
- c. The metrics that the department of buildings and the department of small business services determine appropriate to determine the preventive impacts of such program in curtailing such harassment;
- d. A determination, using such metrics, as to whether such program curtailed such harassment;
- e. The estimated costs of such program to the city; and
- f. Any recommendations for improving such program if such program is to continue.

§ 5. This local law takes effect 270 days after it becomes law except that the department of buildings and the department of small business services may promulgate rules or take other administrative action for the implementation of this local law prior to such date. This local law shall expire and is deemed repealed 36 months after it takes effect or 90 days following the submission of the report required by section 4 of this local law, whichever is later. Notwithstanding the repeal of this local law, the provisions of this local law shall remain in effect for any pilot program commercial building which submits an application for construction document approval pursuant to section 28-506.6 of the administrative code prior to the repeal of such section. This local law shall not apply to work relating to applications for construction document approval filed with the department of buildings prior to the inclusion of a commercial building on the pilot program list pursuant to section 28-506.2 of the administrative code, as added by section 2 of this local law.

Referred to the Committee on Housing and Buildings (*Editor's Note: Int. No. 1410 was re-assigned to the Committee on Small Business on February 22, 2019).*

Int. No. 1411

By Council Member Gjonaj.

A Local Law to amend the administrative code of the city of New York, in relation to the number of vehicular travel lanes on a specified portion of Morris Park Avenue in borough of the Bronx

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-131.1 to read as follows:

Restrictions on Morris Park Avenue. The commissioner shall not reduce the number of vehicular traffic lanes on Morris Park Avenue in the borough of the Bronx, between Adams Street and Newport Avenue, from the number of such lanes in existence on the effective date of the local law that added this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1412

By Council Members Holden, the Speaker (Council Member Johnson), Brannan, Powers, the Public Advocate (Mr. Williams), Chin and Constantinides.

A Local Law to amend the administrative code of the city of New York, in relation to removing vehicles obstructing a sidewalk, crosswalk, fire hydrant, bicycle lane, or bus lane

Be it enacted by the Council as follows:

Section 1. Section 20-511 of the administrative code of the city of New York is amended to read as follows:

§ 20-511. Removal of vehicles obstructing traffic. *a. When a vehicle is situated so as to constitute an obstruction to traffic, and such vehicle is unattended or the person in charge of such vehicle has not arranged for its removal, a police officer or a person designated by the commissioner of transportation may direct its removal by a person licensed to engage in towing, and such licensee shall remove such vehicle to a storage facility which meets the specifications established by the commissioner by regulation pursuant to section 20-508 of this subchapter. Such licensee shall be entitled to charge the person in charge of the vehicle for towing and storage, and where applicable, for the rendering of services to prepare the vehicle for towing at the rates set forth or authorized by section 20-509 of this subchapter.*

b. When a vehicle is situated so as to constitute an obstruction of a sidewalk, crosswalk, fire hydrant, bicycle lane, or bus lane and such vehicle is unattended or the person in charge of such vehicle has not arranged for its immediate removal, a police officer or a person designated by the commissioner of transportation or the police commissioner shall direct its removal by a person licensed to engage in towing, and such licensee shall remove such vehicle to a storage facility which meets the specifications established by the commissioner by regulation pursuant to section 20-508 of this subchapter. Such licensee shall be entitled to charge the person in charge of the vehicle for towing and storage, and where applicable, for the rendering of services to prepare the vehicle for towing at the rates set forth or authorized by section 20-509 of this subchapter. This subdivision shall not apply to a city vehicle obstructing a bicycle lane, bus lane, sidewalk, crosswalk, or fire hydrant while the operator of such vehicle is in the process of responding or preparing to respond to an incident posing a hazard to health and safety or a risk of damage to property.

§ 2. This local law takes effect in 30 days.

Referred to the Committee on Transportation.

Res. No. 738

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation prohibiting vertical integration and promoting small business growth in the recreational marijuana industry.

By Council Members Kallos, Ampy-Samuel, Lander, Rivera, Ayala and Miller.

Whereas, In January 2018, Governor Cuomo launched a multi-agency taskforce, headed by the New York Department of Health, to study the legalization of recreational marijuana; and

Whereas, In July 2018, the taskforce reported its findings to the public and recommended legalizing marijuana for recreational purposes, concluding that the positive impacts of a regulated marijuana market in the state outweigh the potential negatives; and

Whereas, Governor Cuomo launched a working group to draft legislation to legalize the use of marijuana for recreational purposes following the release of the taskforce's findings; and

Whereas, In legalizing recreational marijuana New York State has the opportunity to establish regulatory and licensing schemes that provide individuals of diverse economic backgrounds with meaningful access to market participation in the marijuana industry; and

Whereas, Vertical integration of an economic market, whereby a single entity controls ownership of each stage of the supply chain, can limit competition within an industry; and

Whereas, Permissive regulations that allow vertical integration to thrive present an increased risk of a single entity monopolizing a market, manipulating prices, and preventing small-scale competitors from fair market participation; and

Whereas, Other States have taken steps to limit vertical integration in the recreational marijuana market to prevent the industry from being dominated by politically and financially powerful businesses; and

Whereas, Establishing a recreational marijuana regulatory scheme that creates licenses for each stage within the supply chain, such as production, distribution, and retail, and limits the number of different licenses a single entity can obtain will prevent large-scale entities from dominating the recreational marijuana market; and

Whereas, Along with regulations that prevent vertical integration in the recreational marijuana industry, clear exceptions should be made for small-scale producers in order to promote a favorable environment for small business participation and ensure low barriers of entry for individuals with less access to capital and financing; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation prohibiting vertical integration and promoting small business growth in the recreational marijuana industry.

Referred to the Committee on Consumer Affairs and Business Licensing.

Preconsidered Res. No. 739

Resolution amending Rule 7.00 of the Rules of the Council in relation to dissolving the Committee on For Hire Vehicles and transferring the jurisdiction of For Hire Vehicles, expressly the Taxi and Limousine Commission, to the Standing Committee on Transportation.

By Council Members Koslowitz and Kallos.

RESOLVED, pursuant to Rule 7.00 of the Rules of the Council, the Council does hereby consent to amending the Standing Committees under Rule 7.00(a) by dissolving the Committee on For Hire Vehicles and transferring the jurisdiction of For Hire Vehicles to the Committee on Transportation.

7.00. Appointment - a. Prior to the establishment of the membership of any other committee, and after the

selection of the Speaker, the Council shall elect the membership of the Committee on Rules, Privileges and Elections. All other committees and appointments thereto shall be recommended by the Committee on Rules, Privileges and Elections, approved by the Council and published in the Calendar. All standing committee chairpersons shall be elected by the Council as a whole. Once elected, a standing committee or subcommittee chairperson may be removed prior to the end of the session without their consent only by the uncoupled vote of 2/3 of all the members. The standing committees of the Council shall bear the following titles and possess the following substantive matter jurisdictions:

AGING - Department for the Aging and all federal, state and municipal programs pertinent to senior citizens.

CIVIL AND HUMAN RIGHTS – Human Rights Commission, Equal Employment Practices Commission and Equal Employment Opportunity.

CIVIL SERVICE AND LABOR - Municipal Officers and Employees, Office of Labor Relations, Office of Collective Bargaining, Office of Labor Services, and Municipal Pension and Retirement Systems.

CONSUMER AFFAIRS AND BUSINESS LICENSING- Department of Consumer Affairs and Office of Nightlife.

CONTRACTS - Procurement Policy Board, review of City procurement policies and procedures, oversight over government contracts, Mayor's Office of Contract Services and collection agency contracts.

CRIMINAL JUSTICE – Department of Correction and Department of Probation.

CULTURAL AFFAIRS, LIBRARIES AND INTERNATIONAL INTERGROUP RELATIONS - Department of Cultural Affairs, libraries, museums, Art Commission, New York City Commission for the United Nations, Consular Corps and Protocol, Mayor's Office of Special Projects and Community Events, and to encourage harmony among the citizens of New York City, to promote the image of New York City and enhance the relationship of its citizens with the international community.

ECONOMIC DEVELOPMENT - Economic Development.

EDUCATION - Department of Education, School Construction Authority, and Charter Schools.

ENVIRONMENTAL PROTECTION - Department of Environmental Protection and Office of Long Term Planning and Sustainability and Office of Recovery and Resiliency.

FINANCE - Executive Budget review and Budget modification, Banking Commission, Comptroller's Office, Department of Design and Construction, Department of Finance, Independent Budget Office and fiscal policy and revenue from any source.

FIRE AND EMERGENCY MANAGEMENT - Fire/EMS (non-health-related issues), and Emergency Management Department (OEM).

[FOR HIRE VEHICLES - Taxi and Limousine Commission]

GENERAL WELFARE - Human Resources Administration/Department of Social Services, Administration for Children's Services, Department of Homeless Services, and charitable institutions.

GOVERNMENTAL OPERATIONS - Municipal governmental structure and organization, Department of Citywide Administrative Services, Office of Administrative Trials and Hearings, Community Boards, Tax Commission, Board of Standards and Appeals, Campaign Finance Board, Board of Elections, Voter Assistance Commission, Commission on Public Information and Communication, Department of Records and Information

Services, Financial Information Services Agency and Law Department.

HEALTH - Department of Health and Mental Hygiene, Office of the Chief Medical Examiner and EMS (health-related issues).

HIGHER EDUCATION - City University of New York.

HOSPITALS - Public and private hospitals, Health and Hospitals Corporation.

HOUSING AND BUILDINGS - Department of Housing Preservation and Development, Department of Buildings and rent regulation.

IMMIGRATION - Mayor's Office of Immigrant Affairs and other matters affecting immigration.

JUSTICE SYSTEM - Mayor's Office of Criminal Justice, courts, legal services, District Attorneys and the Office of the Special Narcotics Prosecutor

JUVENILE JUSTICE - Division of Youth and Family Justice within the Administration for Children's Services.

LAND USE - City Planning Commission, Department of City Planning, Department of Information Technology and Telecommunications, Landmarks Preservation Commission, land use and landmarks review.

MENTAL HEALTH, DISABILITIES AND ADDICTION - Department of Health and Mental Hygiene (issues of mental health, developmental disability and addiction services) and Mayor's Office for People with Disabilities.

OVERSIGHT AND INVESTIGATIONS - To investigate any matters within the jurisdiction of the Council relating to property, affairs, or government of New York City and the Department of Investigation.

PARKS AND RECREATION - Department of Parks and Recreation.

PUBLIC HOUSING - New York City Housing Authority.

PUBLIC SAFETY - Police Department and Civilian Complaint Review Board.

RULES, PRIVILEGES AND ELECTIONS - Council structure and organization and appointments.

SANITATION AND SOLID WASTE MANAGEMENT - Department of Sanitation and the Business Integrity Commission.

SMALL BUSINESS - Department of Small Business Services and matters relating to retail business and emerging industries.

STANDARDS AND ETHICS - Conflicts of Interest Board and Council Ethics.

STATE AND FEDERAL LEGISLATION - Federal legislation, State legislation and Home Rule requests.

TECHNOLOGY - Technology in New York City, Department of Information Technology and Telecommunications (non- land use-related issues), Mayor's Office of Media & Entertainment, NYC TV, and dissemination of public information through the use of technology.

TRANSPORTATION - Mass Transportation Agencies and facilities, Taxi and Limousine Commission, Department of Transportation and New York City Transit Authority.

VETERANS - Department of Veterans' Services and other veteran related issues.

WOMEN - Issues relating to advancing the economic mobility, social inclusion, leadership and civic participation of women and girls, domestic violence, Office to Combat Domestic Violence and Commission on Gender Equity.

YOUTH SERVICES - Youth Board, Department of Youth and Community Development, Interagency Coordinating Council on Youth, and youth related programs.

b. Each standing committee shall be composed of no fewer than five members.

c. The Speaker may create such subcommittees or special committees as he or she deems necessary and appropriate.

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Preconsidered Int. No. 1413

By Council Member Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on the number of arrests for resisting arrest or assault in the second degree

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-181 to read as follows:

§ 14-181 Reporting of arrests and summonses for resisting arrest and assault in the second degree.

a. No later than 30 days after the quarter ending July 1, 2019 and 30 days after every quarter thereafter, the department shall submit to the council and publish on its website a report of each case in which a person was arrested under section 205.30 or subdivision 3 of section 120.05 of the penal law, regardless of whether such person was arrested for any other charges. All data shall be reported in a format capable of automated processing. Such report shall include the following information for each such arrest:

- 1. All arrest charges.*
- 2. For arrests under section 205.30 of the penal law, the charge to which the person arrested was alleged to have resisted, and whether such charge is a violation or non-criminal offense, misdemeanor, or felony.*
- 3. For arrests under section 205.30 of the penal law, whether the person was alleged to have resisted their own arrest or the arrest of another, and if so the relationship to the person arrested.*
- 4. For arrests under section 120.05 of the penal law, the nature of the injuries, if any, suffered by the victim or victims.*
- 5. Whether the district attorney declined to prosecute.*
- 6. The borough and precinct in which the person was arrested.*
- 7. Whether the person was arrested in an area operated in whole or in part by the office of court administration, the New York city housing authority, the department of homeless services, the human resources administration, or the social security administration, in total and disaggregated by such agency or office.*
- 8. Whether a body worn camera recorded the arrest.*
- 9. The race and ethnic origin of the person arrested.*
- 10. The age of the person arrested.*
- 11. The gender of the person arrested.*

12. Whether the person arrested is known to identify as transgender.

13. Whether the person arrested is known to identify as non-binary or gender non-conforming.

b. No later than 30 days after the quarter ending January 1, 2019 and 30 days after every quarter thereafter, the department shall publish the information required in subdivision a of this section in the aggregate, including the number and percentage of each data point, provided that such information that cannot be aggregated need not be included in such report. Such reports shall be stored on the department's website for at least ten years.

§2. This local law takes effect immediately.

Referred to the Committee on Justice System (preconsidered but laid over by the Committee on Justice System).

Preconsidered Int. No. 1414

By Council Member Lancman.

A Local Law to amend the administrative code of the city of New York, in relation to granting district attorneys access to law enforcement records

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-177 to read as follows:

§ 14-177 Access to records.

a. Within 24 hours of a request by any of the city's district attorneys or the special narcotics prosecutor, the department shall provide records pertaining to reportable disciplinary offenses for any departmental employee. As used in this section, the term "reportable disciplinary offenses" means discipline imposed by the commissioner through the department's formal disciplinary process and includes the following: a) improper use of force, or the use of excessive force as determined by departmental guidelines; b) sexual misconduct; c) domestic violence or other domestic incidents; d) drug possession, use or sale without police necessity; e) driving while intoxicated or alcohol-related misconduct; f) false statements, including written, and verbal statements or statements made under oath; g) false arrests; h) unlawful or criminal conduct; i) firearm-related offenses; j) misconduct involving interactions with the public; h) other department rule violations.

b. This section shall be construed in accordance with all applicable laws, and shall not be construed as affecting or limiting any other obligation of the department to provide or disclose records to a district attorney or any other entity or person.

§ 2. This local law takes effect immediately.

Referred to the Committee on Justice System (preconsidered but laid over by the Committee on Justice System).

Int. No. 1415

By Council Members Lander, Adams, Ayala, Cabrera, Brannan, Lancman, Eugene, Moya, Rosenthal, Menchaca, Kallos, Reynoso, Levine, Van Bramer, Salamanca, Chin, Rivera, Treyger, Levin, King and Cumbo.

A Local Law to amend the administrative code of the city of New York, in relation to wrongful discharge from employment

Be it enacted by the Council as follows:

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

SUBCHAPTER 7
WRONGFUL DISCHARGE FROM EMPLOYMENT

§ 20-1271 Definitions. As used in this subchapter, the following terms have the following meanings:

Discharge. The term “discharge” means any cessation of employment, including termination, constructive discharge, reduction in hours and indefinite suspension.

Just cause. The term “just cause” means the fast food employee’s failure to satisfactorily perform job duties or misconduct that is demonstrably and materially harmful to the fast food employer’s legitimate business interests.

Probation period. The term “probation period” means a defined period of time, not to exceed 30 days from the time of hire, whereby fast food employers and fast food employees are free, at any time, with or without notice and with or without just cause, to end the employment relationship.

Progressive discipline. The term “progressive discipline” means a disciplinary system that provides a graduated range of reasonable responses to a fast food employee’s failure to satisfactorily perform such fast food employee’s job duties, with the disciplinary measures ranging from mild to severe, depending on the frequency and degree of the failure. Nothing herein shall preclude a fast food employer from terminating a fast food employee immediately for a sufficiently egregious failure or misconduct constituting just cause.

Reduction in hours. The term “reduction in hours” means a reduction in a fast food employee’s hours of work totaling at least 15 percent of the employee’s weekly work schedule.

§ 20-1272 Prohibition of wrongful discharge. A fast food employer shall not discharge a fast food employee who has completed such employer’s probation period except for just cause.

§ 20-1273 Administrative enforcement. a. In addition to section 20-1207, in determining whether a fast food employee has been terminated for just cause, the office shall consider, in addition to any other relevant factors, whether:

- 1. The fast food employee knew or should have known of the fast food employer’s policy, rule or practice;*
- 2. The fast food employer provided relevant and adequate training to the fast food employee;*
- 3. The fast food employer’s policy, rule or practice was reasonable and applied consistently; and*
- 4. The fast food employer undertook a fair and objective investigation.*

b. A termination shall not be considered based on just cause unless the fast food employer has utilized progressive discipline; provided, however, that the fast food employer may not rely on discipline issued more than one year before the purported just cause termination.

c. The fast food employer shall promptly provide a written explanation to any terminated fast food employee of the precise reasons for the just cause termination. In determining whether a fast food employer had just cause for termination, the office may not consider any reasons not included in such written explanation.

d. The fast food employer shall bear the burden of proving just cause by a preponderance of non-hearsay evidence in any proceeding brought pursuant to this chapter.

§ 20-1274 Private cause of action. a. In addition to section 20-1211, in determining whether a fast food employee has been terminated for just cause, a court of competent jurisdiction shall consider, in addition to any other relevant factors, whether:

- 1. The fast food employee knew or should have known of the fast food employer’s policy, rule or practice;*
- 2. The fast food employer provided relevant and adequate training to the fast food employee;*
- 3. The fast food employer’s policy, rule or practice was reasonable and applied consistently; and*
- 4. The fast food employer undertook a fair and objective investigation.*

b. A termination shall not be considered based on just cause unless the fast food employer has utilized progressive discipline; provided, however, that the fast food employer may not rely on discipline issued more than one year before the purported just cause termination.

c. The fast food employer shall promptly provide a written explanation to any terminated fast food employee of the precise reasons for the just cause termination. In determining whether a fast food employer had just cause for termination, a fact finder may not consider any reasons not included in such written explanation.

d. The fast food employer shall bear the burden of proving just cause by a preponderance of non-hearsay evidence in any proceeding brought pursuant to this chapter.

e. In addition to remedies that may be ordered pursuant to section 20-1211, a court of competent jurisdiction shall also order reasonable attorney's fees and costs for violations of this subchapter.

§ 20-1275 Arbitration. a. Except as otherwise provided by law, any person claiming to be aggrieved by a fast food employer's violation of this chapter may bring an arbitration proceeding, including on a class or collective basis, for back pay and benefits and other damages, including punitive damages, for reinstatement, restoration of hours, and other injunctive relief, and for such other remedies as may be appropriate. In an arbitration proceeding brought pursuant to this section, if the arbitrator finds in favor of the plaintiff, it shall award such person, in addition to other relief, reasonable attorneys' fees and costs.

b. An arbitration demand, and any amendments thereto, must be served on the fast food employer at any of the employer's business addresses by regular mail, electronic mail, or private mail service, and must include a general description of the alleged violation(s) but need not reference the precise section(s) alleged to have been violated.

c. The parties to an arbitration proceeding shall jointly select the arbitrator from a panel of arbitrators, the number of which shall be determined by the office, chosen by a committee of eight participants established by the office comprised of:

- 1. Two fast food employees;*
- 2. Two fast food employee advocates;*
- 3. Two fast food employers; and*
- 4. Two fast food employer advocates.*

d. If an insufficient number of fast food employees, fast food employee advocates, fast food employers or fast food employer advocates agree to participate in the committee pursuant to subdivision c of this section, the office shall consult with those that have agreed to participate and select individuals to fill the requisite number of openings on the committee.

e. If the committee pursuant to subdivision c of this section is unable to select a sufficient number of arbitrators for the panel as determined by the office, the office shall select the remaining arbitrators.

f. If the parties are unable to agree on an arbitrator, the office shall select an arbitrator from the panel.

g. The office shall provide translation services to any party requiring such services for the arbitration hearing.

h. The arbitration hearing shall be held at a location designated by the office. Such arbitration shall be subject to the labor arbitration rules established by the American Arbitration Association.

i. If a fast food employee brings an arbitration proceeding, arbitration shall be the exclusive remedy for the wrongful discharge dispute and there is no right to bring or continue a private cause of action or administrative complaint under this chapter, unless such arbitration proceeding has been withdrawn or dismissed without prejudice.

j. In determining whether a fast food employee has been terminated for just cause, an arbitrator shall consider, in addition to any other relevant factors, whether:

- 1. The fast food employee knew or should have known of the fast food employer's policy, rule or practice;*
- 2. The fast food employer provided relevant and adequate training to the fast food employee;*
- 3. The fast food employer's policy, rule or practice was reasonable and applied consistently; and*
- 4. The fast food employer undertook a fair and objective investigation.*

k. A termination shall not be considered based on just cause unless the fast food employer has utilized progressive discipline; provided, however, that the fast food employer may not rely on discipline issued more than one year before the purported just cause termination.

l. The fast food employer shall promptly provide a written explanation to any terminated fast food employee of the precise reasons for the just cause termination. In determining whether a fast food employer had just cause for termination, an arbiter may not consider any reasons not included in such written explanation.

m. The fast food employer shall bear the burden of proving just cause by a preponderance of non-hearsay evidence in any arbitration proceeding brought pursuant to this chapter.

§ 20-1276 Applicability of Schedule Change Premiums. A fast food employee terminated for just cause shall be entitled to schedule pay premiums pursuant to section 20-1222, as applicable.

§ 20-1277 Exemptions. This subchapter does not:

- a. Apply to any fast food employee who:*

- 1. Is covered by a collective bargaining agreement if such agreement expressly waives the provisions of this subchapter and provides comparable or superior benefits for fast food employees; or*
- 2. Is currently employed within a probationary period pursuant to section 20-1272;*
- b. Preempt, limit or otherwise affect the applicability of any provisions of any other law, regulation, requirement, policy or standard.*

§ 2. Subdivision a of section 20-1208 of the administrative code of the city of New York, as amended by local law number 69 for the year 2018, is amended to read as follows:

- a. For violations of this chapter, the office may grant the following relief to employees or former employees;
 1. All compensatory damages and other relief required to make the employee or former employee whole;
 2. An order directing compliance with the notice and posting of rights and recordkeeping requirements set forth in sections 20-1205 and 20-1206; and
 3. For each violation of:
 - (a) Section 20-1204,
 - (1) Rescission of any discipline issued, reinstatement of any employee terminated and payment of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204;
 - (2) \$500 for each violation not involving termination; and
 - (3) \$2,500 for each violation involving termination;
 - (b) Section 20-1221, \$200 and an order directing compliance with section 20-1221;
 - (c) Section 20-1222, payment of schedule change premiums withheld in violation of section 20-1222 and \$300;
 - (d) Section 20-1231, payment as required under section 20-1231, \$500 and an order directing compliance with section 20-1231;
 - (e) Section 20-1241, \$300 and an order directing compliance with section 20-1241;
 - (f) Subdivision a of section 20-1251, the greater of \$500 or such employee's actual damages; [and]
 - (g) Subdivisions a and b of section 20-1252, \$300; [and]
 - (h) Subdivision a or b of section 20-1262, \$500 and an order directing compliance with such subdivision, provided, however, that an employer who fails to provide an employee with the written response required by subdivision a of section 20-1262 may cure the violation without a penalty being imposed by presenting proof to the satisfaction of the office that it provided the employee with the required written response within seven days of the office notifying the employer of the opportunity to cure[.]; and
 - (i) *Section 20-1272, \$500 for each violation, an order directing compliance with section 20-1272 and reinstatement of any fast food employee terminated and payment of back pay for any loss of pay or benefits resulting from the wrongful discharge.*

§ 3. Subdivisions a of section 20-1211 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1211 Private cause of action a. Claims. Any person, including any organization, alleging a violation of the following provisions of this chapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:

1. Section 20-1204;
2. Section 20-1221;
3. Subdivisions a and b of section 20-1222;
4. Section 20-1231;
5. Subdivisions a, b, d, f and g of section 20-1241;
6. Section 20-1251; [and]
7. Subdivisions a and b of section 20-1252; and
8. *Section 20-1272.*

§ 4. This local law takes effect 180 days after it becomes law, provided that in the case of employees covered by a valid collective bargaining agreement in effect on such date, this local law takes effect on the date of the termination of such agreement, and provided further that the director of the office of labor standards may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Civil Service and Labor.

Res. No. 740

Resolution calling upon the New York City Administration for Children's Services to implement a policy finding that a person's mere possession or use of marijuana does not by itself create an imminent risk of harm to a child, warranting the child's removal.

By Council Members Lander, Levin, Treyger and Rivera.

Whereas, According to a July 2010 report by the Drug Policy Alliance, "Pot as Pretext: Marijuana, Race and The New Disorder in New York City Street Policing," marijuana arrests doubled from the mid-1990s to a peak of more than 50,000 arrests in 2010; and

Whereas, At its peak, according to the Drug Policy Alliance, marijuana arrests constituted the most frequent type of arrest in New York City at a cost to taxpayers of up to \$75 million a year and an incalculable socio-economic cost for those arrested; and

Whereas, According to a 2013 report by the American Civil Liberties Union (ACLU), "The War on Marijuana in Black and White," despite comparable use of marijuana among Blacks and Whites, a comprehensive analysis of national, state and county arrest data for the period 2001 to 2010 exposed significant across-the-board racial disparities in the implementation of marijuana enforcement; and

Whereas, The ACLU Report found that Blacks were 4.5 times more likely than Whites to be arrested for marijuana possession in New York State, 9.7 times more likely than Whites to be arrested in Brooklyn and 9.4 times more likely than Whites to be arrested in Manhattan; and

Whereas, According to a 2015 report by the New York City Police Department, "Broken Windows and Quality-of-Life Policing in New York City," the NYPD issued a September 2011 memorandum reiterating state guidance that those found in possession of small amounts of marijuana should be issued court summonses rather than be arrested; and

Whereas, In November 2014, according to the NYPD report, Mayor de Blasio and then-Police Commissioner Bratton issued another order outlining the NYPD's approach to marijuana possession whereby individuals found in possession of less than 25 grams of marijuana would be issued court summonses instead of be arrested; and

Whereas, According to the NYPD report, marijuana arrests declined substantially by more than 25,000 arrests, a nearly 50 percent decline between their peak in 2010 and 2014; and

Whereas, According to an October 2014 report by the Drug Policy Alliance, "Race, Class & Marijuana Arrests in Mayor DeBlasio's Two New Yorks", despite decreases in overall arrests, 86% of the people arrested for marijuana possession in New York City were Black and Latino, compared to 10% for Whites and 4% for others; and

Whereas, According to an August 17, 2011 *New York Times* article, "No Cause for Marijuana Case, but Enough for Child Neglect" ("the *New York Times* article"), hundreds of New Yorkers who were caught by police with small amounts of marijuana, or who simply admitted using it, were involved in civil child neglect cases, even though they did not face criminal charges; and

Whereas, Additionally according to the *New York Times* article, some of these parents lost custody of their children; and

Whereas, The *New York Times* article stated that the child welfare system was an alternate system of justice for these parents when compared to the criminal court system; and

Whereas, Lawyers interviewed for the *New York Times* article said they had more than a dozen cases on their dockets involving parents who had never faced neglect allegations but whose children were placed in foster care because of marijuana allegations; and

Whereas, The Administration for Children's Services does not automatically find that a child is in immediate risk of harm if a parent or caregiver possesses or consumes alcohol; and

Whereas, While sometimes parents were allowed to keep custody of their children when neglect had been found, serious repercussions can follow such a finding, such as prohibiting parents from taking jobs around children, barring individuals from being foster care parents or adopting children, and making it easier for Family Court judges to later remove children from their homes; and

Whereas, Since the *New York Times* article, there has been greater public acceptance of marijuana use across the country, which has led to the legalization of the substance for medical or recreational purposes in over 20 states; and

Whereas, On July 7, 2014, New York became the 23rd state to legalize medicinal marijuana, which act, in addition to decriminalizing the possession of small amounts of marijuana, reflects a growing national trend toward the acceptance of marijuana use; and

Whereas, Given the racial disparities in marijuana enforcement in New York that continue despite this growing trend, there are reasons to be particularly cautious in pursuing civil child neglect cases based merely on the possession of small amounts of marijuana or the admission of marijuana use by parents; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Administration for Children's Services to implement a policy finding that a person's mere possession or use of marijuana does not by itself create an imminent risk of harm to a child, warranting the child's removal.

Referred to the Committee on General Welfare.

Res. No. 741

Resolution calling on the New York State Legislature to introduce and pass and for the Governor to sign legislation that prioritizes individuals with prior marihuana convictions in issuing licenses to sell recreational marihuana and requires other applicants for marihuana licenses to support the hiring of such individuals.

By Council Member Levin.

Whereas, Historically, state and local enforcement of marihuana or "marijuana" laws have been strikingly unequal, with low-income communities of color shouldering the brunt of marijuana enforcement, to their great detriment; and

Whereas, According to various sources, enforcement of New York State marijuana laws have disproportionately affected African-American and Latino communities, and both nationally and locally, these arrests have reinforced the perception that law enforcement is biased and prejudiced against minorities; and

Whereas, In 2017, there were reportedly 16,925 arrests made and 21,024 summonses issued in New York City for low level marijuana possession, which overwhelmingly occurred in communities of color; and

Whereas, In New York City, enforcement policies have been amended to move further away from criminalizing the low-level possession and use of marijuana; and

Whereas, As of September 2018, the New York City Police Department committed to issuing criminal summons in lieu of arrests for the majority of persons found smoking marijuana in public; and

Whereas, In July of 2014, Governor Andrew M. Cuomo and the New York State Legislature enacted the Compassionate Care Act legalizing the cultivation, production, distribution, sale, and possession of marijuana for medical use in New York; and

Whereas, In December of 2018, Governor Cuomo announced his full support of statewide legalization of recreational marijuana, making it an administration priority for early 2019; and

Whereas, Ten states, including New York's neighbor Massachusetts, and the District of Columbia have legalized adult use of recreational marijuana; and

Whereas, Given the likelihood of New York State legalizing the recreational use of marijuana in the near future, the state should promote equitable ownership and participation in commercial marijuana activity; and

Whereas, One way of ensuring such equity would be to give priority to those with prior marijuana convictions when issuing licenses or permits to engage in the production, sale and distribution of marijuana; and

Whereas, Creating such priority system would ensure that ownership and entrepreneurial opportunities are first given to those populations negatively impacted by the decades-old war on drugs, such as low income communities and communities of color; and

Whereas, Additionally, those who receive licenses to sell recreational marijuana should be encouraged to hire individuals who were arrested for and/or convicted of marijuana related offenses, with a particular focus on formerly incarcerated individuals who served time based on marijuana violations, as well as hire locally and provide living wages for individuals employed by marijuana businesses; and

Whereas, In recent years numerous states and municipalities around the country have sought to not only legalize the recreational use of marijuana but also correct the collateral consequences of marijuana-related convictions; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to introduce and pass and for the Governor to sign legislation that prioritizes individuals with prior marihuana convictions in issuing licenses to sell recreational marihuana and requires other applicants for marihuana licenses to support the hiring of such individuals.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1416

By Council Members Levine, Rosenthal, Perkins and Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to the use of reusable beverage containers provided by customers at food service establishments

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 13 to read as follows:

SUBCHAPTER 13
CERTAIN REQUIREMENTS RELATED TO SINGLE-USE ITEMS

§ 20-699.7 Reusable beverage containers provided by customers. a. Definitions. As used in this section, the following terms have the following meanings:

Food service establishment. The term “food service establishment” has the meaning ascribed to such term by section 81.03 of the health code of the city of New York or any successor provision.

Reusable beverage container. The term “reusable beverage container” means a bottle, mug, cup or other container that is designed and manufactured to hold beverages and is capable of multiple reuse.

Single-use. The term “single-use” means a product that is designed and intended to be used only once for drinking or eating, and is generally recognized by the public as an item that is to be discarded after one use.

b. Any food service establishment in the city that serves beverages to customers in single-use containers may not refuse the request of a customer who has ordered a beverage to serve such beverage in a reusable beverage container provided by the customer in substitution for the single-use container provided by the food service establishment, provided that:

1. Such reusable beverage container is capable of and appropriate for serving such beverage, as determined based on the size, cleanliness, material, and any other relevant factors, of the reusable beverage container; and

2. Such beverage may be dispensed in a manner that complies with section 81.46 of the health code of the city of New York and all other applicable laws and regulations.

c. Every food service establishment in the city that serves beverages to customers in single-use containers shall conspicuously post signage informing customers that they are permitted to request the service of beverages in their own reusable beverage containers.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

Preconsidered Int. No. 1417

By Council Members Levine and Lander.

A Local Law in relation to studying the feasibility of implementing solar-ready measures for commercial buildings

Be it enacted by the Council as follows:

Section 1. As used in this local law, the following terms have the following meanings:

Commercial building. The term “commercial building” has the same meaning as set forth in sections C202 and R202 of the 2016 New York city energy conservation code.

Solar power. The term “solar power” means the use of the sun’s energy either directly, as thermal energy, or through the use of photovoltaic cells in solar panels and transparent photovoltaic glass, to generate electricity.

Solar-ready measures. The term “solar-ready measures” means any measures incorporated into building design and construction that are designed to permit the building to install photovoltaic cells in solar panels and transparent photovoltaic glass, or to incorporate other means of utilizing solar power, even if the installation does not occur at the time of construction.

Use and occupancy classification. The term “use and occupancy classification” means any use and occupancy classifications set forth in chapter 3 of the New York city building code.

§ 2. Feasibility study on the implementation of solar-ready measures for commercial buildings. The commissioner of buildings, in consultation with the commissioner of environmental protection, the fire commissioner, and the commissioners of any other relevant agency, shall conduct a feasibility study on the implementation of solar-ready measures for commercial buildings. Such feasibility study shall:

1. Evaluate the utility of implementing solar-ready measures in commercial buildings;
2. Identify any barriers to implementing solar-ready measures in commercial buildings;
3. Identify any type of commercial building by use and occupancy classification that could incorporate solar-ready measures; and
4. Assess the estimated costs of requiring solar-ready measures in commercial buildings that can incorporate solar-ready measures.

§ 3. Within 12 month after this local law takes effect, the commissioner of buildings shall submit to the mayor and the speaker of the council a report with the results of the feasibility study.

§ 4. This local law takes effect immediately and remains in effect until the commissioner of buildings has submitted to the mayor and the speaker of the council a report with the results of the feasibility study.

Referred to the Committee on Environmental Protection (preconsidered but laid over by the Committee on Environmental Protection).

Int. No. 1418

By Council Members Maisel, Brannan and Holden.

A Local Law in relation to requiring the department of transportation to study the feasibility of acquiring private streets

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this section, the term “private street” means a privately owned street in which the public has a right of user not subject to revocation by the owner thereof.

b. The department of transportation shall conduct a study to determine the feasibility of acquiring private streets that are not within its jurisdiction. Upon completion of such study, and no later than June 30, 2019, the department of transportation shall issue a report on the study’s findings to the mayor and the speaker of the council. Such report shall include, but not be limited to:

1. The end-to-end process or processes for acquiring private streets;
2. All factors that could be used to determine which private streets should be acquired by the city;
3. The estimated aggregate and average costs associated with the acquisition, rehabilitation and ongoing maintenance of private streets; and
4. A recommendation as to which, if any, private streets should be acquired, in order of priority, and the total estimated costs associated with the acquisition, rehabilitation and ongoing maintenance of such streets. In determining the order of priority, the department of transportation shall consider maintenance required, cost and need, among any other factors it determines to be necessary.

§ 2. This local law takes effect immediately and is deemed repealed upon submission of the report required by section 1 of this local law.

Referred to the Committee on Transportation.

Int. No. 1419

By Council Members Matteo, Brannan and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to violations for standing water

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 17-199.11 to read as follows:

§ 17-199.11 Standing water. When the department has issued a notice of violation and ordered a person to eliminate standing water, pursuant to section 151.03 of the health code, such person shall have five days to cure to such violation before any penalty may be imposed or injunctive relief sought to restrain such violation. The commissioner may promulgate rules as may be necessary for the purpose of carrying out this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 1420

By Council Members Matteo and Holden.

A Local Law in relation to requiring a study and report on unsubstantiated 311 complaints

Be it enacted by the Council as follows:

Section 1. Reporting on 311 complaints. a. Definitions. For the purposes of this section the following terms have the following meanings:

Unsubstantiated complaint. The term “unsubstantiated complaint” means a complaint for which there is not enough evidence for an enforcement official from the responding agency or department to determine whether or not the reported incident occurred.

b. No later than December 1, 2019, the commissioner of information technology and telecommunications shall complete a study on 311 complaints received on or after February 1, 2013, and shall prepare and file with the mayor and the council, and post on its website, a report disclosing the following:

1. The number and types of unsubstantiated complaints made against private properties;
2. The number and types of notices of violation issued to a property that was previously visited and resulted in an unsubstantiated complaint in the prior 12 months;

3. The number of, and reasons for, visits by the responding agency or department to any property or dwelling that received more than one visit from an enforcement official in the previous 12 months;

4. The number, types and dispositions of violations unrelated to the underlying complaint that prompted a visit from an enforcement official to the property; and

5. Whether any reported complaints were made anonymously or in the name of the complainant.

c. All the information reported pursuant to subdivision b of this local law shall be disaggregated by borough, council district and community district.

§ 2. This local law takes effect immediately and expires and is deemed repealed on February 1, 2020.

Referred to the Committee on Technology.

Res. No. 742

Resolution calling upon the New York State legislature to pass, and the Governor to sign, legislation allowing localities to establish any prohibition on public consumption of marijuana and any related civil penalties.

By Council Members Richards, and Holden.

Whereas, The Governor has identified legalizing recreational marijuana as a major priority for the upcoming legislative session; and

Whereas, Legalizing recreational marijuana provides the State and City an opportunity to truly undue the harsh consequences of decades of policies and practices that have disproportionately harmed communities of color; and

Whereas, As the largest and one of the most densely populated cities in the state and country, New York City has an array of complex and unique characteristics, unlike other parts of the State, that require unique approaches to the legalization of marijuana; and

Whereas, For example, smoking marijuana within the confines of one's home might not pose a problem for residents in regional parts of the State, but as many New Yorkers live in apartment buildings or dwellings, marijuana usage could pose as a significant nuisance for some neighbors; and

Whereas, This issue is further complicated when considering regulations to govern the smoking of marijuana in shared gardens, stoops, and rooftop spaces, which are common in New York City dwellings; and

Whereas, The use of marijuana in public housing also poses unique legislation challenges, as federal laws mandate all public housing to be smoke free; and

Whereas, Many of these complexities informed the Smoke Free Act, passed by the New York City Council in 2003, which regulates the use of tobacco and e-cigarettes in public spaces; and

Whereas, Over the years, the enforcement of marijuana use and possession in New York has resulted in significant racial disparities; and

Whereas, According to the Misdemeanor Justice Project at John Jay College of Criminal Justice, marijuana-related arrests made between 1993 and 2016 were overwhelmingly of Black and Latino men; and

Whereas, In 2016, Black people were 7.8 times more likely to be arrested for marijuana than white people in New York City; and

Whereas, Arrests and convictions for marijuana-related charges have carried significant collateral consequences, including the loss of employment, housing, access to higher education, and immigration status; and

Whereas, According to the Drug Policy Alliance, in states in which recreational marijuana has been legalized, racial disparities persist in arrests despite similar rates of use and sales across racial groups; and

Whereas, As the legalization of marijuana in several states has not proven to end racial disparities, the City must consider what enforcement strategies are necessary to balance public safety and racial equity; and

Whereas, The City should be charged with assessing and enforcing a penalty structure, including civil penalties, in accordance with these concerns; and

Whereas, The parameters by which marijuana can be used in public should commensurate with City laws and guidelines to ensure fairness and consistent practices; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass, and the Governor to sign, legislation allowing localities to establish any prohibition on public consumption of marijuana and any related civil penalties.

Referred to the Committee on Public Safety.

Res. No. 743

Resolution calling on Congress to pass and the President to sign S.1689, known as the "Marijuana Justice Act of 2017," which would amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marijuana, and for other purposes.

By Council Members Miller, Adams, Moya, Lander, Ampry-Samuel, Kallos, Rivera and Ayala.

Whereas, The Controlled Substances Act (CSA), a federal law adopted in 1970, established a mechanism for drug regulation that involves a drug scheduling system, which classifies drugs into five schedules based on their potential for abuse; and

Whereas, Under the CSA, marijuana is classified as a Schedule I controlled substance, the highest classification that is considered to have the highest abuse potential; and

Whereas, As a Schedule I drug, the use, possession, cultivation, and distribution of marijuana is prohibited under federal and state law; and

Whereas, The enforcement of marijuana prohibitions have disparately harmed African American and Latinx people from low-income communities, resulting in their overrepresentation in the criminal justice system; and

Whereas, The enforcement of marijuana prohibitions create a cascade of collateral consequences for impacted persons, including the loss of housing, employment, and professional license; and

Whereas, Despite the federal prohibition of marijuana, eight states and the District of Columbia have legalized the recreational use of the drug; and

Whereas, U.S. Senator Corey Booker introduced in the U.S. Senate the Marijuana Justice Act of 2017, a landmark bill that would remove marijuana from the list of controlled substances, making it legal at the federal level; and

Whereas, The Marijuana Justice Act would incentivize states through federal funds to change their marijuana laws if marijuana in the state were illegal, automatically expunge federal marijuana use and possession crimes, and allow incarcerated individuals in federal prison on marijuana possession or use offenses to petition courts for resentencing; and

Whereas, The Marijuana Justice Act would also create a community investment fund to reinvest in communities most impacted by the enforcement of marijuana prohibitions, allowing those funds to be invested in social programs, such as job training, reentry services, community centers and health education; and

Whereas, The passage of the Marijuana Justice Act would benefit low-income communities of color across New York City that have been disproportionately harmed by the enforcement of marijuana prohibition; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass and the President to sign S.1689, known as the "Marijuana Justice Act of 2017," which would amend the Controlled Substances Act to provide for a new rule regarding the application of the Act to marijuana, and for other purposes.

Referred to the Committee on Public Safety.

Res. No. 744

Resolution calling on the Legislature to pass and the Governor to sign a bill that remedies disparate burdens placed on people of color in the enforcement of marijuana prohibition by reinvesting tax revenue generated from legal marijuana in their communities and encouraging their participation in the legal marijuana industry.

By Council Members Miller, Richards, Levin, Adams, Moya, Cumbo, Lander, Ampy-Samuel, Kallos, Rivera and Ayala.

Whereas, Marijuana prohibition enforcement disproportionately impacts communities of color nationwide;

Whereas, In New York State, which has some of the harshest enforcement practices in the country, more than 80 people arrested for marijuana possession were Black or Latinx; and

Whereas, Persons arrested or convicted on marijuana possession may face consequences such as deportation, and loss of housing, employment or professional licenses; and

Whereas, Eight states, including California and Massachusetts, have legalized recreational marijuana use, creating a statutory framework to regulate the marijuana market, to mitigate the collateral consequences that result from marijuana prohibition enforcement; and

Whereas, In states where marijuana was legalized, people who have not been traditionally targeted for heightened marijuana enforcement started marijuana businesses and are benefiting financially from legalization, in part because of their access to capital; and

Whereas, Communities disproportionately targeted for marijuana enforcement often have less access to capital, legal and technical expertise, and affordable rental space to launch marijuana businesses; and

Whereas, Oakland and Massachusetts created social equity programs after the legalization of recreational marijuana in those states to provide people from communities of color that have been disparately harmed by marijuana enforcement with equal opportunity to participate in and benefit from the legal marijuana industry; and

Whereas, Most social equity programs give priority licensing to people who come from or live in communities disproportionately harmed by marijuana enforcement; and

Whereas, Oakland's social equity program also offers legal and technical advice, and zero-interest subsidized loans, funded through marijuana tax revenue, to individuals who meet the eligibility requirements; and

Whereas, In January 2018, Governor Cuomo launched a multi-agency taskforce, headed by the New York Department of Health, to study the legalization of recreational marijuana; and

Whereas, In July 2018, the taskforce reported its findings to the public and recommended legalizing marijuana for recreational purposes, concluding that the positive impacts of a regulated marijuana market in the state outweigh the potential negatives; and

Whereas, Governor Cuomo established a working group to draft legislation to legalize the use of marijuana for recreational purposes following the release of the taskforce's findings; and

Whereas, Any such legislation should include the creation of social equity programs to ensure people from communities disproportionately burdened by marijuana enforcement have equal opportunity to participate in and benefit from a legal marijuana industry; and

Whereas, In addition, any such legislation should reinvest tax revenue generated from legalization into communities long targeted by enforcement for social programs, such as job training, community centers, reentry, mental health and education; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Legislature to pass and the Governor to sign a bill that remedies disparate burdens placed on people of color in the enforcement of marijuana prohibition by reinvesting tax revenue generated from legal marijuana in their communities and encouraging their participation in the legal marijuana industry.

Referred to the Committee on Consumer Affairs and Business Licensing.

Res. No. 745

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation related to the reclassifying of THC and all other marijuana based products from a controlled substance to the equivalent of flower marijuana.

By Council Members Moya, Kallos, Rivera and Ayala.

Whereas, Tetrahydrocannabinol (THC) is the active chemical in marijuana most responsible for marijuana's psychological effects; and

Whereas, According to the National Institute on Drug Abuse, THC attaches to molecules called cannabinoid receptors in areas of the brain that influence pleasure, memory, thinking, concentration, movement, coordination, sensory, and the perception of time; and

Whereas, THC can be extracted from marijuana flower plants or leaves to make other concentrates, such as oils; and

Whereas, THC oil, an approved form of medical marijuana in New York, provides an alternate method to smoking marijuana, by rubbing it into the skin, cooking with it, or inhaling through a vaporizer; and

Whereas, New York State law classifies THC as a controlled substance, the possession of which constitutes a class A misdemeanor which carries a sentence of up to one year in jail; and

Whereas, Comparatively, persons arrested for possession of less than two ounces of marijuana would be charged with a class B misdemeanor, carrying a penalty of up to 3 months in jail; and

Whereas, As a result, the enforcement of marijuana in New York City differs based on its form; and

Whereas, In September 2018, the New York City Police Department committed to issuing criminal summons in lieu of arrests for majority of persons found smoking marijuana in public; and

Whereas, However, the Department has arrested, instead of issuing summonses, persons smoking THC oil via a vaporizer; and

Whereas, Enforcement practices and penalties related to marijuana use and possession should be applied consistently to ensure fairness;

Whereas, Given historical disparities in enforcement of marijuana, maintaining the distinction between THC-based products could perpetuate those disparities; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation related to the reclassifying of THC and all other marijuana based products from a controlled substance to the equivalent of flower marijuana

Referred to the Committee on Public Safety.

Int. No. 1421

By Council Member Powers.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the publication of the NYPD auxiliary police guide

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 14-175 to read as follows:

§ 14-175 Auxiliary police guide publication required. a. The department shall publish the auxiliary police guide on the department's website.

b. The department shall update the auxiliary police guide on the department's website monthly to reflect any amendments and shall conspicuously note the amended sections and their effective dates. Failure to timely

publish amendments to the auxiliary police guide shall not affect the validity of the auxiliary police guide or its amendments.

c. Notwithstanding subdivisions a and b of this section, the department shall not be required to publish:

- 1. Any material that would reveal non-routine investigative techniques or confidential information; or*
- 2. Any material that, if published, could compromise the safety of the public or police officers, or could otherwise compromise law enforcement investigations or operations.*

§ 3. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Public Safety.

Int. No. 1422

By Council Members Powers, the Speaker (Council Member Johnson), Brannan, Holden, the Public Advocate (Mr. Williams), Chin and Constantinides.

A Local Law to amend the administrative code of the city of New York, in relation to city-issued parking permits

Be it enacted by the Council as follows:

Section 1. Subchapter two of chapter one of title 19 of the administrative code of the city of New York is amended to add a new section 19-162.3 to read as follows:

§ 19-162.3 City-issued parking permits. a. Definition. For purposes of this subchapter, the following term has the following meaning:

City-issued parking permits. The term “city-issued parking permit” means a permit issued by the city and sponsored by a city agency that is displayed in or on a motor vehicle that indicates permission to park in certain areas during certain times has been granted. The term shall not include parking permits issued pursuant to sections 19-162.1 or 19-162.2, parking permits issued to individuals with disabilities, or single use parking permits.

b. Issuance. Notwithstanding any other provision of law, no other city agency shall issue a permit that indicates permission to park in certain areas during certain times has been granted.

c. Term. A city-issued parking permit shall be valid for no more than one year unless suspended or revoked.

d. Applications. 1. Each person applying for a city-issued parking permit or renewal thereof shall file an application in such form and detail as the commissioner may prescribe and shall pay a fee of \$45.

2. An application for a city-issued parking permit or renewal thereof shall include, but need not be limited to, the following information:

- (i) the name of the applicant and at least one piece of current valid photo identification issued by a government agency of any jurisdiction that may be used to establish proof of identity;*
- (ii) the name of the sponsoring city agency and the applicant’s relationship to such agency;*
- (iii) the license plate number of the vehicle to be associated with such permit; and*
- (iv) a statement articulating the activities the applicant performs on behalf of the sponsoring city agency and how a city-issued parking permit would support such activities.*

3. Upon the approval of an application, the department shall issue a city-issued parking permit to the applicant that may only be used in the vehicle identified on such application.

4. City-issued parking permits shall not be transferrable to another person or vehicle.

5. Whenever any information provided on such an application has changed, such permittee shall notify the department within 10 days of such change.

e. Form of permits. A city-issued parking permit shall contain the permittee’s name, the name of the sponsoring city agency, the expiration date of the permit, a unique identifier or other technology designed to allow the city to detect valid permits, and any additional information or features as required by the department.

f. Permissible uses. 1. Parking with a city-issued parking permit is permitted in areas specified on or programmed into the permit and may allow for some or all of the following:

- (a) at parking meters;*
- (b) in truck loading and unloading zones;*
- (c) in no standing/parking except authorized vehicles or authorized vehicle only, when such permit authorizes such use, and*
- (d) in "no parking" areas.*
- 2. Parking not permitted. Parking with a city-issued parking permit is not permitted in the following areas:*
 - (a) "no standing" areas;*
 - (b) "no stopping" areas;*
 - (c) sidewalks;*
 - (d) crosswalks;*
 - (e) fire hydrants;*
 - (f) bus stops;*
 - (g) bus lanes;*
 - (h) bicycle lanes;*
 - (i) driveways;*
 - (j) bridges and highways;*
 - (k) where such parking would constitute double parking; and*
 - (l) where a traffic hazard would be created.*

g. Rules. The department may promulgate such rules and regulations as are necessary to implement the provisions of this section.

h. Violations. Any violation of this subchapter, or of any of the rules promulgated hereunder, shall upon conviction thereof be punishable by a civil penalty of not less than \$250 nor more than \$1,000. Civil violations, under this section, shall be adjudicated at the environmental control board or any tribunal established within the office of administrative trials and hearings designated by the commissioner.

i. Posting Information. The department shall post information online regarding the issuance of city-issued parking permits, including, but not limited to, the number of applications submitted and the number of such permits issued, disaggregated by the sponsoring city agency. Such information shall be updated at least once a month.

§ 2. This local law takes effect in 90 days, except that the commissioner of transportation, shall take any necessary actions to implement this law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Transportation.

Int. No. 1423

By Council Members Powers, Rivera, Cumbo, the Public Advocate (Mr. Williams), Lander, Levin, Kallos, Van Bramer, Levine, Ayala, Chin, Rosenthal, Gibson, Moya, Constantinides, Dromm, Koslowitz, Richards, Reynoso, Cornegy, Espinal and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to limiting the fees charged in a rental real estate transaction

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding new chapter 23 to read as follows:

CHAPTER 23
FEES ASSOCIATED WITH REAL ESTATE TRANSACTIONS

§ 26-2301 Definitions.

§ 26-2302 Fees in rental real estate transactions.

§ 26-2301 Definitions. As used in this subchapter, the term “rental real estate transaction” means a residential real estate transaction involving the rental of real property.

§ 26-2302 Fees in rental real estate transactions. a. It shall be unlawful for any individual or individuals to collect fees in connection with a rental real estate transaction from a tenant or prospective tenant which, in the aggregate, exceed the value of one month of rent of the property in such transaction.

b. Subdivision a shall not apply to the collection of fees by the owner or landlord of a residential rental property.

§ 2. This local law takes effect 60 days after it becomes law, and shall only apply to rental real estate transactions entered into on or after the effective date of this law.

Referred to the Committee on Housing and Buildings.

Int. No. 1424

By Council Members Powers, Rivera, the Public Advocate (Mr. Williams), Treyger, Cumbo, Levin, Lander, Kallos, Levine, Chin, Ayala, Van Bramer, Rosenthal, Gibson, Moya, Constantinides, Dromm, Adams, Koslowitz, Holden, Richards, Reynoso, Cornegy, Espinal, Ampy-Samuel, Brannan and Diaz.

A Local Law to amend the administrative code of the city of New York, in relation to limiting rental security deposits to one month of rent

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 23 to read as follows:

CHAPTER 23
SECURITY DEPOSITS IN REAL ESTATE TRANSACTIONS

§ 26-2301 Definitions.

§ 26-2302 Security deposits in rental real estate transactions.

§ 26-2301 Definitions. As used in this subchapter, the following terms have the following meanings:

Rental real estate transaction. The term “rental real estate transaction” means a residential real estate transaction involving the rental of real property.

Security deposit. The term “security deposit” means money, whether cash or otherwise, paid to a landlord to be held for all or part of the term of a tenancy to secure performance of any obligation of the tenant under the rental agreement.

§ 26-2302 Security Deposits in rental real estate transactions. It shall be unlawful for any individual, corporation or entity to collect a security deposit in connection with a rental real estate transaction from a tenant or prospective tenant which, in the aggregate, exceeds the value of one month of rent of the property in such transaction.

§ 2. This local law takes effect 60 days after it becomes law, and shall only apply to rental real estate transactions entered into on or after the effective date of this local law.

Referred to the Committee on Housing and Buildings.

Int. No. 1425

By Council Members Powers, Rosenthal, Richards, Cabrera, Holden, Levine, Chin, Ayala, Gjonaj, Vallone, Brannan, Yeager, the Public Advocate (Mr. Williams) and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to making it unlawful to work carriage horses whenever the heat index reaches or exceeds 90

Be it enacted by the Council as follows:

Section 1. Section 17-326 of the administrative code of the city of New York is amended to read as follows:
 § 17-326 Definitions. Whenever used in this subchapter, the following terms [shall] have the following meanings:

- (a) "Person" means an individual, partnership, corporation, association or other legal entity.
- (b) "Veterinarian" means a person licensed to practice veterinary medicine in the state of New York.
- (c) "Work," a horse is considered to be at work when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other devices, or when it is saddled or in harness or when it is being ridden or is pulling a carriage, vehicle or device.
- (d) "Owner" means the owner of a horse which is required to be licensed pursuant to this subchapter and the owner of a rental horse business in which such horse is used.
- (e) "Riding horse" means a horse which is available to the public for a fee for the purpose of riding.
- (f) "Carriage horse" means any horse which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this subchapter.
- (g) "Rental horse business" means a business enterprise which provides or offers the use of a horse to the public for a fee for the purpose of riding or drawing a horse drawn vehicle or which operates a horse drawn vehicle for hire such as a horse drawn cab.
- (h) "Rental horse" means a horse which is used in a rental horse business.
- (i) "Under tack" means that a horse is equipped for riding or driving.
- (j) "ASPCA" means the American Society for the Prevention of Cruelty to Animals.
- (k) "Stable" means any place, establishment or facility where one or more rental horses are housed or maintained.
- (l) "*Relative humidity*" means the value, expressed as a percentage, determined by a device designed to measure relative humidity.
- (m) "*Heat index*" means the National Weather Service Heat Index.

§ 2. Paragraphs 2, 3, 4 and 5 of subdivision o of section 17-330 of the administrative code of the city of New York are amended to read as follows:

2. Carriage horses shall not be worked whenever the air temperature is 90 degrees [fahrenheit] *Fahrenheit* or above, *or whenever the heat index is 90 or above.*

3. For purposes of this subdivision, *air* temperatures shall be those measured by a state-of-the-art thermometer, as determined by the commissioner[, as]. *Relative humidity shall be determined by a state-of-the-art hygrometer or any other device having the same capability to measure relative humidity, as determined by the commissioner. Air temperatures and relative humidity shall be measured by the commissioner or [his or her] the commissioner's designee at street level at one of the stands designated pursuant to section 19-174 of the code. When the air temperature is lower than 90 degrees, the heat index shall be determined by the commissioner or the commissioner's designee.*

4. If the *air* temperature *or the heat index* exceeds the limits set by this subdivision during the course of a particular ride, at the ride's conclusion, but no later than one-half hour after the *air* temperature *or the heat index* exceeds these limits, the operator must immediately cease working, move the horse to an area of shelter, where available, rest the horse and then walk it directly to its stable. All horses so returned to their stable must be unbridled and unharnessed and remain at the stable for at least one hour, and thereafter, until such time as the weather conditions shall once again reach acceptable limits.

5. No violation of this subdivision shall occur unless a written warning of violation is first issued by the authorized enforcement personnel to the operator advising that the air temperature *or the heat index* limits of this subdivision have been exceeded and directing that the operator cease working a carriage horse in accordance with the provisions of this subdivision. A violation of this subdivision may be issued if an operator fails to comply with the direction contained in the written warning of violation. Failure to comply with such direction shall not be construed as a separate violation.

§ 2. This local law takes effect 60 days after it becomes law, except that the commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 1426

By Council Members Reynoso and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on investigations initiated by the administration for children's services resulting from drug screenings performed at facilities managed by the New York city health and hospitals corporation

Be it enacted by the Council as follows:

Section 1. Section 21-901 of the administrative code of the city of New York, as amended by local law number 44 for the year 2013, is amended by adding new definitions of "drug," "drug test," "patient," "positive test result" and "referred to ACS" in alphabetical order to read as follows:

"Drug" means any substance defined as a controlled substance in section thirty-three hundred six of the public health law.

"Drug test" means a test that examines a person's blood or urine for evidence of drugs.

"Patient" means any person currently or previously under the care of a facility operated by the New York city health and hospitals corporation and who underwent a drug test at such facility.

"Positive test result" means a drug test result that shows evidence that a drug is present in a patient's blood or urine.

"Referred to ACS" means that a patient's information was shared with ACS by a facility managed by the New York city health and hospitals corporation due to a positive test result on a drug test.

§ 2. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

§ 21-919 Positive drug test result screening report. a. Beginning no later than the first business day after January 1, 2019 and on the first business day after January 1 of each calendar year thereafter, ACS shall provide to the council and the mayor a report regarding the number, type and outcomes of investigations initiated by ACS during the prior calendar year as a result of positive test results from drug tests performed at facilities managed by the New York city health and hospitals corporation.

b. Such report shall be disaggregated by facility and include, at a minimum, the following information for each patient referred to ACS because of a positive test result:

- 1. The age, income range, gender and ethnicity of each patient;*
- 2. The date the drug test was performed;*
- 3. The date the patient was referred to ACS;*
- 4. The drug or drugs identified in the drug test;*
- 5. The number of investigations initiated as a result of referrals to ACS;*
- 6. The type of investigation or investigations initiated;*
- 7. The findings and outcome of the investigation or investigations; and*
- 8. The number of referrals reported to the New York city police department or another law enforcement agency.*

§ 3. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1427

By Council Members Richards, Lander, Kallos, Rosenthal, Lancman, Menchaca, Ayala, Rivera and Miller.

A Local Law to amend the administrative code of the city of New York, in relation to drug testing not permitted by the department of probation

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-206 to read as follows:

§ 9-206 Marijuana testing

a. The department of probation shall not require individuals on probation to submit to marijuana testing unless a determination is made, based on an individual's history and personal circumstances, that abstinence from marijuana is necessary to otherwise lead an otherwise law-abiding life.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Preconsidered Int. No. 1428

By Council Member Richards.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to report on arrests for obstruction of governmental administration

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 14-181 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2019, relating to reporting on arrests for resisting arrest and assault in the second degree, is amended to read as follows:

a. No later than 30 days after the quarter ending July 1, 2019 and 30 days after every quarter thereafter, the department shall submit to the council and publish on its website a report of each case in which a person was arrested under section 205.30, *section 195.05*, or subdivision 3 of section 120.05 of the penal law, regardless of whether such person was arrested for any other charges. All data shall be reported in a format capable of automated processing. Such report shall include the following information for each such arrest:

1. All arrest charges.
2. For arrests under section 205.30 of the penal law, the charge to which the person arrested was alleged to have resisted, and whether such charge is a violation or non-criminal offense, misdemeanor, or felony.
3. For arrests under section 205.30 of the penal law, whether the person was alleged to have resisted their own arrest or the arrest of another, and if so the relationship to the person arrested.
4. For arrests under section 120.05 of the penal law, the nature of the injuries, if any, suffered by the victim or victims.

5. For arrests under section 195.05 of the penal law, the official function with which the person arrested was alleged to have interfered.

[5] 6. Whether the district attorney declined to prosecute.

[6] 7. The borough and precinct in which the person was arrested.

[7] 8. Whether the person was arrested in an area operated in whole or in part by the office of court administration, the New York city housing authority, the department of homeless services, the human resources administration, or the social security administration, in total and disaggregated by such agency or office.

[8] 9. Whether a body worn camera recorded the arrest.

[9] 10. The race and ethnic origin of the person arrested.

- [10] 11. The age of the person arrested.
 - [11] 12. The gender of the person arrested.
 - [12] 13. Whether the person arrested is known to identify as transgender.
 - [13] 14. Whether the person arrested is known to identify as non-binary or gender non-conforming.
- §2. This local law takes effect immediately.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Int. No. 1429

By Council Member Richards.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to consider placement of traffic enforcement agents in developing an interagency roadway safety plan

Be it enacted by the Council as follows:

Section 1. Section 19-184 of the administrative code of the city of New York, as amended by local law number 105 for the year 2013, is amended to read as follows:

§ 19-184 Interagency roadway safety plan. a. The department shall develop an interagency plan to improve roadway safety, which shall be designed to, among other things, reduce the [incidents] *incidence* of traffic violations, crashes, injuries and fatalities.

b. Such plan shall identify key agencies and groups that the department shall meet with at least monthly to work on improving roadway safety and shall include, but not be limited to:

[i.] 1. Proposed programs and initiatives to reduce traffic violations and to encourage traffic calming and safety measures;

[ii.] 2. Suggestions for behavioral modification to reduce crashes in the city, such as education and strategic traffic enforcement, *including placement of traffic enforcement agents in certain areas*;

[iii.] 3. A plan to increase collaboration between the department and the police department on roadway safety; and

[iv.] 4. A schedule for implementing the proposals contained in such plan.

c. The department shall issue such plan to the mayor and council [ninety] 90 days after the date on which the local law that added this section takes effect. Such report shall include, but not be limited to, the strategies for improving roadway safety, whether any strategies were implemented, and the status of such implementation.

d. Such plan shall be updated every five years and the first such updated plan shall be presented to the mayor and council no later than May 31, 2016₁ and on or before the same date every five years thereafter. Such updated plan shall include₂ but not be limited to₂ actions that have been taken to implement the prior plans submitted pursuant to this section, and the reasons that any actions that had been recommended by such prior plans [but not implemented] were not taken.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Int. No. 1430

By Council Member Richards (by request of the Brooklyn Borough President).

A Local Law in relation to establishing a pilot program to provide bleeding control training and kits

Be it enacted by the Council as follows:

Section 1. a. The department of health and mental hygiene, in consultation with any other appropriate agency, shall establish a pilot program to provide bleeding control training to residents of the city of New York, with a particular emphasis on providing such training to students, those who work with children, clergy and parishioners.

b. On or before the first anniversary of the effective date of this local law, the department of health and mental hygiene shall post online and provide to the speaker of the council a written report containing information regarding the pilot program established pursuant to this local law, including interest in and attendance at the trainings provided pursuant to such pilot program, the cost of such pilot program, recommendations with respect to expanding or making such pilot program permanent, an analysis of the impact and effectiveness of such pilot program, and any other recommendations regarding such pilot program.

§ 2. This local law takes effect 30 days after it becomes law and shall expire and be deemed repealed upon receipt of the report due pursuant to subdivision b of section one of this local law.

Referred to the Committee on Health.

Res. No. 746

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation requiring the New York State Department of Health to create clear and fair regulations for hospitals on drug testing those who are pregnant or giving birth, including informing patients of their rights before any discussion of drug use or drug testing.

By Council Members Rivera and Levin.

Whereas, Currently, hospitals will drug test patients who are giving birth and report those who test positive to the Statewide Central Register of Child Abuse and Maltreatment (SCR); and

Whereas, This testing leads to a child welfare investigation for marijuana use alone because the New York City Administration for Children's Services is required to investigate all cases in NYC referred from SCR; and

Whereas, It is unclear how hospitals determine that testing is necessary and a Daily News article from 2012 found that testing varied by hospital and disproportionately impacted low-income women and women of color; and

Whereas, It is also unclear whether hospitals ensure that patients are aware of the child welfare ramifications for drug tests and disclosing drug history to their health care provider; and

Whereas, Studies show that marijuana is the most commonly used illicit drug during pregnancy, and its use is increasing; and

Whereas, Women should be encouraged to share their medical history, including drug use, with their health care provider without fear of a child welfare case being opened; and

Whereas, A review of the research has shown that maternal marijuana use during pregnancy is not an independent risk factor for adverse neonatal outcomes after adjusting for confounding factors; and

Whereas, Research on the topic is limited due to relying on self-reporting and the difficulty in conducting direct research with a Schedule I drug; and

Whereas, Current state law states that a "neglected child" means a child "whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired" due to a parent or guardian's failure to provide minimum care, including "misusing a drug or drugs"; and

Whereas, Given the requirement of drug misuse – not just use – as well as evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired, one positive drug test arguably does not fit into the definition of neglect, as defined by State law; and

Whereas, While the medical field is continuing to research prenatal marijuana use and marijuana is being legalized across the nation, New York should address marijuana similarly to alcohol and should amend laws, regulations and policies that equate marijuana use with neglectful parenting; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign, legislation requiring the New York State Department of Health to create clear and fair regulations for

hospitals on drug testing those who are pregnant or giving birth, including informing patients of their rights before any discussion of drug use or drug testing.

Referred to the Committee on Hospitals.

Int. No. 1431

By Council Members Rivera, Powers, Cumbo, Levine, Brannan, Holden, Dromm, Levin, Kallos, Rosenthal, Ayala, Adams, Chin, Lander and Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the return of security deposits within 60 days of the end of a lease

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 23 to read as follows:

*CHAPTER 23
SECURITY DEPOSITS*

§ 26-2301 Definitions

§ 26-2302 Return of security deposit

§ 26-2301 Definitions. As used in this chapter, the following terms have the following meanings:

Landlord. The term “landlord” means an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of a premises or an agent of any of the foregoing.

Security deposit. The term “security deposit” means money, whether cash or otherwise, paid to a landlord to be held for all or part of the term of a tenancy to secure performance of any obligation of the tenant under the rental agreement.

Tenant. The term “tenant” means a person, paying or required to pay rent for a premises as a lessee, sublessee, licensee or concessionaire.

§ 26-2302 Return of security deposit. A landlord shall return in full any security deposit received from a tenant, less any lawful deductions, no later than 60 days from the ending of the applicable residential or commercial tenancy.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date

Referred to the Committee on Housing and Buildings.

Int. No. 1432

By Council Members Rivera, Powers, Cumbo, Levine, Brannan, Holden, Dromm, Levin, Kallos, Rosenthal, Ayala, Adams, Chin, Lander and Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to transparency in residential rental application fees

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 23 to read as follows:

CHAPTER 23
REAL ESTATE BROKERS

§ 26-2301 Definitions
§ 26-2302 Disclosure in application fees
§ 26-2303 Penalties

§ 26-2301 Definitions. *As used in this chapter, the following terms have the following meanings:*

Application fee. The term “application fee” means money, remitted in cash or otherwise, as a condition for submitting an application to rent real property for residential purposes.

Rental real estate transaction. The term “rental real estate transaction” means a real estate transaction involving the rental of real property for residential purposes.

§ 26-2302 Disclosure in application fees. *It shall be unlawful for any person to collect an application fee in connection with a rental real estate transaction from a prospective tenant without remitting to the prospective tenant an itemized list of expenses associated with processing the application that are to be paid by such fee at the time of collecting the fee.*

§ 26-2303 Enforcement. *The department of housing preservation and development shall have the power to enforce this chapter.*

§ 26-2304 Penalties. *A person who collects an application fee after failing to remit an itemized list of costs as required by section 26-2302 shall be liable for a civil penalty of \$150 for each such violation. Such penalty may be recovered in a proceeding before the office of administrative trials and hearings or a court of competent jurisdiction.*

§ 2. This local law takes effect 60 days after it becomes law and shall only apply to rental real estate transactions as defined in section one of this local law that are entered into on or after the effective date of this local law.

Referred to the Committee on Housing and Buildings.

Int. No. 1433

By Council Members Rivera, Powers, Cumbo, Levine, Brannan, Dromm, Levin, Kallos, Rosenthal, Ayala, Adams, Lander and Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to providing tenants the option of paying a security deposit in six equal monthly installments

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 23 to read as follows:

CHAPTER 23
SECURITY DEPOSIT INSTALLMENT OPTION

§ 26-2301 Definitions. *As used in this chapter, the following terms have the following meanings:*
Landlord. The term “landlord” has the same meaning as provided in section 27-2004.

Security deposit. The term “security deposit” means money, whether cash or otherwise, paid to an owner to be held for all or part of the term of a tenancy to secure performance of any obligation of the tenant under the lease or rental agreement.

Tenant. The term “tenant” has the same meaning as provided in section 26-1101.

§ 26-2302 Security deposit installments. a. For tenancies that are six months or longer, a security deposit may be paid at the option of the tenant in six, equal, consecutive, monthly installments.

b. For tenancies that are less than six months, a security deposit may be paid at the option of the tenant in equal, consecutive, monthly installments provided that the number of such installments match the number of months of the tenancy.

c. Nothing in this section shall prohibit a tenant from paying a security deposit in full, or an owner accepting such payment, provided that the owner has complied with the requirements of section 26-2303.

§ 26-2303 Notification. The owner shall notify a tenant of the security deposit installment option established pursuant to section 26-2302 prior to entering into a lease or rental agreement with the tenant.

§ 26-2304 Damages for noncompliance; attorney’s fees. Upon finding a violation of section 26-2303 in any action brought before a court of competent jurisdiction, the court may award damages to the tenant in the amount of one half of the security deposit, in addition to reasonable attorney’s fees and other costs.

§ 26-2305 Outreach and education. The department shall conduct outreach and education efforts to inform owners and tenants about the requirements of this chapter.

§ 2. Paragraph 1 of subdivision b of section 26-1102 of the administrative code, as added by local law number 45 for the year 2014, is amended to read as follows:

(1) owners’ responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, security deposit installment options, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, and housing discrimination;

§ 3. Paragraph 1 of subdivision c of section 26-1103 of the administrative code, as added by local law number 45 for the year 2014, is amended to read as follows:

(1) owners’ responsibilities with respect to eviction, heat and hot water, pest management, repairs and maintenance, security deposit installment options, tenant organizations, rent-regulated leases, rental assistance for elderly or disabled tenants, and housing discrimination;

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1434

By Council Member Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of underage persons in compliance checks by the department of consumer affairs

Be it enacted by the Council as follows:

Section 1. Paragraph d of section 20-104 of the administrative code of the city of New York is amended to read as follows:

d. (1) The commissioner or the commissioner's designee shall be authorized to conduct investigations, to issue subpoenas, to receive evidence, to hear complaints regarding activities for which a license is or may be required, to take depositions on due notice, to serve interrogatories, to hold public and private hearings upon due notice, to take testimony and to promulgate, amend and modify procedures and practices governing such proceedings.

(2) *In the course of investigations pursuant to subparagraph (1) of this section, the department shall not use underage persons for the purposes of testing compliance with laws restricting the sale of goods or services based on age, or accept evidence from same provided by another department or agency.*

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

Referred to the Committee on Consumer Affairs and Business Licensing.

Res. No. 747

Resolution calling on the federal government and its legislators to move significant funds away from the military budget to fund human needs and services.

By Council Members Rodriguez, Brannan and Rivera.

Whereas, Spending on defense already makes up more than half of the federal discretionary budget and President Trump is seeking to increase this to 65 percent by 2023; and,

Whereas, This increase would be offset by cuts to social services, and New York City would lose at least \$850 million under this budget shakeup; and,

Whereas, Like other local governments, New York City's ability to fund essential social services relies in part on federal grants; and,

Whereas, The City's Department of Housing and Preservation, for example, is the largest municipal housing agency in the nation and currently 83 percent of its budget comes from federal funds; and,

Whereas, According to the New York City Comptroller, cuts to federal programs would directly impact the lives of New Yorkers because it would eliminate the Low-Income Home Energy Assistance program, which 770,000 New Yorkers rely on to keep their homes warm in the winter; and,

Whereas, Additional programs that would be cut include the Community Services Block Grant, which funds rental assistance, summer youth employment and adult literacy programs, and the Social Services Block Grant, which funds a broad range of programs, from providing meals and services to the elderly, to helping victims of domestic violence find safe shelter; and,

Whereas, The United States consistently outspends other countries on military and defense; and,

Whereas, In 2017 the country spent over \$600 billion on the military, more than Japan, the United Kingdom, France, India, Saudi Arabia, Russia and China combined; and,

Whereas, Polling has shown that constituents do not want increases in defense budgets, especially at the cost of social services; and,

Whereas, A poll by the University of Maryland's Program for Public Consultation recently revealed that while President Trump wants to increase military spending by more than \$52 million, those polled said they wanted to see the defense budget cut by \$41 million; and,

Whereas, According to data from the National Priorities Project, taxpayers in New York City contributed more than \$25 billion to the Department of Defense ('DOD') in 2017, but a small decrease in the military budget could provide a range of essential services for New Yorkers; and,

Whereas, Reducing the DOD contribution by ten percent could fund healthcare for approximately 850,000 children from low-income families, medical care for nearly 200,000 veterans, stimulus to create more than 46,000 infrastructure jobs and 25,000 additional elementary school teachers jobs; and,

Whereas, In June 2017, the United States Conference of Mayors, including New York City Mayor Bill de Blasio, unanimously passed a resolution calling upon all cities to hold public hearings on the ways that the federal defense budget hampers local spending on essential social services; and,

Whereas, Residents of New York City have a right to know and publicly comment on how their tax dollars are spent and which services they want funded and prioritized;

Whereas, Local governments are the main victims of lopsided federal priorities embodied in a federal budget skewed to Pentagon spending; and,

Whereas, These municipalities could be much more fair and stronger if the federal government spent less on the military and instead utilized the money to improve transportation, education, housing, healthcare, environmental protection, and public goods and services; now, therefore, be it

Resolved, That the federal government and its legislators move significant funds away from the military budget to fund human needs and services.

Referred to the Committee on State and Federal Legislation.

Int. No. 1435

By Council Member Rodriguez (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the use of back seat safety belts

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 19-175.7 to read as follows:

§ 19-175.7 *Use of safety belts by back seat passengers required. In addition to any requirements set forth in section 1229-c of the vehicle and traffic law:*

a. *No person 16 years of age or over shall be a passenger in a back seat of a motor vehicle within the city of New York unless such person is restrained by a safety belt approved by the commissioner of the state department of transportation.*

b. *No person shall operate a motor vehicle within the city of New York unless every passenger in the back seat who is 16 years of age or over is restrained by a safety belt approved by the commissioner of the state department of transportation.*

c. *The requirements of this section shall not apply to buses, school buses, as such term is defined in section 142 of the vehicle and traffic law, or authorized emergency vehicles, as such term is defined in section 101 of the vehicle and traffic law.*

d. *The requirements of this section shall not apply to a passenger with a physically disabling condition whose physical disability would prevent appropriate restraint in a safety belt; provided, however, that such condition is duly certified by a physician who shall state the nature of the disability, as well as the reason such restraint is inappropriate.*

e. *The requirements of subdivision b of this section shall not apply to drivers operating vehicles which they have been licensed to operate by the taxi and limousine commission while they are transporting passengers for hire pursuant to such licensure.*

f. *Any passenger 16 years of age or over or any operator of a motor vehicle who violates the provisions of this section shall be guilty of a traffic infraction and upon conviction thereof shall be liable for a fine of not more than \$50. Such traffic infraction may be adjudicated by an administrative tribunal authorized under article 2-A of the vehicle and traffic law.*

g. *In any proceeding alleging a violation of subdivision a of this section by a passenger in the back seat of a taxi or livery vehicle, it shall be an affirmative defense that such taxi or livery vehicle was in violation of subdivision 4-b of section 383 of the vehicle and traffic law, requiring the installation, in a taxi or livery vehicle, of a back seat safety belt that is visible, accessible and maintained in good working order.*

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

Referred to the Committee on Transportation.

Int. No. 1436

By Council Member Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to expanding the definition of public nuisance to include tenant harassment*Be it enacted by the Council as follows:*

Section 1. Section 7-703 of the administrative code of the city of New York is amended by adding a new subdivision (s) to read as follows:

(s) Any act of harassment, as defined in paragraph 48 of subdivision a of section 27-2004 of this code, by an owner committed against any tenant or person lawfully entitled to occupancy of a dwelling unit.

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

Referred to the Committee on Housing and Buildings.

Int. No. 1437

By Council Members Rosenthal and Brannan.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of investigation to notify the council when it requests an integrity monitor for existing contracts.*Be it enacted by the Council as follows:*

Section 1. Section 333 of Chapter 13 of the New York city charter is amended by adding a new subdivision c to read as follows:

c. The commissioner of investigation shall notify the council within 45 days of issuance of a request for proposal or request for information for an integrity monitor for an existing contract. Such notification shall include, but not be limited to: (i) an explanation of why an integrity monitor is needed for such contract; and (ii) the scope of work and cost for such integrity monitor.

§2. This local law takes effect immediately.

Referred to the Committee on Oversight and Investigations.

Int. No. 1438

By Council Members Rosenthal, Rivera, Chin and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring alternating high and low, two-toned signal devices on emergency services vehicles*Be it enacted by the Council as follows:*

Section 1. Section 24-241 of the administrative code of the city of New York, as added by local law 113 for the year 2005, is amended to read as follows:

§ 24-241. Emergency signal devices. [(a)]a. No person shall operate or use or cause to be operated or used any emergency signal device, except on an authorized emergency vehicle when such vehicle is in the act of responding to an emergency; provided that such device shall not be operated for a period of time longer than is necessary to respond to such emergency. Notwithstanding the foregoing, such a device on a motor vehicle shall

be lawful if designed and used solely as an audible motor vehicle burglar alarm in accordance with section 24-238 and a device attached to a vehicle for the purpose of providing an audible warning when the vehicle is backing up shall be permitted even though the audible warning may consist of a gong or bell sound.

[(b)]*b.* No person shall operate or permit to be operated an emergency signal device installed on an authorized emergency vehicle [that] *unless*:

1. [when] *When* operated at the maximum level *such emergency signal device* creates a sound level [in excess of] *that does not exceed* 90 dB(A) when measured at a distance of fifty feet from the center of the forward face of such vehicle; *and*

2. *Such emergency signal device produces an alternating high and low, two-toned sound in accordance with implementation standards established by the department.*

c. Within one year after the effective date of [this] subdivision *b* and every two years thereafter, emergency signal devices installed on authorized emergency vehicles shall be tested and certification shall be submitted, in a form approved by the department, that such devices meet the standards set forth in [this] subdivision *b* for operation at maximum level *and with an alternating high and low two-toned sound*. Notwithstanding the foregoing provisions, where compliance with the provisions of [this] subdivision *b* would create an undue hardship, the owner or operator of an authorized emergency vehicle may submit a plan to the commissioner for emergency signal devices to meet the standards set forth in [this] subdivision *b* within two years after the effective date of [this] subdivision *b*. Such plan shall be submitted within one year after the effective date of [this] subdivision *b* in lieu of the required certification. [This subdivision shall not apply to authorized emergency vehicles of the police department, fire department or authorized emergency vehicles responding to medical emergencies.]

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

Referred to the Committee on Environmental Protection.

Int. No. 1439

By Council Members Salamanca, Rosenthal, Cumbo, Koslowitz, Chin, Adams, Rivera, Ayala, Gibson, Ampy-Samuel, Van Bramer and Levine.

A Local Law to amend the New York city charter, in relation to requiring the art commission to ensure that women are depicted in at least 50 percent of approved works

Be it enacted by the Council as follows:

Section 1. Section 854 of the New York city charter is amended by adding a new subdivision *i* to read as follows:

i. At least 50 percent of works of art installed or erected upon or over land belonging to the city on or after January 1, 2020 that depict a nonfictional person, historical or otherwise, shall depict women.

§ 2. This local law takes effect immediately.

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

Res. No. 748

Resolution pursuant to Section 363 of the New York City Charter, authorizing the New York City Department of Transportation to grant a non-exclusive franchise for the provision of bus service between Manhattan and Staten Island.

By Council Member Salamanca (by request of the Mayor).

WHEREAS, by Executive Order No. 25, dated August 23, 1995, the Mayor has designated the New York City Department of Transportation (DOT) as the responsible agency for the granting of franchises for bus lines; and

WHEREAS, pursuant to Section 363 of the New York City Charter, (Charter) the Commissioner of DOT (Commissioner) has made the initial determination of the need for a non-exclusive franchise for bus lines providing common carrier service to passengers along designated routes, between the boroughs of Staten Island and Manhattan (Bus Service) in the City of New York; and

WHEREAS, the Council has determined that the granting of such non-exclusive franchise will promote the public interest, and enhance the health, welfare and safety of the public and the City's transportation network; and

WHEREAS, it is necessary to provide for the preparation of a solicitation for such Bus Service, to conduct appropriate environmental review, to review proposals to provide Bus Service, and to make such technical evaluations as may be necessary to determine appropriate service levels, and fare structures;

NOW THEREFORE, BE IT RESOLVED,

That the Council hereby authorizes DOT to grant a non-exclusive franchise for bus lines providing common carrier service to passengers along designated routes, between the boroughs of Staten Island and Manhattan, in the City of New York provided that such non-exclusive franchise shall be subject to the approval of the Franchise and Concession Review Committee (FCRC) and the separate and additional approval of the Mayor. The authorization to grant a non-exclusive franchise pursuant to this Resolution shall expire on the fifth anniversary of the date on which this Resolution is adopted by the City Council (Expiration Date). No franchise shall be granted pursuant to this Resolution by DOT, nor approved by the FCRC or the Mayor, after the Expiration Date;

AND BE IT FURTHER RESOLVED,

FIRST, that there shall be one uniform maximum fare for the Bus Service. The appropriate maximum fare shall be included in the solicitation and the franchise agreement. With regard to the uniform maximum fare, DOT may request from the FCRC a modification to any franchise agreement authorized by this Resolution changing the uniform maximum fare. Any franchise agreement for Bus Service shall specify that upon the approval of the FCRC of any such proposed change, the franchise agreement shall be deemed to be modified to provide for the revised maximum fare;

SECOND, that prior to the granting of any such non-exclusive franchise, one or more Requests For Proposal ("RFP") shall be issued by DOT for each route or group of routes. DOT may group routes in such a way as to maximize potential efficiencies, increase competition, and/or increase revenue. Prior to issuing any such solicitation, environmental and land use review, if necessary, shall be conducted in accordance with City Environmental Quality Review and Section 197c of the Charter. Upon request of the City, a proposed franchisee shall, as a condition of receiving a franchise, assume the cost of, or reimburse the City for, the City's costs of any such environmental or land use review or shall provide for the conduct of such review itself, at its own cost;

THIRD, the franchisee operating service pursuant to this Resolution may receive funding from the State of New York through the City or, if such funds are not available, may receive funding directly from the City;

FOURTH, the evaluation criteria to be used in assessing the responses to such RFPs shall be the following:

- (1) An assessment of the relative fitness of the respondents with regard to:
 - a. experience operating bus or other transportation services in New York City or other urban environments;

- b. demonstrated ability in the management of bus or other transportation service, including, without limitation, satisfactory performance on:
 - i. service indicators (*e.g.*, percentage of scheduled service actually operated, adherence to published schedules, interruptions to service resulting from mechanical failures, vehicle cleanliness, and handling of customer inquiries), and
 - ii. management indicators, (*e.g.*, employee absentee rates, number of vehicular accidents, training programs, adherence to inspection, insurance, driver training, and safety requirements, and bus scheduling efficiency and effectiveness);
 - c. business integrity and financial soundness, including without limitation adequate access to sources of operating capital and the demonstrated ability to adequately maintain books and records;
- (2) the amount of franchise fee proposed and the amount of service proposed.

FIFTH, initial schedules need to be specified in the RFP only to the extent that the level of service must be specified for purposes of completing an environmental review, as appropriate;

SIXTH, that any non-exclusive franchise granted pursuant to this Authorizing Resolution shall be by written agreement that shall without limitation, provide that:

- (1) the term of the franchise shall be fixed and shall be in accordance with the terms of the solicitation pursuant to which it was issued. A franchise may contain a renewal clause, however, in no case shall the term of a franchise, including all renewal periods, exceed twenty-five (25) years;
- (2) the compensation, if any, to be paid to the City shall be fixed as a percentage of the gross revenues, cash or non-cash, derived by the franchisee from any source, in any manner, either directly or indirectly arising from or related to the operation of the Bus Service described in the franchise. Such compensation shall not be considered in any manner to be in the nature of a tax, but such payments shall be made in addition to any and all taxes of whatsoever kind or description which are now or may at any time hereafter be required to be paid pursuant to any local law of the City or any law of the State of New York; or any law of the federal government;
- (3) the maximum fare shall be the uniform maximum fare for such service set by DOT, as such may be from time to time amended by DOT upon request to and approval by the FCRC;
- (4) the franchisee may be required to maintain integrated or reduced fare programs, the requirements for which shall be contained in the appropriate solicitation documents and franchise agreement;
- (5) the franchise may be terminated or canceled by the Commissioner in the event of the franchisee's failure to comply with the material terms and conditions of the agreement;
- (6) there shall be remedies, including liquidated damages, to protect the City's interests in the event of the franchisee's failure to comply with the terms and conditions of the agreement;
- (7) a security fund or other appropriate method shall be established to insure the performance of the franchisee's obligations under the agreement;
- (8) the franchise may permit or require advertising in the interior and/or exterior of buses; provided however, that advertising which is false or misleading, which promotes unlawful or illegal goods, services or activities, or which is otherwise unlawful, including but not limited to advertising that constitutes the public display of offensive sexual material in violation of Penal Law Section 245.11, shall be prohibited. In addition, advertising related to tobacco products and electronic cigarettes shall also be prohibited;
- (9) there shall be provisions regulating the technical specifications of bus equipment used to provide authorized Bus Service;
- (10) there shall be provisions to ensure adequate oversight and regulation of the franchisee by the City, including adherence to standards of performance and guidelines for service;
- (11) the City shall have the right at all times to inspect the facilities, service and equipment used by the franchisee and to order compliance with operational requirements and performance standards set forth in the agreement;

- (12) there shall be adequate insurance and indemnification requirements to protect the interests of the public and the City;
- (13) the franchisee shall be required to maintain complete and accurate books of account and records in compliance with any and all specific requirements for recordkeeping as shall be established by DOT. Such books and records shall be made available on demand to the City for inspection;
- (14) the franchisee shall be required to maintain an office in the City of New York;
- (15) there shall be provisions containing the agreements required pursuant to paragraph 6 of subdivision (h) of Section 363 of the Charter relating to collective bargaining and other matters;
- (16) there shall be provisions requiring the franchisee to comply with applicable City laws, regulations and policies related to, but not limited to employment and investigation;
- (17) there shall be provisions requiring the franchisee to comply with all applicable federal, state, and local laws whatsoever, including those relating to accessibility for persons with disabilities;
- (18) there shall be provisions to restrict the subcontracting, assignment or other transfer of the franchise or portions thereof, without the prior written consent of the City and provisions to restrict changes in control of the carrier without the prior written consent of the City;
- (19) the franchisee, with the exception of public transportation authorities, shall submit to the City's Procurement and Sourcing Solutions Portal (PASSPort) review;
- (20) the franchisee shall obtain all necessary authorizations, licenses, and/or permits from and comply with all applicable provisions of the New York State Vehicle and Traffic Law, and all applicable rules of the New York State Department of Motor Vehicles, the New York State Department of Transportation and any other governmental body having jurisdiction over bus operations;
- (21) the franchisee shall at all times maintain on file with DOT a complete, accurate, and current schedule of service, which will constitute an appendix to the agreement(s) and shall be fully part of the agreement(s);
- (22) for Bus Service pursuant to this Authorizing Resolution, written notification shall be given to the Commissioner not less than thirty days prior to any modification of the weekly scheduled vehicle revenue miles or change to the span of service of any route, provided, however, that the Commissioner may waive such notice requirement in the case of special events or other short-term contingencies where he/she deems it in the public interest to do so. Any changes in the number of weekly scheduled vehicle revenue miles on any route that **exceed** twenty-five percent (25%) or changes in the span of service of greater than four hours of any given route, either cumulatively within a three year period or singly, must receive the prior written approval of the Commissioner, a copy of which shall be sent to the FCRC;
- (23) there may be provisions for free reciprocal transfer privileges between routes operated by the franchisee and intersecting surface routes of the Metropolitan Transportation Authority New York City Transit ("MTA NYCT"), the Manhattan and Bronx Surface Transit Operating Authority ("MABSTOA"), and the MTA Bus Company (together "the Operators"), and in addition with the franchisee's own intersecting routes . To the extent that such reciprocal transfer privileges require the agreement of the Operators, the franchisee shall take all reasonable steps to obtain such agreement and DOT shall assist the franchisee in obtaining such agreement.

SEVENTH, the streets comprising the route over which franchised Bus Service will be provided shall be described in the RFP and included in the franchise agreement. All changes to the routes or those streets must receive the prior written approval of the Commissioner before such change may be implemented. Where such changes to that route or those streets, either cumulatively within a three year period or singly, represent twenty-five percent (25%) or less of the total mileage of the route, a copy of the Commissioner's approval shall be sent to the FCRC for its information; where such changes to that route or those streets, either cumulatively within a three year period or singly, represent more than twenty-five percent (25%) of the total mileage of the route the written approval of the Commissioner shall be submitted to the FCRC for its additional approval prior to the implementation thereof.

And be it further **RESOLVED**, that DOT shall file with the Council the following documents:

- (1) within fifteen (15) days of issuance, a copy of each RFP issued pursuant to this Resolution;
- (2) within fifteen (15) days of approval by the Mayor, a copy of the agreement for any franchise granted pursuant to this Resolution;
- (3) within fifteen (15) days of approval by the Commissioner or the FCRC, a copy of any amendments to any franchise granted pursuant to this Resolution; and
- (4) on or before July 1 of each year, for the preceding calendar year, a report detailing the revenues received by the City from any franchise granted pursuant to this Resolution.

Referred to the Subcommittee on Zoning and Franchises.

Int. No. 1440

By Council Members Torres, Cumbo, Brannan and Holden.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of investigation to create a web application to track and assess agency cooperation and compliance with investigations and recommendations

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new title 33 to read as follows:

*TITLE 33
INVESTIGATIONS
CHAPTER 1
GENERAL PROVISIONS*

§ 33-101 Definitions. As used in this title, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of investigation.

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

Investigation. The term “investigation” means any investigation made by the department.

Recommendation. The term “recommendation” means any recommendation made by the department in the course of an investigation or as the result of an investigation.

*CHAPTER 2
REPORTING*

§ 33-201 Website and reporting. a. The commissioner shall develop and maintain a web application on the department’s website for the purposes of tracking and assessing agency cooperation and compliance with investigations and recommendations. For each agency investigated, the web application shall set forth the recommendations made to the agency and state whether each recommendation was accepted or rejected by the agency to which it was made. For each accepted recommendation, the web application shall indicate whether the accepting agency implemented the recommendation.

b. The web application required by this section shall be made available online, to the public, by no later than July 1, 2019, and thereafter shall be updated as necessary to reflect the current status of each agency’s cooperation and compliance.

§ 2. This local law takes effect immediately.

Referred to the Committee on Oversight and Investigations.

Int. No. 1441

By Council Members Treyger and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to providing ferry service at reduced cost to individuals under the age of 18 or enrolled in a high school located with New York city

Be it enacted by the Council as follows:

Section 1. Section 22-824 of the administrative code of the city of New York, as amended by local law 221 of 2017, is amended by adding a new subdivision c to read as follows:

c. In each covered contract with a contracted entity executed or amended on or after the effective date of this section, the commissioner shall require that such contracted entity ensure that all future subcontracts with a third party for the delivery of ferry services include a provision whereby individuals who under the age of 18 or enrolled in a high school located within New York city are guaranteed access to such ferry service at half the cost of a standard fare.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Economic Development.

Int. No. 1442

By Council Members Treyger, Brannan and Chin.

A Local Law in relation to requiring the department of transportation to study the feasibility of applying material to street surfaces with the effect of lowering street surface temperatures

Be it enacted by the Council as follows:

Section 1. The department of transportation shall conduct a study on the feasibility of applying to the surface of city streets sealcoat or any other material that has the effect of reflecting sunlight and lowering street surface temperatures. Upon completion of such study, and no later than January 1, 2020, the department shall issue a report on the study's findings to the mayor and the speaker of the council. Such report shall include, at a minimum:

- a. The types of materials that can safely be applied to city streets with the effect of lowering street surface temperatures;
- b. The projected cost of applying such material to city streets;
- c. The availability of products that may serve the intended purpose; and
- d. The projected amount of time it would take to apply such product to city streets.

§ 2. This local law takes effect immediately and is deemed repealed on February 1, 2020 or the day after submission of the report required by section 1 of this local law, whichever is later.

Referred to the Committee on Transportation.

Res. No. 749

Resolution calling upon the New York City Department of Education to establish a czar position to ensure compliance with Individualized Education Programs and other requirements for students in special education.

By Council Members Treyger, Brannan, Rosenthal, Levin and Rose.

Whereas, The Federal Individuals with Disabilities Education Act (IDEA) guarantees a free appropriate public education to eligible children with disabilities in the U.S. and ensures special education and related services to those children; and

Whereas, The IDEA also governs how states and school districts provide early intervention, special education, and related services to eligible children and youth with disabilities; and

Whereas, As mandated by the IDEA, the New York City Department of Education (DOE) provides special education services to students with disabilities, defined as any child with an Individualized Education Program (IEP); and

Whereas, According to DOE, in the 2017-18 school year, there were more than 220,000 students with disabilities, approximately 20% of the total 1.1 million student enrollment, in City public schools; and

Whereas, However, not all students with disabilities in City public schools receive all of the services to which they are entitled under IDEA; and

Whereas, In response to concerns expressed by parents and educators that many students were not receiving all of their special education services, the Council enacted Local Law 27 of 2015, later amended by Local Law 183 of 2017 and Local Law 89 of 2018, requiring the DOE to produce an annual report comprised of data on special education services provided to students; and

Whereas, Reports received pursuant to these local laws confirm that many students with disabilities have not received all of the services to which they are entitled; and

Whereas, According to DOE's latest report, for the 2017-18 school year, only 78.4% of students with disabilities were receiving full program services; and

Whereas, Further, the four-year graduation rate of students with disabilities was just 50.4% in school year 2017-18; and

Whereas, While the percentages of students with disabilities receiving full program services as well as the percentages graduating in four years have increased over the past several years, the numbers are still unacceptably low; and

Whereas, Data in the DOE special education reports clearly show that students with disabilities in City public schools are not receiving all of the services to which they are entitled under IDEA; and

Whereas, Creating a special education czar position could provide the needed focus and accountability to ensure that students with disabilities receive all of the services required in their IEPs; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to establish a czar position to ensure compliance with IEPs and other requirements for students in special education.

Referred to the Committee on Education.

Int. No. 1443

By Council Member Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to posting beach closures online

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-156 to read as follows:

§ 18-156 Beach closure information posted online. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Beach. The term “beach” means a beach that is under the jurisdiction of the commissioner.

Beach season. The term “beach season” means the period during which beaches may be open to the public.

b. The commissioner shall post on the department’s website information relating to beach closures for environmental or weather-related reasons. Such information shall be updated daily during the beach season and shall, at a minimum, include the following:

1. The name of the beach that is closed to the public or contains a section that is closed to the public;
2. The location of each section of the beach, including streets adjacent to the section of the beach, that is closed to the public;
3. The reason for such closure; and
4. The date the closed beach, or section of the beach, is expected to reopen, if known.

c. The commissioner shall post on the department’s website information relating to beaches, or sections of beaches, that have been classified by the department of mental health and hygiene as having closed or under advisory status pursuant to subdivisions (b) and (c) of section 167.17 of article 167 of part B of title IV of the health code. The commissioner shall update such information daily during the beach season and shall, at a minimum, provide the following:

1. The name of the beach that has been so classified or contains a section that has been so classified;
2. The location of each section of the beach that has been so classified, including streets adjacent to each section;
3. The reason the beach, or the section of the beach, has been so classified; and
4. The date such classification is expected to change, if known.

d. In providing information about a beach or section thereof that the department of health and mental hygiene has classified as closed or under advisory status due to wet weather or pollution, the department of parks and recreation shall use the data collected and published by the department of mental health and hygiene.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of parks and recreation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Parks and Recreation.

Int. No. 1444

By Council Members Vallone, Cabrera, Brannan and Holden.

A Local Law to amend the New York city charter, in relation to requiring the board of elections of the city of New York to request confirmation of attendance from poll workers prior to any election

Be it enacted by the Council as follows:

Section 1. Chapter 46 of the New York city charter is amended by adding a new section 1057-g to read as follows:

§1057-g. Requesting confirmation from poll workers. Prior to any election, the board of elections of the city of New York shall request from each poll worker who is assigned to work at a polling place for such election confirmation as to whether or not such poll worker will be present at the assigned polling place on election day. In reallocating poll workers to polling places, the board of elections of the city of New York shall take into account the number and assigned polling places of poll workers who have responded that they will not be present on election day.

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

Referred to the Committee on Governmental Operations.

Int. No. 1445

By the Public Advocate (Mr. Williams) and Council Members Cumbo, Rivera and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to prohibition of drug testing for pre-employment hiring procedures

Be it enacted by the Council as follows:

Section 1. Section 8-107 of title 8 of the administrative code of the city of New York is amended by adding a new subdivision 30 to read as follows:

30. Employment; pre-employment drug testing policy. (a) Definitions. For purposes of this subdivision the term "tetrahydrocannabinols" has the same meaning as such term is defined in paragraph 21 of subdivision d of section 3306 of the public health law.

(b) Prohibition. Except as otherwise provided by law, it shall be an unlawful discriminatory practice for an employer, labor organization, employment agency, or agent thereof to require a prospective employee to submit to testing for the presence of any tetrahydrocannabinols in such prospective employee's system as a condition of employment.

(c) Exceptions. (1) The provisions of this subdivision shall not apply to persons applying to work:

(A) As police officers or peace officers, as those terms are defined in subdivisions 33 and 34 of section 1.20 of the criminal procedure law, respectively, or in a position with a law enforcement or investigative function at the department of investigation;

(B) In a position in which an employee is required to possess security clearance under federal law or the law of any state;

(C) In a position requiring the operation of heavy machinery;

(D) In a position requiring the operation of a motorized vehicle;

(E) As a lifeguard;

(F) As an emergency responder; or

(G) In any other position determined by the commission in consultation with the department of citywide administrative services.

(2) The provisions of this subdivision shall not apply to drug testing required pursuant to:

(A) Any regulation promulgated by the federal department of transportation that requires testing of a prospective employee in accordance with 49 CFR 40 or any rule promulgated by the departments of transportation of this state or city adopting such regulation for purposes of enforcing the requirements of that regulation with respect to intrastate commerce;

(B) Any contract entered into between the federal government and an employer or any grant of financial assistance from the federal government to an employer that requires drug testing of prospective employees as a condition of receiving the contract or grant;

(C) Any federal or state statute, regulation, or order that requires drug testing of prospective employees for purposes of safety or security; or

(D) A collective bargaining agreement between an employer and a labor organization representing employees and prospective employees of such employer.

d. Rules. The commission, in consultation with the department of citywide administrative services, shall promulgate rules for the implementation of this subdivision.

§ 2. This local law takes effect 1 year after it becomes law.

Referred to the Committee on Civil and Human Rights.

Int. No. 1446

By the Public Advocate (Mr. Williams) and Council Members Holden and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that notice of hotel development plans be provided to certain officials at the time the application is filed

Be it enacted by the Council as follows:

Section 1. Section 28-103.25 of the administrative code of the city of New York, as added by local law number 45 for the year 2015, is amended to read as follows:

§ 28-103.25 Hotel development plans. Where the department receives applications for new construction of or conversions to transient hotels, as defined in the zoning resolution, the department shall, *within seven days of receipt of such application*, provide written notice, or notice by electronic mail, of the proposed construction or conversion to:

1. The borough president of the borough in which such proposed construction is located;
2. The council member in whose district such proposed construction is located;
3. The community board of the community district in which such proposed construction is located; and
4. If such proposed construction involves land within two or more community districts in a borough, the borough board.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Preconsidered Res. No. 750

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A02513 which would repeal section 50-A of the New York Civil Rights Law in relation to the personnel records of police officers, firefighters, and correction officers.

By the Public Advocate (Mr. Williams) and Council Members Ampry-Samuel, Reynoso, Lancman, Menchaca, Lander, Kallos, Rosenthal, Richards, King, Rivera and Chin.

Whereas, The New York Civil Rights Law Section 50-A permits law enforcement agencies to refuse public disclosure of “personnel records used to evaluate performance toward continued employment or promotion”; and

Whereas, This exemption was adopted in 1976 by the State Legislature in order to prevent defense attorneys from using such records in cross examinations of police witnesses during criminal prosecutions based on raw and unverified unproven or irrelevant material contained in personnel files; and

Whereas, According to the New York City Bar Association, this exemption shrouds certain information from the public under the guise of protecting “personnel records” even if such records reflect misconduct; and

Whereas, Further, the interpretation of the law now includes the determinations of wrongdoing and recommendations of discipline made by the Civilian Complaint Review Board (CCRB), an independent agency charged with investigating complaints against New York City police officers; and

Whereas, District Attorneys in the City have expressed their frustrations with obtaining information from the NYPD, including police officers’ disciplinary records, used to assess the credibility of police officers and the merits of an arrest; and

Whereas, In 2018, the New York State Committee on Open Government, created as part of the Freedom of Information Law in 1974 to identify areas in the law that warrant improvement, issued a report to Governor Andrew Cuomo on Section 50-A of the Civil Rights Law; and

Whereas, As it has done consistently for the past several years, the Committee on Open Government called for the repeal or amendment of Civil Rights Law Section 50-A as its highest legislative priority; and

Whereas, According to the Committee, the interpretation and application of the law deprives the public of information essential to oversight and “lends a shield of opacity to the very public State and local police agencies that have perhaps the greatest day-to-day impact over the lives of citizens”; and

Whereas, The New York Civil Rights Law Section 50-A increases the harms caused to New Yorkers who experience police abuse by denying them and their loved ones access to information about whether police departments take any disciplinary action at all about officers who mistreat them, including withholding information about officers whose actions result in a person’s death; and

Whereas, Furthermore, the interpretation of the law has meant that the public can only see these crucial records based on occasional leaks by whistleblowers; and

Whereas, In April of 2018 *Buzzfeed News* published disciplinary records of NYPD employees it received anonymously; and

Whereas, The records revealed that from 2011 to 2015, at least 319 employees who committed serious offenses that would merit firing were allowed to keep their jobs; and

Whereas, According to *Buzzfeed News*, these offenses included lying on official reports, under oath or during an internal affairs investigation, excessive force, driving under the influence, and ticket-fixing; and

Whereas, While NYPD Commissioner, James O’Neill, has taken steps to improve transparency by disclosing the summary of cases redacting identifying information of the officer involved, his efforts were blocked by a court ruling citing Civil Rights Law Section 50-A; and

Whereas, Mayor Bill de Blasio and Commissioner James O’Neill have advocated for the amendment of Civil Rights Law Section 50-A; and

Whereas, A02513, sponsored by Assemblyman Daniel J. O’Donnell, repeals section 50-A of the Civil Rights law, which would take effect immediately; and

Whereas, The repeal of this law would significantly improve transparency, accountability, and increase the public’s trust in law enforcement; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A02513 which would repeal section 50-A of the New York Civil Rights Law in relation to the personnel records of police officers, firefighters, and correction officers.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Preconsidered L.U. No. 341

By Council Member Salamanca:

Application No. 20195311 SCK (676 Seat Primary School) submitted by the New York City School Construction Authority pursuant to Section 1732 of the Public Authorities Law for approval of a site selection for a new, approximately 676-seat primary school facility on property located at Block 5739, Lot 1, Borough of Brooklyn, Council District 38, Community District 10, Community School District 20.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting & Maritime Uses).

Preconsidered L.U. No. 342

By Council Member Salamanca:

Application No. 20195365 HAK (32-34 Putnam Avenue Cluster) 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 the approval of an urban development action area project and a real property tax exemption for properties located at 32 Putnam Avenue (Block 1992, Lot 18), 34 Putnam Avenue (Block 1992, Lot 18), 550 Dekalb Avenue (Block 1778, Lot 14), 55 Carlton Avenue – aka 153 Park Place (Block 2031, Lot 1), 374-76 Prospect Place (Block 1160, Lot 30), and 1216 Pacific Street (Block 1206, Lot 20), Borough of Brooklyn, Council Districts 35 and 36, Community Districts 2, 3 and 8.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions (preconsidered but laid over by the Subcommittee on Planning, Dispositions and Concessions).

Preconsidered L.U. No. 343

By Council Member Salamanca:

Application No. 20195392 HAM (East Village Homes Phase 1) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 372, Lot 49, Borough of Manhattan, Council District 2, Community District 3.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions (preconsidered but laid over by the Subcommittee on Planning, Dispositions and Concessions).

Preconsidered L.U. No. 344

By Council Member Salamanca:

Application No. 20195393 HAM (East Village Homes Phase 2) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for the approval of a real property tax exemption for property located at Block 372, Lot 11, Borough of Manhattan, Council District 2, Community District 3.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions (preconsidered but laid over by the Subcommittee on Planning, Dispositions and Concessions).

Preconsidered L.U. No. 345

By Council Member Salamanca:

Application No. 20195394 HAM (East Village Homes – NCP) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for an amendment of a previously approved Urban Development Action Area Project, for property

located at Block 372, Lots 11 and 49, Borough of Manhattan, Council District 2, Community District 3.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions (preconsidered but laid over by the Subcommittee on Planning, Dispositions and Concessions).

L.U. No. 346

By Council Member Salamanca:

Application No. 20195354 HAM (67-69 St. Nicholas Ave.) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law, for approval of an exemption from real property taxation for property located at Block 1823, Lot 56, Borough of Manhattan, Council District 9, Community District 10.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 347

By Council Member Salamanca:

Application No. 20195395 HAM (Cooper Square MHA-Phase 1) submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law, for an approval from real property taxation for property located at Block 426, Lot 22, Block 445, Lot 42, Block 459, Lots 14, 15, 16, 36, 37, 38, 39, 43, and 45, and Block 460, Lots 35, 48, 49, 50, 51, 52, 53, 54, 55, and 59, Borough of Manhattan, Council Districts 1 and 2, Community District 3.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 348

By Council Member Salamanca:

Application No. C 180261 ZMX (Williamsbridge Road Rezoning) submitted by 2712 Radcliff Yates Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment to the Zoning Map, Section No. 4a, changing from a C8-1 District to an R7A District, and establishing within the proposed R7A District a C2-3 District, for real property located at Block 4516, Borough of the Bronx, Council District 13, Community District 11.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 349

By Council Member Salamanca:

Application No. N 180262 ZRX (Williamsbridge Road Rezoning) submitted by 2712 Radcliff Yates 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 the Bronx, Council District 13, Community District 11.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 350

By Council Member Salamanca:

Application No. C 190143 ZMX (Betances VI) submitted by New York City Housing Authority pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 6a, eliminating from within an existing R6 District a C1-4 District, changing from an R6 District to an R7X District, and establishing within the proposed R7X District a C2-4 District bounded by Willis Avenue, for property located in the Borough of the Bronx, Council District 8, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 351

By Council Member Salamanca:

Application No. N 190144 ZRX (Betances VI) submitted by the New York City Housing Authority, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of the Bronx, Council District 8, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

NEW YORK CITY COUNCIL**A N N O U N C E M E N T S****Thursday, February 14, 2019**Subcommittee on Zoning & Franchises

Francisco Moya, Chairperson

See Land Use Calendar

Committee Room – City Hall.....9:30 a.m.

Committee on Consumer Affairs & Business Licensing

Rafael L. Espinal, Chairperson

Int 1023 - By Council Members Cabrera and Cohen- **A Local Law** to amend the administrative code of the city of New York, in relation to requiring signage at cashless retail establishments.**Int 1281** - By Council Members Torres, Espinal, Powers, Deutsch, Cumbo, Lander, Brannan, Dromm, Reynoso, Rivera, Constantinides, Kallos, Levine, Ayala, Rosenthal, Moya, Rose and Cornegy - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting retail establishments from refusing to accept payment in cash.Committee Room – 250 Broadway, 14th Floor.....10:00 a.m.Committee on Higher Education jointly with the

Inez Barron, Chairperson

Committee on General Welfare

Stephen Levin, Chairperson

Oversight - Reducing Food Insecurity in New York City,Committee Room – 250 Broadway, 16th Floor.....10:00 a.m.☐ **Deferred**Subcommittee on Landmarks, Public Siting & Maritime Uses

Adrienne Adams, Chairperson

See Land Use Calendar~~Committee Room – 250 Broadway, 14th Floor.....12:00 p.m.~~**Monday, February 25, 2019**Committee on Environmental Protection

Costa Constantinides, Chairperson

Oversight - Sustainability and Resilience of New York City Wastewater Treatment Plants.**Int 984** - By Council Members Salamanca, Holden and Constantinides - **A Local Law** to amend the administrative code of the city of New York, in relation to transportation of sewage sludge.**Int 1165** - By Council Members Salamanca, Kallos and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to monitoring and reporting on the air quality around wastewater treatment plants.Committee Room – 250 Broadway, 16th Floor.....10:00 a.m.Committee on Housing and Buildings

Robert Cornegy, Jr., Chairperson

Oversight – Loft LawsCommittee Room – 250 Broadway, 14th Floor.....10:00 a.m.Committee on Parks and Recreation jointly with the

Barry Grodenchik, Chairperson

Committee on Women and the

Helen Rosenthal, Chairperson

Committee on Cultural Affairs, Libraries &International Intergroup Relations

James Van Bramer, Chairperson

Oversight - Improving the Gender and Cultural Diversity of Monuments Located in City Parks.**Int 1114** - By Council Members Barron, Van Bramer and Williams - **A Local Law** in relation to creating a task force to examine the monuments, statues, public art, and historical markers on city-owned property.

Int 1439 - By Council Members Salamanca, Rosenthal, Cumbo, Koslowitz, Chin, Adams, Rivera, Ayala, Gibson and Ampry-Samuel - **A Local Law** to amend the New York city charter, in relation to requiring the art commission to ensure that women are depicted in at least 50 percent of approved works.

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

[Committee on Public Safety](#) jointly with the
[Committee on Justice System](#)

Rory Lancman, Chairperson

Oversight - Family Separation in Criminal Cases.

Int 1349 - By Council Members Dromm, Cumbo, Richards, Rosenthal, Gibson and Rivera - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the police department to implement child sensitive arrest policies.

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

[Committee on Education](#)

Mark Treyger, Chairperson

Oversight - DOE's Provision of Special Education Services.

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

[Committee on Governmental Operations](#)

Fernando Cabrera, Chairperson

Oversight - Community Board Operations and Needs.

Int 1095 - By Council Members Cabrera, Cumbo and Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to notification of expiration of variances and special permits granted by the board of standards and appeals.

Committee Room – 250 Broadway, 14th Floor.....1:00 p.m.

[Committee on Health](#)

Mark Levine, Chairperson

Proposed Int 1064-A - By Council Members Kallos, Levine, Espinal, Ayala, Rose, Reynoso, Rosenthal, Richards and Rivera - **A Local Law** to amend the administrative code of the city of New York, in relation to nutritional standards for beverages included in meals aimed at children.

Int 1326 - By Council Members Levine and Cornegy - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring added sugar notifications on menu boards and signs.

Int 1361 - By Council Members Levine, Rosenthal and Holden - **A Local Law** in relation to requiring the department of health and mental hygiene to report on the occurrence of diabetes and diabetes-related health problems and develop a plan to reduce diabetes-related health problems.

Committee Room – 250 Broadway, 16th Floor.....1:00 p.m.

[Committee on Hospitals](#)

Carlina Rivera, Chairperson

Oversight – Access to Specialty Care at NYC's Health + Hospitals.

Council Chambers – City Hall.....1:00 p.m.

Tuesday, February 26, 2019

☐ **Note Topic Addition**

[Committee on Criminal Justice](#)

Keith Powers, Chairperson

Oversight - Department of Correction Programming

☐ **Int 261** - By Council Members Richards and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to conduct a survey related to inmate quality of life.

☐ **Int 1184** - By Council Member Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to books in city correctional facilities.

Committee Room – 250 Broadway, 14th Floor.....10:00 a.m.

□ Deferred

Committee on Health

Mark Levine, Chairperson

~~Proposed Int 1064 A~~ By Council Members Kallos, Levine, Espinal, Ayala, Rose, Reynoso, Rosenthal and Richards ~~A Local Law~~ to amend the administrative code of the city of New York, in relation to nutritional standards for beverages included in meals aimed at children.

~~Int 1326~~ By Council Member Levine ~~A Local Law~~ to amend the administrative code of the city of New York, in relation to requiring added sugar notifications on menu boards and signs.

~~Int 1361~~ By Council Members Levine, Rosenthal and Holden ~~A Local Law~~ in relation to requiring the department of health and mental hygiene to report on the occurrence of diabetes and diabetes related health problems and develop a plan to reduce diabetes related health problems.

Council Chambers – City Hall.....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

Committee Room – City Hall.....11:00 a.m.

Committee on Fire and Emergency Management

Joseph Borelli, Chairperson

Oversight - Protecting EMS Workers from Job Related Violence.

Committee Room – 250 Broadway, 14th Floor.....1:00 p.m.

□ Deferred

Committee on Oversight and Investigations

Ritchie Torres, Chairperson

~~Oversight~~ DOI background check process.

~~Int 1239~~ By Council Members Torres, Treyger and Salamanca ~~A Local Law~~ to amend the New York city charter, in relation to the public disclosure of materially inaccurate statements.

~~Int~~ By Council Member Torres ~~A Local Law~~ to amend the administrative code of the city of New York, in relation to requiring the department of investigation to create a web application to track and assess agency cooperation and compliance with investigations and recommendations.

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

Committee on Veterans jointly with the

Chaim M. Deutsch, Chairperson

Committee on Mental Health, Disabilities & Addition

Diana Ayala, Chairperson

Oversight - Veteran Suicide and Mental Health.

Committee Room – 250 Broadway, 16th Floor.....1:00 p.m.

Wednesday, February 27, 2019

Committee on Aging

Margaret Chin, Chairperson

Oversight - Senior Center Model Food Budgets.

Committee Room – 250 Broadway, 14th Floor.....10:00 a.m.

□ Addition

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

Oversight – Amazon HQ2 – Stage 3: How Amazon’s LIC Deal Circumvents the City’s Land Use Approval Process.

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

□ Deferred

Committee on Women

Helen Rosenthal, Chairperson

~~Oversight – Women NYC.~~

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

Committee on Mental Health, Disabilities & Addition

Diana Ayala, Chairperson

~~Oversight – ThriveNYC, a Three Year Update.~~

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

Thursday, February 28, 2019

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*
.....*Agenda – 1:30 p.m.*

Shortly after the start of the Meeting, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) recognized Ms. Virginia Allen in the Chambers. Ms. Allen was one of the last of the Black Angels of Staten Island who helped treat thousands of patients afflicted with tuberculosis. She was brought to the Council's attention by Council Member Rose and celebrated on the occasion of Black History Month. Those assembled in the Chambers applauded Ms. Allen's presence at City Hall.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) recognized that February was Black History Month and acknowledged two Americans whose place in our history should always be remembered: Jackie Robinson, who would have turned 100 on January 31st; and Rosa Parks who would have turned 106 on February 4th. He also acknowledged the recent twentieth anniversary of the shooting death of Amadou Diallo. Mr. Diallo was shot at 41 times by police officers at his door step on February 4, 1999 as he was raising his wallet in the air to show that he was unarmed. The Speaker (Council Member Johnson) asked that his death should never be forgotten.

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) wished everyone a happy Lunar New Year and commended Council Members Koo and Chin for bringing food earlier in the week for Council staff as part of the celebration. He also wished Council Member Ulrich a happy birthday.

Additionally during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) recognized and welcomed Errol Lewis from NY1's Inside City Hall as well as his CUNY journalism students. Those assembled in the Chambers applauded their presence in the Chambers.

Finally during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) noted that Sergeant-at-Arm McKenzie Joseph was departing the Council to join the Dallas Police Department. He thanked him for his service and wished him the best of luck in Texas. The Speaker (Council Member Johnson) also acknowledged the return of Council staff members Jenny Low and Ebony Meeks. Ms. Low, the Director of Community Engagement, had returned after being hospitalized due to serious injuries suffered in a hit and run accident. Ms. Meeks, a member of the Speaker's staff, had returned from maternity leave after giving birth to her daughter London. The Speaker (Council Member Johnson) also announced that Chief of Staff Jason Goldman and his wife Camille had their baby daughter Lilly on February 8, 2019. The

Speaker (Council Member Johnson) congratulated Ms. Meeks and her husband Jason as well as Mr. Goldman and his wife Camille as those assembled in the Chambers applauded and cheered.

Shortly before the adjournment of the Meeting, the Speaker (Council Member Johnson) gave a Happy Valentine's Day greeting to those assembled.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Thursday, February 28, 2019.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 89-C, 451-B, 728-B, 828-A, 926-B, 929-B, 1099-A, 1148-B, 1173-B, 1226, 1227, and 1299-A, all adopted by the Council at the January 9, 2019 Charter Meeting, were returned unsigned by the Mayor on February 12, 2019. These items had become law on February 9, 2019 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 26 through 37 of 2019, respectively.